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APPENDIX A

ASSESSMENT INDICATORS



This Appendix formulates a body of Assessment Indicators animated by the conceptual lessons of Parts 2 through Parts 12 of this paper. This lengthy list of Indicators is presented as a set of candidate Indicators that can – based on discussion within ILAB and on iterative rounds of actual application of the Indicators – be pared down and fine-tuned in a way that does not impair coverage of, and balance among, all significant sub-areas of each right.

Even when the candidate Indicators are pared down, they may well be much more numerous than the NAS Indicators. While some ILAB analysts expressed dismay at the sheer number of NAS Indicators, the more numerous Assessment Indicators should in fact be significantly easier to apply. When the Indicators are made single-barreled, precise, and consistent, the burden of applying them is much reduced, compared to the struggle to apply Indicators that are double-barreled, abstract, ambiguous, or inconsistent, leaving analysts perplexed about the meaning of the Indicator and the relevant data to score the Indicator. Note also that problems of missing data are less vexing for the analyst in a body of Assessment Indicators that includes many independent Indicators measuring the government’s data-collection

capacities and its actual collection of data relevant to the substantive Indicators.

The Indicators are presented in the following order: (1) freedom of association, rights to organize, and rights to bargain collectively, (2) rights against employment discrimination, and (3) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

Within each of those three categories, there are four sub-categories, in the following order: (1) Substantive Law Indicators, (2) Enforcement Indicators, (3) Capacity-Building Indicators, and (4) Outcome Indicators.

Each of the original NAS Indicators, with its original numbering, is listed in blue font. Beneath each of the original NAS Indicators is a brief “Annotation” followed by the refined Assessment Indicators that cover the same subject domain as the NAS Indicator in question. The Annotation, in addition to explaining any weaknesses in the immediately preceding NAS Indicator, conveys the conceptual grounding of the refined Indicator or sub-set of refined Indicators that follow the Annotation, except where the conceptual grounding of the new Indicators is obvious. That is, the Annotation explains how the revised Indicators are responsive to the conceptual lessons of the paper. Where appropriate, additional Annotations are provided to explain specific concepts or purposes of the refined Indicators that follow the particular Annotation.

Before setting out the candidate Assessment Indicators, two conceptual points should be noted. The first point is about the distinction between single-barreled and

double-barreled indicators. In the Michigan evaluation, pilot analysts sometimes asserted that an Indicator was double-barreled when it in fact was not. This was often the case where single-barreled Indicators were framed in the disjunctive or conjunctive. To explain this point, start with an Indicator that is clearly single-barreled, such as (a) “Does the law entitle workers to X?” Next, consider an Indicator that asks, (b) “Does the law prohibit employers from doing X and Y?” For example, an Indicator might ask, “Does the law prohibit an employer from dominating and supporting worker organizations?” In some instances, the Michigan pilot analysts thought that Indicators taking the latter form were double-barreled. In fact such Indicators are single-barreled, binary indicators, notwithstanding that they take the conjunctive form. Hence, the answer is “yes” if and only if the law entitles workers to both X and Y (in our example, if and only if the law prohibits an employer from both dominating worker organizations and supporting worker organizations). The answer is “no” if the law entitles workers only to X, only to Y, or to neither (in our example, if the law prohibits only employer domination, prohibits only employer support, or prohibits neither).

Likewise, an Indicator asking (c) “Does the law entitle the worker to either X or Y?” is a single-barreled question calling for a yes/no response. The answer is “yes” if workers are afforded right X, if they are afforded right Y, or if they afforded both rights. The answer is “no” if and only if workers are afforded neither right. Again, this is a single-barreled Indicator, even though it takes a disjunctive form.

An example of a genuinely double-barreled Indicator is one asking (d) “Are there categories of workers who are not entitled to organize and, if so, what are the number of workers in each such category?” For example, NAS Indicator A-3 takes just this form.

For some NAS Indicators, it was unclear to the pilot analysts whether the indicator was single-barreled or double-barreled. For example, consider an Indicator that asks, (e) “Does the law give workers the right to X, and does the law prohibit the employer from doing Y?” In principle, this could be a single-barreled conjunctive indicator. The answer is “yes” if and only if the law gives workers the right to both X and Y, and “no” if the worker is afforded only one of those rights or neither right. However, the construction of the Indicator suggests that it is really two indicators packaged as one indicator. That is, the analyst might well think that the Indicator calls for two independent yes/no answers. This is especially true where X and Y seem relatively unrelated. For example, an indicator asking “Are tribunals open to the public, and do they have the power to order reinstatement of wrongfully discharged workers?” could be interpreted as a single-barreled, conjunctive indicator; but it appears more likely that it is intended to be a double-barreled indicator. In any case, the Indicator is poorly drafted, precisely because it is ambiguous about whether it is single-barreled or double-barreled. The same ambiguity arises in a poorly worded disjunctive Indicator taking the form (f) “Does the law entitle workers to X, or does the law entitle workers to Y?”

For these reasons, the refined Assessment Indicators below (as well as the

refined Diagnostic Indicators in Appendix B) all take the form of either (a), (b), or (c). None of them takes the form of (d), (e), or (f). Analysts should be fore-armed against thinking that single-barreled Indicators taking the conjunctive form (b) or the disjunctive form (c) are double-barreled. As much as possible, Annotations flag the issue.

The second point is about scoring certain Indicators. Many sets of Indicators take the following pattern. First a question is asked about whether the government has taken some general positive action, followed by a second question about whether that action includes some particularly positive feature. For example, one Indicator might ask: “In the preceding two years, did the government apply numerical targets for increasing the number of labor inspectors per non-managerial worker?” That Indicator might be followed by another asking: “If in the preceding two years the government did apply numerical targets for increasing the number of labor inspectors per non-managerial worker, did the targeted rate of increase exceed the average rate of increase in the number of labor inspectors per non-managerial worker in the preceding five years among countries in the same quintile of real income per capita.” The point about scoring is this: If the answer to the first Indicator is “no,” then the answer to the second Indicator is also “no.” That is, a government does not get a free pass on the second question by virtue of failing the first question.¹ As much as possible, the Annotations flag this point.

¹ Otherwise, a government that took the positive step of applying numerical targets but did not apply high targets would end up with a score of “no” on the second question, while the government that did not apply numerical targets at all would not receive a “no” on that question.

Finally, a note on formatting: The original NAS Indicators are labeled A-1, A-2...A-n for legal framework Indicators, B-1, B-2...B-n for government performance Indicators, and C-1,C-2...C-n for overall outcome Indicators. The Indicators for each right and for the three acceptable conditions of work repeat this format.

The labeling of the refined Indicators below changes this format. The refined Assessment Indicators all begin with the letter R (for “refined”), to distinguish them from the NAS Indicators.

The second letter of each Indicator label shows which Indicators apply to (F) freedom of association, rights to organize, and rights to bargain collectively, which apply to (D) rights to nondiscrimination and equality, and which apply to (W) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

The third letter of each Indicator label shows whether the Indicator is a Substantive Law Indicator (L), an Enforcement Indicator (E), a Capacity-Building Indicator (C), or an Outcome Indicator (O).

For example, RFL 5 denotes the fifth Indicator measuring the substantive law for freedom of association, rights to organize, and rights to bargain collectively.

Hence, each Indicator begins with one of the following identifiers, followed by a numeral.

RFL = refined Indicator for (L) substantive laws for (F) freedom of association, rights to

- organize, and rights to bargain collectively
- RFE = refined Indicator for (E) enforcement efforts for (F) freedom of association, rights to organize, and rights to bargain collectively
- RFC = refined Indicator for (C) capacity-building for (F) freedom of association, rights to organize, and rights to bargain collectively
- RFO = refined Indicator for (O) outcomes for (F) freedom of association, rights to organize, and rights to bargain collectively
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- RDL = refined Indicator for (L) substantive laws for (D) employment discrimination and equality rights
- RDE = refined Indicator for (E) enforcement efforts for (D) employment discrimination and equality rights
- RDC = refined Indicator for (C) capacity-building for (D) employment discrimination and equality rights
- RDO = refined Indicator for (O) outcomes for (D) employment discrimination and equality rights
-
- RWL = refined Indicator for (L) substantive laws for (W) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health
- RWE = refined Indicator for (E) enforcement effort for (W) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health
- RWC = refined Indicator for (C) capacity-building for (W) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health
- RWO = refined Indicator for (O) outcomes for (W) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health

1. ASSESSMENT INDICATORS FOR FREEDOM OF ASSOCIATION, RIGHTS TO ORGANIZE, AND RIGHTS TO BARGAIN COLLECTIVELY



1.1. Substantive Law on Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

1.1.1. Substantive Law on Rights to Organize

1.1.1.1. Ratification and Reception of International Instruments on Freedom of Association and Rights to Organize

NAS Indicator A-1: whether the country has ratified ILO Convention No. 87

[ANNOTATION: NAS Indicator A-1 asks about ratification of the Convention. It does not ask whether ratification suffices to receive the Convention into binding domestic law. In some countries, such as the U.S., ratification of an international instrument does not necessarily suffice to make the terms of the instrument binding in domestic law. In such countries, in order to receive a Convention or Covenant into domestic law, additional implementing legislation or other domestic instruments may be necessary. Indicator RFL 1 therefore asks not only whether the Convention has been “ratified,” but also whether it has been “received” into binding domestic law.]

RFL 1 Has ILO Convention no. 87 on Freedom of Association and Protection of the Right to Organize, 1948, been ratified and received into binding domestic law?

[ANNOTATION: The NAS Indicators gave great weight to ratification of ILO Conventions. Those Conventions are often highly abstract, and are not always comprehensively fleshed out by ILO supervisory bodies. Even when the Convention is formally received into binding domestic law, therefore, its impact may be minimal in the absence of a labor code that specifies the meaning of the otherwise abstract rights of the Convention. In other words, it is the domestic labor code, not the Convention itself, that typically does the real legal work. Therefore, Indicator RFL 2 is a more

important measure of actual compliance than is Indicator RFL 1. Note, however, that the more detailed Indicators that follow are even more important. While those more detailed Indicators are, in a sense, subsumed within Indicator RFL 2, the latter is a relevant independent measure of the government’s commitment to internalizing the international instrument in domestic law. In applying Indicator RFL 2, the analyst need not inquire closely into the details of the domestic laws that “define more specifically” the international instrument. The question in Indicator RFL 2 is simply whether the government is sufficiently committed to compliance to at least enact a labor code or its equivalent. The detailed content of the code or other laws is assessed in the more detailed Indicators that follow]

RFL 2 **Regardless whether ILO Convention No. 87 has been received into domestic law, have the rights set forth in that Convention been defined more specifically in domestic legislation, administrative regulations, or other binding domestic legal instruments?**

[ANNOTATION: The NAS Indicators ask only about ILO Conventions. The following are new Indicators asking about the relevant United Nations Covenants and Conventions. The latter are relevant to the “internationally recognized labor rights” referenced in U.S. trade legislation, which does not refer to ILO law as such. In international law, the U.N. instruments and interpretations of those instruments by competent U.N. bodies have the same authoritative force as ILO instruments and interpretations. Moreover, the U.N. instruments and interpretations in some cases fill in gaps not covered by ILO instruments and interpretations. For example, the U.N. Conventions provide critical guidance about governments’ obligations to collect data, to formulate and apply their own Indicators and targets, and to take adequate steps to improve compliance – issues covered mainly in the Capacity-Building Indicators but also in other Indicators below.]

[See Annotation for RFL 1 above.]

RFL 3 **Has the United Nations’ International Covenant on Economic, Social and Cultural Rights of 1966 (entered into force, 1976) been ratified and received into binding domestic law?**

[See Annotation for RFL 2 above.]

RFL 4 **Regardless whether the International Covenant on Economic, Social and Cultural Rights has been received into domestic law, have the rights of association, rights to organize, and rights to bargain collectively set forth in that Covenant been defined more specifically in domestic legislation, administrative regulations, or other binding domestic legal instruments?**

[See Annotation for RFL 1 above.]

RFL 5 **Has the United Nations’ International Covenant on Civil and Political Rights of 1966 (entered into force, 1976) been ratified and received into binding domestic law?**

[See Annotation for RFL 2 above.]

RFL 6 **Regardless whether the International Covenant on Civil and Political Rights has been received into domestic law, have the rights of association, rights to organize, and rights to bargain collectively set forth in that Covenant been defined more specifically in domestic legislation, administrative regulations, or other binding domestic legal instruments?**

[ANNOTATION: NAS Indicator A-8 below is the most fundamental element of workers’ freedom of association – the right against retaliation for supporting, organizing, joining, or participating in the activities of a worker organization. This right contains several important sub-rights – which more or less track the “unfair labor practices” in U.S. labor law. It is therefore best placed above Indicator A-2, which addresses issues of the independence of worker organizations. That is, freedom in the formation of worker organizations has priority over issues of organizational independence from the government. It is true that the latter are given great prominence in ILO law, reflecting perhaps the power and interests of labor unions and employer federations in ILO law-making. However, in the logic of collective action – as well as in the labor codes of most countries and in the commentary of preeminent treatises – the right of workers to form, support, and participate in organizations free of retaliation is prior to the freedom of those organizations from governmental interference.]

[ANNOTATION: ILO law requires governments to protect the workers' freedom of association and rights to organize, to bargain collectively, and to strike of non-managerial, *non-supervisory* workers. ILO law also requires government to protect the workers' freedom of association and rights to organize, to bargain collectively, and to strike of non-managerial, *supervisory* workers, but ILO law permits governments to require that such workers organize their own unions and not participate in the unions of non-managerial, non-supervisory workers. See *Digest of Decisions and Principles of the Freedom of Association Committee of the Governing Body of the ILO (Fifth edition, 2006)* (ILO, 2006b) (hereafter, "ILO Fifth Digest").

The Indicators below take account of this distinction, where relevant. If, for example, an Indicator asked only whether "non-managerial" workers are protected against retaliation, then a country such as the U.S. would fail every such Indicator, since the U.S. does not provide such protection to all non-managerial workers but instead provides such protection only to "non-managerial, non-supervisory workers." One strategy would be to formulate one set of Indicators for compliance with the rights of "non-managerial, non-supervisory" workers, and a duplicate set of Indicators for "non-managerial, supervisory" workers. That strategy, however, would unduly penalize a country such as the U.S., since the country would "fail" half of the Indicators for freedom of association. That is, the country would fail the entire set of Indicators devoted to non-managerial, supervisory workers. (True, that problem could be addressed by attaching lower weights to each Indicator devoted to non-managerial, non-supervisory workers, relative to non-managerial, supervisory workers. That, however, would be an unnecessary contortion.) The Indicators below follow a different strategy. Most of the Indicators apply explicitly to "non-managerial, non-supervisory" workers. Where relevant, a single Indicator will ask whether the country applies the some sub-set of rules to "non-managerial, supervisory" workers. In some instances, it is conceptually appropriate to fashion Indicators that refer to "non-managerial workers" as a whole, including both non-supervisory and supervisory workers. The relevant Annotations below will explain that conceptual point.]

1.1.1.2. Workers' Freedom from Retaliation for Union Activity

RFL 7 **Does the law prohibit an employer from taking, or threatening to take, adverse action against non-managerial, non-supervisory workers in retaliation for the worker’s support for, organizing of, or participation in the lawful activities of a worker organization?**

[ANNOTATION: The following Indicators disaggregate the remedial powers of judicial or administrative bodies. For conceptual reasons discussed in Part II of this paper, it is too ambiguous to ask analysts a broader question such as, “Do laws provide sufficient remedies for violations of freedom of association?” or even worse, “[Do] national laws protect workers” against anti-union discrimination? (as in NAS Indicator A-8) or “[Are] there defects in the government’s complaint process, such as...light penalties...?” (as in NAS Indicator B-03). Asking whether workers are “protect[ed]” or whether penalties are too “light” gives little concrete guidance to analysts about which legal penalties and remedies to look for, or how to weigh those differing sanctions.]

[ANNOTATION: Indicator RFL 8 asks about remedies that *compensate* the worker (as distinguished from remedies that explicitly punish the employer). While compensatory remedies may have an indirect deterrent and punitive effect, it is important to ask the discrete question whether workers are made whole (compensated) *ex post*, on those occasions when the law fails to deter violations *ex ante*.]

RFL 8 **Does the law require the employer to fully compensate such a worker for all lost wages and benefits caused by such anti-union retaliation?**

[ANNOTATION: Indicator RFL 9 asks about the remedy of reinstatement. While reinstatement has the direct effect of making a worker whole, it also may have powerful deterrent effect against anti-union retaliation. Stated conversely, it may have the critical effect of ensuring that the complainant as well as other workers are not chilled in their exercise of rights to organize.]

RFL 9 **Does the law require the employer to reinstate such a worker when such anti-union retaliation takes the form of discharge?**

[ANNOTATION: The next three Indicators ask about civil and criminal penalties that go beyond making the worker whole. These are important

Indicators of the government's commitment (at least on paper) to *ex ante* deterrence of employer violations.]

- RFL 10** Does the law require the employer to pay punitive sanctions to either the government or the worker (apart from compensation and reinstatement) for such anti-union retaliation, in an amount equal to at least double the compensatory award for lost earnings?
- RFL 11** Does the law require the employer to pay criminal fines for such anti-union retaliation, in an amount equal at least to treble the compensatory award for lost earnings, either in all or in severe cases of anti-union retaliation?
- RFL 12** Does the law require the employer to serve a prison term for such anti-union retaliation, either in all or in severe cases of anti-union retaliation?
- RFL 13** Does the law provide to non-managerial, supervisory workers all the protections measured in the previous six Indicators (applicable to non-managerial, non-supervisory workers)?

[ANNOTATION: The NAS Indicators cover workers' right to support labor unions, organize labor unions, and participate in labor union activity. However, the NAS Indicators do not cover other core components of the right of association – namely, situations in which workers engage in collective action that is not immediately related to organizing or participating in a formal union. For example, workers in a non-union workplace may form an informal group to present an urgent grievance about workplace safety to their employer; or one worker may present such a grievance on behalf of herself and other workers. In either case, the law must protect workers against employer retaliation. Of course, this proposition applies only when the workers' activity is otherwise lawful. For example, the law need not protect workers against retaliation if the workers engage in formal or informal collective action by means of violence or by collaborating with an employer to establish an organization that substitutes for a genuine autonomous union. The Indicators below cover workers' right to associate in the absence of unions. The problem of employer-supported and employer-dominated organizations is addressed below in Indicators below.]

RFL 14 Does the law prohibit employers from taking, or threatening to take, adverse action against a non-managerial, non-supervisory worker in retaliation for the worker's support for or participation in any lawful action on behalf of or together with other workers in furtherance of their economic and political interests, when such support or participation is unrelated to a worker organization?

[See ANNOTATION for RFL 8 above.]

RFL 15 Does the law require the employer to fully compensate such a worker for all lost wages and benefits caused by such retaliation for group activity unrelated to a worker organization?

[See ANNOTATION for RFL 9 above.]

RFL 16 Does the law require the employer to reinstate such a worker when such retaliation (for group activity unrelated to a worker organization) takes the form of discharge?

[See ANNOTATION for RFL 10-12 above.]

RFL 17 Does the law require the employer to pay punitive sanctions to either the government or the worker (apart from compensation and reinstatement) for such retaliation (for group activity unrelated to a worker organization), in an amount equal to at least double the compensatory award for lost earnings?

RFL 18 Does the law require the employer to pay criminal fines for such retaliation (for group activity unrelated to a worker organization), in an amount equal at least to treble the compensatory award for lost earnings, either in all or in severe cases of such retaliation (for group activity unrelated to a worker organization)?

RFL 19 Does the law require the employer to serve a prison term for such retaliation, either in all or in severe cases of such retaliation (for group activity unrelated to a worker organization)?

[See ANNOTATION for RFL 7 above.]

RFL 20 Does the law provide to non-managerial, supervisory workers all the protections measured in the previous six Indicators (applicable to non-managerial, non-supervisory workers)?

[ANNOTATION: Indicator RFL 21 is the legally settled standard for determining whether an employer has established what is variously known as a company union, yellow union, or protection union. This Indicator should be read in combination with Indicator RFL 22, which carves out an exception from the literal language of Indicator RFL 21.]

[ANNOTATION: While Indicator RFL 21 might appear to overlap with Indicator RFL 14, they are in fact distinct. Indicator RFL 14 covers filing of grievances and claims when done by a group or by an individual on behalf of a group. Indicator RFL 21, by distinction, covers filing of grievances and claims by an individual worker on her own behalf. For example, a worker who files a complaint with a workplace safety agency should not have lesser legal protection against retaliation simply because she did not speak with other workers before filing the complaint. By asserting and seeking to enforce labor rights, her grievance or complaint intrinsically supports the rights of other workers as well as her own.]

RFL 21 Does the law prohibit employers from taking, or threatening to take, adverse action against an individual non-managerial, non-supervisory worker in retaliation for asserting her labor rights by filing a grievance with the employer or by filing a complaint with any administrative or judicial body, where the individual worker's assertion of her rights or filing of a grievance is undertaken solely by herself and is not undertaken collectively with other workers?

[See ANNOTATION for RFL 8 above.]

RFL 22 Does the law require the employer to fully compensate such a worker for all lost wages and benefits caused by such retaliation (for individually filing a grievance or complaint)?

[See ANNOTATION for RFL 9 above.]

RFL 23 Does the law require the employer to reinstate such a worker when such retaliation takes the form of discharge (for individually filing a grievance or complaint)?

[See ANNOTATION for RFL 10-12 above.]

RFL 24 Does the law require the employer to pay punitive sanctions to either the government or the worker (apart from compensation and reinstatement) for such retaliation (for individually filing a grievance or complaint), in an amount equal to at least double the compensatory award for lost earnings?

RFL 25 Does the law require the employer to pay criminal fines for such retaliation (for individually filing a grievance or complaint), in an amount equal at least to treble the compensatory award for lost earnings, either in all or in severe cases of such retaliation?

RFL 26 Does the law require the employer to serve a prison term for such retaliation (for individually filing a grievance or complaint), either in all or in severe cases of such retaliation?

[See ANNOTATION for RFL 7 above.]

RFL 27 Does the law provide to non-managerial, supervisory workers all the protections measured in the previous six Indicators (applicable to non-managerial, non-supervisory workers)?

1.1.2. Substantive Law on Freedom of Association

1.1.2.1. Employer Domination of Labor Unions

RFL 28 Does the law prohibit employers from supporting, dominating, or interfering in the internal administration of worker organizations?

[ANNOTATION: Indicator RFL 29 is the rule established by the ILO Committee on Freedom of Association. See *Fifth Digest*]

RFL 29 Where the law permits solidaristic organizations (in which employers and workers collaborate for mutual welfare or other purposes), does the law require that such organizations not undermine, preempt,

substitute for, or interfere with the activities of autonomous worker organizations?

1.1.2.2. Government Obstruction of the Establishment of Labor Unions

NAS Indicator A-2: whether there are legal provisions that entitle workers or employers to establish and join organizations of their own choosing without previous authorization

[ANNOTATION: In asking simply whether prior authorization is required, Indicator A-2 is oversimplified and vague. In many countries, unions must meet the general requirements for formation of civic associations or other more specific ministerial requirements, in order for the organization to have status as a legally recognized entity. The ILO not only permits governments to require worker organizations to meet certain formal requirements for legal recognition, but also makes it an affirmative right of organizations to obtain legal recognition. See *Fifth Digest*. Registration or recognition requirements are therefore not necessarily illegitimate impediments to worker organization. Hence, the ILO terminology defines three categories of government recognition: First, the government may require “registration” of all worker organizations. Second, the government may determine the “most representative status” of organizations for purposes of certifying rights to exclusive bargaining, to consultation with government authorities, and to designation of delegates to international organizations. See *ILO Fifth Digest* ¶¶ 354, 358. Third, the government may require “authorization” of the organization. Where registration is required, the government may not require that the organization meet more than mere ministerial formalities. Such permissible formalities include depositing of organizational rules, recording the name and office location of the organization, verifying that the organization has five or more members, and the like. The key point is that the law must publicly and specifically set out these ministerial formalities in a way that leaves no discretion to administrative authorities. See *ILO Fifth Digest*. When such discretion exists, the administrative decision amounts to “authorization,” which violates ILO law. Thus, the real question under the law of the ILO and many national systems is whether there are pre-requisites for obtaining formal legal personality other than clearly specified ministerial formalities. The Indicators below, which track ILO law, are intended to test

for the most significant ways in which governments impose requirements that are more than formalities. The are followed by an Indicator that measures legitimate government certification of the most representative organization. Note that these Indicators need not distinguish between supervisory and non-supervisory workers – since, even in countries (such as the U.S.) which do not protect supervisory workers against retaliation by employers, supervisory workers are still entitled, just like non-supervisory workers, to establish their own organizations free of government interference. These Indicators measure only the latter entitlement.]

RFL 30 **Are non-managerial workers legally entitled to establish organizations without previous government authorization other than the formalities generally required for civil associations to obtain legal personality?**

[See ANNOTATION for RFL 30 above.]

RFL 31 **Are the prerequisites for obtaining legal recognition ministerial formalities that leave no room for administrative discretion in granting or denying legal recognition to the organization?**

[See ANNOTATION for RFL 30 above.]

RFL 32 **Are the ministerial formalities publicly announced?**

[See ANNOTATION for RFL 30 above.]

RFL 33 **Are the ministerial formalities specifically enumerated?**

[See ANNOTATION for RFL 30 above.]

RFL 34 **Are workers permitted to conduct all lawful organizational activities, pending government registration of the organization's status as an entity having legal personality?**

[ANNOTATION: See *ILO Fifth Digest* ¶¶ 352-353.]

RFL 35 **Are individual workers entitled to remain anonymous as organization members or supporters when applying for registration as an entity having legal personality?**

[ANNOTATION: See *ILO Fifth Digest*.]

RFL 36 **Does the law permit as few as five non-managerial workers to establish a worker organization that is eligible for legal personality?**

[ANNOTATION: See *ILO Fifth Digest*.]

RFL 37 **Does the law mandate that the government respond to the organization’s application for registration as an entity having legal personality within one month after submission of the application?**

[ANNOTATION: See *ILO Fifth Digest*.]

RFL 38 **Are organization members entitled to judicial or administrative review of an administrative decision denying registration to the organization?**

[ANNOTATION: If the answer to the previous Indicator is “no,” then the answers to the two following Indicators are also “no.”]

RFL 39 **In any such judicial or administrative review, is the tribunal required to issue a final order within one month of the organization filing its complaint with the tribunal?**

[ANNOTATION: See *ILO Fifth Digest*.]

RFL 40 **In any such judicial or administrative review, are organization members or supporters entitled to remain anonymous?**

1.1.2.3. Government Exclusion of Categories of Workers from Rights to Organize

NAS Indicator A-3: the extent to which there are legal restrictions on the ability of certain categories of workers to organize (such

as civil servants, teachers, or workers without contracts of employment), and numbers of workers in each such category

[See ANNOTATION for RFL 41 below.]

NAS Indicator A-4: whether there are certain sectors where there is no right to organize (such as in export processing zones or in other tradable sectors or in agricultural and informal sectors)

[ANNOTATION: Indicator A-3 is double-barreled, and both Indicator A-3 and A-4 are ambiguous and confusingly inconsistent. A-3 asks for both “the extent to which” and the “number” of workers denied organizing rights in an open-ended list of potential categories and is therefore double-barreled. It is also ambiguous: Is the phrase “extent to which” intended to mean “whether,” which is the concept used for many of the NAS Indicators? Or does the former phrase instead mean “the degree to which,” calling for gradated responses? If A-3 is asking for gradated responses, is it asking about the degree of legal restrictions for *each* of the “certain categories” for which there are legal restrictions, or is it instead asking about the relative number of categories for which there are legal restrictions? And, in either event, what is the yardstick against which the legal restrictions are to be measured? In addition, asking for the “number” of workers requires responses that are difficult to fit into either a 3 x 3 or 2 x 3 matrix.

Indicator A-3 is also ambiguous in its use of the term “legal restriction,” which can refer to legitimate minor regulations as well as illegitimate minor and major regulations. Moreover, at least two of the examples given in A-3 (civil servants, teachers) include workers not in the export sector or in labor markets likely to affect the export sector. Indicator A-4 asks an apparently binary question – are there certain sectors that lack organizing rights or are there not? – which may be confusingly inconsistent with A-3, to the extent that the latter is in fact asking instead for several gradated responses for each of several, albeit open-ended categories of workers. Further, why does A-3 ask about numbers of workers in the relevant categories, while A-4 does not ask about numbers of workers in the relevant categories? If there are sectors that lack the right to organize but include trivial numbers of workers, does the government fail to satisfy Indicator A-4?

Finally, when the Indicator asks about workers’ “right” to organize, it is ambiguous whether this refers to a ban on organizing or instead an absence of legal entitlement to organize free of employer retaliation. (That is, is the right to organize a right against government interference, or a right against employer interference, or both?) The better strategy, embodied in the following Indicators, is to simply ask the binary question for well-specified categories and sectors, and to formulate independent Indicators for the question whether the law protects workers against government sanctions and whether the law protects workers against employer interference.

Note that, as a conceptual matter, the Indicators below entail double-counting with Indicators above asking about worker protection in the entire export sector, while the former ask about specific, non-trivial categories of workers that are excluded from that protection. Nonetheless, the existence of a general law protecting workers against retaliation, measured by Indicators above, is a significant positive measure of the government’s commitment to rights of association, even if the government loses points under the following Indicators for excluding non-trivial categories of workers from those protections.]

- RFL 41** Does the law stipulate that non-managerial, non-supervisory workers have a right against interference by employers when workers organize in formally designated export processing zones?
- RFL 42** Does the law stipulate that non-managerial, non-supervisory workers have a right against interference by the government when workers organize in formally designated export processing zones?
- RFL 43** Does the law stipulate that non-managerial, non-supervisory workers have a right against interference by employers when workers organize in the agricultural sector?
- RFL 44** Does the law stipulate that non-managerial, non-supervisory workers have a right against interference by the government when workers organize in the agricultural sector?

[ANNOTATION: Note that the following Indicators exclude export processing zones and agriculture, since compliance in those sectors has been measured by Indicators above. It would be duplicative to include those sectors as potential categories in the following Indicators.]

- RFL 45** Does the law stipulate that, in all categories of non-managerial, non-supervisory having a non-trivial number of workers, workers have a right against interference by employers when workers organize (outside of formally designated export processing zones and the agricultural sector)?
- RFL 46** Does the law stipulate that, in all categories of non-managerial, non-supervisory workers having a non-trivial number of workers, workers have a right against interference by the government when workers organize (outside of formally designated export processing zones and the agricultural sector)?
- RFL 47** Does the law provide to non-managerial, supervisory workers all the protections measured in the previous six Indicators (applicable to non-managerial, non-supervisory workers)?

NAS Indicator A-5: whether there are other forms of distinction or discrimination in right to organize, such as race, nationality, sex, opinion, political affiliation, or citizenship (for example, excluding legal immigrants)

[ANNOTATION: NAS Indicator A-5 should be deleted, since it is redundant with Indicators above. That is, the “status” distinctions in A-5 define “categories” of workers that are potentially excluded from organizing rights; the phenomenon is therefore fully captured by the constructs of the preceding Indicators. Note that even though the phenomenon is also covered in the Indicators on rights of nondiscrimination and equality, analysts need not at this point explicitly *exclude*, rather than *include*, such status categories, to avoid double-counting of this form of non-compliance. The reason is this: U.S. legislation and treaties require that U.S. analysts measure compliance with each major right. Those legal instruments do not contemplate a composite determination of compliance with all rights taken together. In light of the resulting acoustic separation between rights of association and rights of nondiscrimination, Indicators on racial or other status-based discrimination in protecting rights of association, rights to organize, and rights to bargain collectively do not duplicate Indicators on racial or other status-based discrimination in overall terms and conditions of employment.]

NAS Indicator A-6: whether there are legal provisions that permit the government to interfere in freedom of association by workers or employers

[ANNOTATION 1: Indicator A-6 is extremely open-ended, ambiguous, and redundant. It is open-ended because it encompasses all possible ways that a government might interfere with freedom of association – from unduly discretionary provisions in the union registration laws (already covered in earlier Indicators and therefore redundant); to deploying riot police to intimidate union organizers under otherwise lawful discretionary authority of the executive police power; to using administrative authority to exclude certain categories of “workers” (as in the U.S. NLRB’s administrative exclusion of various categories of workers from statutory coverage, as duly authorized by the NLRA).

As these examples show, the concept of “permit[ting]” interference is conceptually ambiguous. A legal provision might be said to “permit” interference if it actually mandates government interference – for example, by mandating excessive requirements for legal registration of worker organizations, or by requiring unions to affiliate with a ruling political party. But a legal provision might also be said to “permit” government interference simply by creating certain otherwise valid government powers that could be used in some instances to illegitimately suppress or intimidate union organizing. For example, one could say that laws authorizing the discretionary deployment of police “permit” the police to intimidate union organizers, that laws granting judges authority to control their dockets “permit” judges to unduly delay labor cases in order to expedite non-labor cases, or that laws establishing a labor board, as just mentioned, permit administrative officials to exclude certain categories of workers from the right to organize. In these instances, the legal provision granting authority to certain officials, combined with the absence of any specific legal provision prohibiting those officials from using their discretionary authority to impair organizing, can be said to “permit” interference, even in the absence of an affirmative mandate to so interfere.

This form of “permitted interference” can take innumerable, almost limitless forms. The better strategy is to frame precise Indicators to capture the most egregious or frequent ways that legal authority permits or mandates government interference with the establishment and functioning of worker organizations.]

[ANNOTATION: ILO law stipulates that governments may not compel unification of multiple unions into a single trade union monopoly and that workers must be free to establish new, multiple unions at each level of organization. By the same token, the government may not require multiple organizations or impede voluntary unification by worker organizations. See *ILO Fifth Digest*. Note that the following Indicators refer only to the establishment and registration of worker organizations, and corresponding rules about employer organizations. That is, the government may, as in the U.S., certify a single organization as the *exclusive bargaining representative* for a unit of workers, but the government may not prohibit workers from *establishing* and registering other organizations in that unit, even if the latter organizations do not have bargaining rights.]

1.1.2.4. Labor Union Pluralism and International Affiliation

- RFL 48** Does the law permit the establishment of as many separate organizations as non-managerial workers may choose at every hierarchical level, including enterprise, industry, sectoral, and federation levels?
- RFL 49** Does the law permit the voluntary unification of worker organizations at every hierarchical level, including enterprise, industry, sectoral, or federal?
- RFL 50** Does the law permit the establishment of as many separate organizations as employers may choose at every hierarchical level, including enterprise, industry, sectoral, and federation levels, except where such organizations violate generally applicable rules of antitrust law?
- RFL 51** Does the law permit the voluntary unification of employer organizations at every hierarchical level, including enterprise, industry, sectoral, or federal, except where such organizations violate generally applicable rules of antitrust law?

[ANNOTATION: Note that Indicator RFL 50 above measures workers' right to establish as many organizations as they choose at each level of the *organizational hierarchy*; that Indicator measures a government's

adherence to pluralism or a “non-monopoly” principle. The following Indicator, by distinction, measures workers’ right to organize by whatever *qualitative categories* they choose, *whether or not* the unions are pluralistic or monopolistic at any particular level of the hierarchy. For example, the most significant qualitative categories in the U.S. are industrial unions and craft unions. (Note that in the U.S. an “industrial union” does not refer to the hierarchical category of industry-wide unionization, as in Western European countries, but refers instead to unions that organize all or most occupations or crafts within each enterprise or other bargaining unit within particular industries.) In some recent, high-visibility cases in the U.S., unions have organized workers by orthogonal occupational and geographic categories, such as all janitors in one city. In other countries, organizing by sector or political-party affiliation may be more typical.]

RFL 52 **Does the law permit non-managerial workers to establish organizations that group together workers in any category chosen by the workers, whether by enterprise, industry, craft, sector, occupation, geographic area, political affiliation, or other category?**

[ANNOTATION: While ILO law requires that governments allow workers to organize and join as many unions as they want at any level and within any qualitative category, ILO law also allows governments to determine the most representative union or the majority-supported union and to give those unions one or more of three special prerogatives. Apart from these specified prerogatives, the government must remain neutral as between unions. See *ILO Fifth Digest* ¶ 354.]

RFL 53 **Does the law permit worker organizations to affiliate with lawful international bodies?**

RFL 54 **Does the law permit employer organizations to affiliate with lawful international bodies, where such affiliation does not violate antitrust laws of general application?**

1.1.2.5. Government Favoritism Toward Particular Unions

RFL 55 **Does the law prohibit the government from providing benefits to one worker organization that it does not provide equally to all other worker organizations, other than granting priority to the most representative union for purposes of exclusive bargaining rights, consultation by authorities, and designation of delegates to international organizations?**

RFL 56 **If the law does grant priority to the most representative union in any of the three ways noted in the previous Indicator, does the law define “most representative union” by objective, pre-established, and precise criteria.**

[ANNOTATION: ILO law does not permit governments to exercise prior discretionary approval of union constitutions and by-laws. See *ILO Fifth Digest* ¶¶ 371, 373.]

1.1.2.6. Independence of Labor Unions from Government or Party Control

RFL 57 **Are the constitutions and by-laws of worker organizations subject to the prior discretionary approval of the government?**

[ANNOTATION: ILO law permits governments to impose a general requirement of democratic election of union officers, although the government must not dictate specific election procedures. See *ILO Fifth Digest*. ILO law allows governments to set maximum period for the term of union officials (or, stated differently, minimum frequency of elections of officials). ILO law permits governments to bar convicted criminals from serving as union officials only where the crime is of a gravity and nature that calls into question the person's integrity in carrying out his or her position of trust in representing the interests of union members. ILO law also permits governments to require union constitutions, by-laws, and internal administration to abide by generally applicable law (that is, laws that apply to all citizens and organizations, such as criminal law, tort law, financial malfeasance, financial reporting, and the like). Note that Indicator RFL 58 is not double-barreled, for reasons stated in the introduction to the Assessment Indicators. So long as the government does not impose requirements beyond those enumerated in the Indicator, the government stands in compliance. If the analyst finds legal requirements that go

beyond the four enumerated in the Indicator, then the government is non-compliant.]

RFL 58 **Does the law leave the internal activities of the worker organization wholly to the organization and its members, apart from imposing requirements that union officers be democratically elected, that elections be held within specified maximum intervals, that union officials not commit crimes that are prejudicial to performing their trade union duties, and that the organization comply with laws of general application?**

NAS Indicator A-7: whether there are legal restrictions on political activities of unions or employer organizations, either by establishing a close relationship between trade union organizations and political parties, or by prohibiting all political activities for trade unions (including making financial contributions to a political party or candidate)

[ANNOTATION: While NAS Indicator A-7 is not technically double-barreled, splitting it into the four separate Indicators below provides greater clarity. In any event, the final clause of Indicator A-7 is ambiguous: it suggests that “political activity” includes, among other things, financial contributions to a political party or candidate, and that the government cannot ban “all” political activity by worker organizations. It therefore implies that governments are permitted to ban some political activity, including perhaps financial contributions to parties or candidates. The following Indicators capture the point that A-7’s final clause sought to make. ILO law gives governments some leeway in regulating the manner of unions’ political activity (e.g., by secondary political boycotts) and the content of the activity (e.g., where union political action undermines the capacity of the union to represent workers’ interests in the workplace).]

[ANNOTATION: Note that the following six Indicators are not limited to workers in the export sector and workers in sectors that affect the export labor market. The reason is this: Limitations on the civil rights of any group of workers or worker organizations are likely to affect the government’s enforcement of worker rights across-the-board, including rights in the export sector and in sectors affecting the export labor market.]

RFL 59 Does the law require workers or worker organizations to affiliate with a political party?

RFL 60 Does the law require workers or workers organizations to affiliate with the government?

1.1.2.7. Worker and Union Participation in Political Activity

RFL 61 Does the law prohibit financial contributions by workers to political parties?

RFL 62 Does the law prohibit financial contributions by worker organizations to political parties?

RFL 63 Does the law prohibit financial contributions by workers to candidates?

RFL 64 Does the law prohibit financial contributions by workers organizations to candidates?

[ANNOTATION: The following Indicator measures the basic civil liberty of free speech. The government “fails” the Indicator if it places general prohibitions on political speech. That is, in order to fail the Indicator, the government need not place prohibitions only on the speech of workers as a special class.]

RFL 65 Does the law prohibit workers from expressing their support or opposition to public policies that bear on workers’ interests?

[ANNOTATION: As with the previous Indicator, the government will “fail” the following Indicator if it places general restrictions on the political speech of a general category of civil-society organizations that includes workers organizations, or if it places restrictions on the political speech of workers organizations as a special category.]

RFL 66 Does the law prohibit workers organizations from expressing their support or opposition to public policies that bear on workers’ interests?

RFL 67 Does the law prohibit employers from taking, or threatening to take, adverse action against workers for expressing their support or opposition to public policies that bear on workers' interests?

RFL 68 Does the law prohibit employers from taking, or threatening to take, adverse action against workers organizations for expressing their support or opposition to public policies that bear on workers' interests?

[See ANNOTATION for RFL 8 above.]

RFL 69 Does the law require the employer to fully compensate such a worker for all lost wages and benefits caused by such retaliation for expressing support or opposition to public policies that bear on workers' interests?

[See ANNOTATION for RFL 9 above.]

RFL 70 Does the law require the employer to reinstate such a worker when such retaliation (for expressing support or opposition to public policies that bear on workers' interests) takes the form of discharge?

[See ANNOTATION for RFL 10-12 above.]

RFL 71 Does the law require the employer to pay punitive sanctions to either the government or the worker (apart from compensation and reinstatement) for such retaliation (for expressing support or opposition to public policies that bear on workers' interests), in an amount equal to at least double the compensatory award for lost earnings?

RFL 72 Does the law require the employer to pay criminal fines for such retaliation (for expressing support or opposition to public policies that bear on workers' interests), in an amount equal at least to treble the compensatory award for lost earnings, either in all or in severe cases of such retaliation?

- RFL 73** Does the law require the employer to serve a prison term for such retaliation, either in all or in severe cases of such retaliation (for expressing support or opposition to public policies that bear on workers' interests)?
- RFL 74** Does the law prohibit workers from supporting, conducting, or participating in meetings to protest or support public policies that bear on workers' interests?
- RFL 75** Does the law prohibit workers organizations from supporting, conducting, or participating in meetings to protest or support public policies that bear on workers' interests?
- RFL 76** Does the law prohibit employers from taking, or threatening to take, adverse action against worker organizations for supporting or participating in meetings to protest or support public policies that bear on workers' interests?
- RFL 77** Does the law prohibit employers from taking, or threatening to take, adverse action against workers for supporting or participating in meetings to protest or support public policies that bear on workers' interests?
- [See ANNOTATION for RFL 8 above].
- RFL 78** Does the law require the employer to fully compensate such a worker for all lost wages and benefits caused by such retaliation for supporting or participating in such meetings to protest or support public policies that bear on workers' interests?
- [See ANNOTATION for RFL 9 above].
- RFL 79** Does the law require the employer to reinstate such a worker when such retaliation (for supporting or participating in meetings to protest or support public policies that bear on workers' interests) takes the form of discharge?

[See ANNOTATION for RFL 10-12 above.]

- RFL 80** Does the law require the employer to pay punitive sanctions to either the government or the worker (apart from compensation and reinstatement) for such retaliation (for supporting or participating in meetings to protest or support public policies that bear on workers' interests) in an amount equal to at least double the compensatory award for lost earnings?
- RFL 81** Does the law require the employer to pay criminal fines for such retaliation (for supporting or participating in meetings to protest or support public policies that bear on workers' interests), in an amount equal at least to treble the compensatory award for lost earnings, either in all or in severe cases of such retaliation?
- RFL 82** Does the law require the employer to serve a prison term for such retaliation, either in all or in severe cases of such retaliation for supporting or participating in meetings to protest or support public policies that bear on workers' interests?

NAS Indicator A-8: whether national laws protect workers from discrimination if they join a union or participate in union activities.

[ANNOTATION: Indicator A-8 is now covered by Indicators above.]

1.1.3. Substantive Law on the Right to Bargain Collectively

1.1.3.1. Ratification and Reception of International Instruments on Collective Bargaining

NAS Indicator A-9: whether the country has ratified Convention No. 98

[See ANNOTATION for RFL 1 above.]

- RFL 83** Has ILO Convention no. 98 on Right to Organize and Collective Bargaining, 1949, been ratified and received into binding domestic law?

[See ANNOTATION for RFL 2 above.]

RFL 84 **Regardless whether ILO Convention No. 98 has been received into domestic law, have the rights set forth in that Convention been defined more specifically in domestic legislation, administrative regulations, or other binding domestic legal instruments?**

1.1.3.2. Basic Obligation of Employer to Negotiate

NAS Indicator A-10. whether collective bargaining is protected in law

[ANNOTATION: Indicator A-10 is much too general to guide analysts. A better strategy is to formulate a body of Indicators that more specifically identify the key ways in which the law should protect collective bargaining.]

RFL 85 **Does the law prohibit employers from taking, or threatening to take, adverse action against non-managerial, non-supervisory workers for participating in any aspect of the collective bargaining process, including but not limited to participating in the formulation of bargaining demands and strategies and in actual negotiations.**

[See ANNOTATION for RFL 7 above.]

RFL 86 **Does the law prohibit employers from taking, or threatening to take, adverse action against non-managerial, supervisory workers for participating in any aspect of the collective bargaining process, including but not limited to participating in the formulation of bargaining demands and strategies and in actual negotiations.**

[ANNOTATION: Note that the following Indicator does not specify whether the law, as in the U.S., requires the employer to negotiate only with a certified bargaining representative or instead, as in other countries, requires the employer to bargain with any union authorized by any group of employees to serve as their bargaining agent. Nor does the Indicator specify whether the law, as in the U.S., requires the enterprise-level employer to participate in collective negotiations or instead, as in other countries, requires negotiations at some multi-employer level. Nor does the Indicator specify when, and with what frequency, the union is entitled to demand negotiations. Nor does the Indicator ask whether governments impose sanctions compelling an employer to bargain with a union. Under

the principle of “voluntary negotiation,” ILO law prohibits such compulsion. See *ILO Fifth Digest* ¶¶ 926-928. The point of this Indicator is to bluntly assess whether there is *any* legal entitlement of worker representatives to engage in collective negotiation at some level and with some frequency. Subsequent Indicators, refining NAS Indicator A-11, more specifically define that entitlement.

Along the same lines, the following Indicators are intentionally phrased in terms of the union’s entitlement rather than the employer’s obligations. That is, the entitlement to bargain is vested in the union; if the union chooses to exercise that right and demand bargaining, then the employer must bargain. The employer, however, has no obligation to bargain when the union does not demand bargaining. Similarly, the employer has no obligation to bargain over one or more terms or conditions of employment over which the union has not demanded bargaining.]

RFL 87 **Does the law entitle unions representing the interests of non-managerial, non-supervisory workers to engage from time to time in collective negotiations with the employer(s) of such workers?**

RFL 88 **Does the law entitle unions representing the interests of non-managerial, supervisory workers to engage from time to time in collective negotiations with the employer(s) of such workers?**

1.1.3.3. Subjects of Bargaining

NAS Indicator A-11: whether there are legal restrictions on the mechanism of collective bargaining (such as the mandatory exclusion of some issues or the ability of employers to refuse to bargain with a recognized union)

[ANNOTATION: NAS Indicator A-11 is excessively open-ended. The two examples in the parenthetical, taken individually, are ambiguous or misdirected. All legal systems exclude issues that, if agreed upon by the employer and the union, would constitute violations of generally applicable law, such as the law of antitrust or criminal conspiracy. Similarly, negotiation and agreement over some issues directly violate labor law itself – such as an agreement that a worker organization other than the

duly certified representative will serve as the workers' bargaining agent. The second parenthetical example speaks of an employer's "ability" to refuse bargaining with a "recognized" union. The question is not the "ability" but the "legality" of the employer's refusal. And, since in some legal systems a union is the "recognized" bargaining agent precisely if the employer agrees to bargain with it, the phrase "refuse to bargain with a recognized union" is at best ambiguous and at worst a contradiction in terms. The relevant question is whether the employer is required to recognize a particular union, either by virtue of the union's certification by a government agency (as, for example, an NLRB-certified bargaining representative in the U.S.) or by virtue of workers' authorization of the union to represent them (as in many other countries). These substantive issues can be assessed more cleanly in the following Indicators.]

[ANNOTATION: Note that NAS Indicator A-11 asks whether certain issues are mandatorily excluded. This uses terminology not found in labor law. In U.S. labor law, for example, there are three categories of bargaining subjects: The first is illegal subjects, such as agreements to violate antitrust law. The second is permissive subjects, over which the parties may consent to bargain, but are not required by law to bargain (such as, in U.S. law, the opening and closing of facilities and other capital allocation decisions). The third is mandatory subjects, over which one party is required to bargain if the other so demands (such as, again in the U.S., terms and conditions of employment). Indicator A-11 apparently intends to ask about the category of permissive subjects (for example, is the employer not required to bargain over plant closings?). But as written it literally asks only about the first category (since the only subjects mandatorily excluded from bargaining are illegal subjects). This, however, is a conceptually uninteresting question, since the exclusion of illegal subjects is legitimate and nearly universally implemented by domestic legal systems. The following set of Indicators starts with measures of unions' legal entitlement to bargain over core terms and conditions of employment; it then asks about more expansive topics, such as strategic capital allocation decisions.]

RFL 89 **Does the law entitle the union to bargain over all terms and conditions of employment of the non-managerial, non-supervisory workers it represents?**

RFL 90 Does the law require the employer(s) to provide the union(s) with financial data relevant to the terms and conditions over which the union(s) demand(s) bargaining on behalf of non-managerial, non-supervisory workers?

[ANNOTATION: The following Indicators measure unions' entitlement to bargain over what, in U.S. law, are called permissive subjects. In U.S. law, workers are not entitled to bargain over permissive subjects in the full sense of "entitlement." That is, in U.S. law, should the union request bargaining over the subject, the employer has no obligation to bargain. The union is only "entitled" to bargain if the employer consents to bargain; and therefore the union may not strike to force bargaining. The following Indicators use the concept of "entitle" in the stricter sense. That is, the law must obligate the employer to bargain after the union requests bargaining.]

RFL 91 Does the law entitle the union to bargain over the employer's decisions to close facilities, such as plant closings or other divisional closings affecting more than five non-managerial, non-supervisory workers?

RFL 92 Does the law entitle the union to bargain over the employer's decisions to make new capital investments where there is a non-trivial chance that one or more existing job(s) of non-managerial, non-supervisory workers will be terminated or redefined?

RFL 93 Does the law entitle the union to bargain over the employer's decisions to change work processes, including changes in technology, where there is a non-trivial chance that the job definition of one or more jobs of non-managerial, non-supervisory workers will be affected to a non-trivial degree?

[ANNOTATION: Note that Indicators above protect workers who file grievances over violations of the terms of collective agreements. It would therefore be redundant, at this point, to formulate an Indicator devoted to that specific matter.]

1.1.3.4. Ratification of Collective Agreements

RFL 94 Does the law permit workers to ratify or reject agreements reached by the collective representative, if the rules of that worker organization so stipulate?

1.1.3.5. Enforcement of Collective Agreements

[ANNOTATION: ILO law stipulates that collective agreements must be binding. The following Indicator measures the existence of a third-party enforcement mechanism. The Indicators on Enforcement measure the independence, transparency and effectiveness of the mechanism.]

RFL 95 Are the terms of the collective agreement covering non-managerial, non-supervisory workers enforceable by a third-party mechanism, such as courts, administrative agencies, or arbitrators?

[ANNOTATION: Under ILO law, the government is permitted to ban strikes to enforce collective agreements, where there is a competent tribunal to enforce such agreements. See *ILO Fifth Digest* ¶¶ 532-533.]

[ANNOTATION: If the terms of collective agreements are enforceable by third parties, then the answer to the following Indicator is “yes.” That is, if the answer to the preceding Indicator is “yes,” then the government should not be penalized by a negative answer to the following Indicators.]

RFL 96 If the terms of the collective agreement covering non-managerial, non-supervisory workers are not enforceable by third parties, are workers covered by the agreement entitled to engage in group action, including strikes, to enforce the terms of the collective agreement?

NAS Indicator A-12: the extent to which there are categories of workers not permitted to negotiate a collective bargaining agreement (such as civil servants, teachers, or workers in special activities), and numbers of workers in each such category

[See the ANNOTATIONS following NAS Indicator A-13.]

NAS Indicator A-13: whether there are certain sectors where there is no right

to negotiate a collective bargaining agreement (such as in export processing zones or in other tradable sectors, or in agricultural and informal sectors)

[ANNOTATION: NAS Indicators A-12 and A-13 have the same defects as NAS Indicators A-3 and A-4, as explained above. The following Indicators use the same strategy to simplify and clarify Indicators A-12 and A-13 as was used above for Indicators A-3 and A-4.]

1.1.3.6. Exclusion of Categories of Workers from Bargaining Rights

- RFL 97** Does the law stipulate that non-managerial, non-supervisory workers in formally designated export processing zones have a right to collective bargaining without interference by employers?
- RFL 98** Does the law stipulate that non-managerial, non-supervisory workers in formally designated export processing zones have a right to collective bargaining without interference by the government?
- RFL 99** Does the law stipulate that non-managerial, non-supervisory agricultural workers have a right to collective bargaining without interference by employers?
- RFL 100** Does the law stipulate that non-managerial, non-supervisory agricultural workers have a right to collective bargaining without interference by the government?
- RFL 101** Does the law stipulate that non-managerial, non-supervisory workers – in all categories of workers having a non-trivial number of workers, outside of formally designated export processing zones and the agricultural sector – have a right to collective bargaining, without interference by employers?
- RFL 102** Does the law stipulate that non-managerial, non-supervisory workers – in all categories of workers having a non-trivial number of workers, outside of formally designated export processing zones and the agricultural sector – have a right to collective bargaining, without interference by the government?

[See ANNOTATION for RFL 7 above.]

RFL 103 Does the law provide to non-managerial, supervisory workers in the export sector all the protections for collective bargaining measured in the previous thirteen Indicators (applicable to non-managerial, non-supervisory workers)?

[See ANNOTATION for RFL 8 above.]

1.1.3.7. Retaliation for Exercising Bargaining Rights

RFL 104 Does the law require the employer to fully compensate a worker for all lost wages and benefits caused by the employer's retaliation for, or unlawful impedance of, the worker's exercise of rights of collective bargaining?

[See ANNOTATION for RFL 9 above.]

RFL 105 Does the law require the employer to reinstate such a worker when such retaliation for or impedance of the worker's exercise of rights of collective bargaining takes the form of discharge?

[See ANNOTATION for RFL 10-12 above.]

RFL 106 Does the law require the employer to pay punitive sanctions to either the government or the worker (apart from compensation and reinstatement) for such retaliation for or impedance of the worker's exercise of rights of collective bargaining, in an amount equal to at least double the compensatory award for lost earnings?

RFL 107 Does the law require the employer to pay criminal fines for such retaliation for or impedance of the worker's exercise of rights of collective bargaining, in an amount equal at least to treble the compensatory award for lost earnings, either in all or in severe cases of such retaliation or impedance?

RFL 108 Does the law require the employer to serve a prison term for such retaliation, either in all or in severe cases of such retaliation for or impedance of the worker’s exercise of rights of collective bargaining?

RFL 109 Does the law entitle non-managerial, supervisory workers to the protections measured by the previous five Indicators.

1.1.4. Rights to Strike

NAS Indicator A-14: whether the principle of a strike as a means of action of organizations is generally recognized

[ANNOTATION: NAS Indicator A-14 is too general and ambiguous to serve as a guide to assessment. What is meant by “the principle” of a strike? What is meant by “generally recognized”? The following Indicators ask concise, specific questions about the scope of the right to strike.]

RFL 110 Does the law protect primary strikes by all non-managerial, non-supervisory workers against interference by the employer, other than public servants and workers in essential services, as defined by Paragraphs 585 and 887 of the *ILO Fifth Digest*?

RFL 111 Does the law protect primary strikes by all non-managerial, non-supervisory workers against interference by the government, other than public servants and workers in essential services, as defined by Paragraphs 585 and 887 of the *ILO Fifth Digest*?

RFL 112 Does the law protect primary strikes by all non-managerial, supervisory workers against interference by the employer, other than public servants and workers in essential services, as defined by Paragraphs 585 and 887 of the *ILO Fifth Digest*?

RFL 113 Does the law protect primary strikes by all non-managerial, supervisory workers against interference by the government, other than public servants and workers in essential services, as defined by Paragraphs 585 and 887 of the *ILO Fifth Digest*?

NAS Indicator A-15: the extent to which the government can forbid certain kinds of strikes (such as “protest strikes,” “sympathy strikes,” “go slow” strikes, or “work-to-rule” slowdowns), or strikes under certain conditions (such as economic or political “crisis”), or strikes requiring a majority of workers involved to authorize a strike

[ANNOTATION: NAS Indicator A-15 has several defects. First, although it is not technically double-barreled, analysts might well consider it so, since it asks about types of strikes, the context of strikes, and the procedure for authorizing strikes. These are each important matters and are best addressed in separate Indicators. Second, the three clauses of Indicator A-15, even taken separately, are ambiguous and poorly worded. For example, the first clause asks about “the extent” to which the government “can forbid” certain types of strikes. A government, of course, “can” always “forbid” action, in the sense that it has the coercive power to do so. The question is whether existing law authorizes the government to use such power and whether such prohibitions are, under international standards, valid exercises of government power. In addition, the Indicator seems to imply that some types of strikes can be legitimately outlawed (strikes undertaken during times of “crisis” and perhaps one or more of the “certain kinds” of strikes listed in the first clause), and other types cannot be legitimately outlawed; but it does not guide the analyst in drawing that distinction. For example, is a ban on sit-down strikes (factory occupations) to be treated the same or differently from a ban on political protest strikes? Third, the question of “the extent to which” the law prohibits certain strikes is highly ambiguous. It asks for a graduated answer with no guidance to the analyst about the measure of gradation. Finally, it asks about government prohibition of strikes, but does not ask about legal protection of strikers against employer retaliation for such strikes. The latter is generally the most urgent question in practice.]

[ANNOTATION: Paragraph 534 of the *ILO Fifth Digest* states that the government cannot outlaw all forms of sympathy strikes.]

RFL 114 Does the law impose a general ban on all forms of sympathy strikes by non-managerial, non-supervisory workers?

[ANNOTATION: ILO law provides that workers have a right to engage in recognition strikes. See *ILO Fifth Digest* ¶ 536.]

RFL 115 Does the law stipulate that non-managerial, non-supervisory workers have a right to engage in recognition strikes, without employer retaliation?

RFL 116 Does the law stipulate that non-managerial, non-supervisory workers have a right to engage in recognition strikes, without government sanction?

[ANNOTATION: ILO law provides that workers have a right to engage in peaceful slow-down strikes. See *ILO Fifth Digest*.]

RFL 117 Does the law stipulate that non-managerial, non-supervisory workers have a right to engage in peaceful slow-down strikes, without employer retaliation?

[See ANNOTATION for RFL 117 above.]

RFL 118 Does the law stipulate that non-managerial, non-supervisory workers have a right to engage in peaceful slow-down strikes, without government sanction?

[ANNOTATION: ILO law provides that workers have a right to engage in strike to protest public policies affecting workers. See *ILO Fifth Digest*.]

RFL 119 Does the law stipulate that non-managerial, non-supervisory workers have a right to engage in strikes to protest public policies that affect workers, without employer retaliation?

[See ANNOTATION for RFL 119 above.]

RFL 120 Does the law stipulate that non-managerial, non-supervisory workers have a right to engage in strikes to protest public policies that affect workers, without government sanction?

[ANNOTATION: ILO law stipulates that any requirement of a majority vote to authorize a strike must not require a vote of the entire worker unit, but rather a vote only of those who choose to participate in the election; a two-thirds quorum requirement for such a vote is excessive. See *ILO Fifth Digest*.]

RFL 121 Does the law stipulate that non-managerial, non-supervisory workers have a right to engage in strikes without a prior majority vote of all workers in the striking unit, without employer retaliation?

RFL 122 Does the law stipulate that non-managerial, non-supervisory workers have a right to engage in strikes without a prior majority vote of all workers in the striking unit, without government sanction?

[See ANNOTATION for RFL 8 above.]

RFL 123 Does the law require the employer to fully compensate a worker for all lost wages and benefits caused by the employer's retaliation for the worker's participation in a lawful strike?

[See ANNOTATION for RFL 9 above.]

RFL 124 Does the law require the employer to reinstate such a worker when such retaliation for the worker's participation in a lawful strike takes the form of discharge?

[See ANNOTATION for RFL 10-12 above.]

RFL 125 Does the law require the employer to pay punitive sanctions to either the government or the worker (apart from compensation and reinstatement) for such retaliation for the worker's participation in a lawful strike, in an amount equal to at least double the compensatory award for lost earnings?

RFL 126 Does the law require the employer to pay criminal fines for such retaliation for the worker's participation in a lawful strike, in an amount equal at least to treble the compensatory award for lost earnings, either in all or in severe cases of such retaliation?

RFL 127 Does the law require the employer to serve a prison term for such retaliation for the worker's participation in a lawful strike, either in all or in severe cases of such retaliation?

RFL 128 Does the law prohibit employers from hiring permanent replacements for striking non-managerial, non-supervisory workers, thereby denying re-employment to strikers at the end of the strike?

1.1.5. Rights to Picket or Occupy the Workplace

NAS Indicator A-16: the extent to which the government can limit picketing or occupation of the workplace

[ANNOTATION: Indicator A-16 is not technically double-barreled, but analysts might take it that way, since it asks about two relatively distinct matters – picketing and factory occupations. It is also extremely general, since there are many types of picketing, some of which can be validly barred under international standards. It is also ambiguous, in asking analysts to determine a gradation (“the extent to which”) without giving guidance about the applicable yardstick. In addition, in asking whether “the government can limit” picketing or factory occupations, it uses language that has no legal definition. A government “can” always take action intended to limit picketing or factory occupations. The relevant questions are whether domestic law authorizes the government to take such action and, if so, whether those authorizations comply with international legal standards.]

[ANNOTATION: Again, note that the following Indicator is not double-barreled, for reasons offered in the introduction to the Assessment Indicators. The answer is “yes” only if the law protects picketing on behalf of all three objects: lawful strikes, boycotts, and protests. The answer is “no” if the law fails to protect picketing on behalf of one or more of the three objects.]

RFL 129 Does the law protect all but a trivial number of non-managerial, non-supervisory workers against employer retaliation for engaging in peaceful picketing on behalf of lawful strikes, boycotts, and protests?

RFL 130 Does the law protect all but a trivial number of non-managerial, non-supervisory workers against government sanction for engaging in

peaceful picketing on behalf of lawful strikes, boycotts, and protests?

[ANNOTATION: It seems unnecessary to inquire whether the government limits factory occupations. That is, a limitation on sit-down strikes does not, *a priori*, seem like a reliable Indicator of overall disrespect for freedom of association. Some legal systems that strongly protect union rights do not permit factory occupations; others do.]

[See ANNOTATION for RFL 8 above.]

RFL 131 Does the law require the employer to fully compensate a worker for all lost wages and benefits caused by the employer's retaliation for, or impendance of, the worker's participation in lawful picketing?

[See ANNOTATION for RFL 9 above.]

RFL 132 Does the law require the employer to reinstate such a worker when such retaliation for or impendance of the worker's participation in lawful picketing takes the form of discharge?

[See ANNOTATION for RFL 10-12 above.]

RFL 133 Does the law require the employer to pay punitive sanctions to either the government or the worker (apart from compensation and reinstatement) for such retaliation for or impendance of the worker's participation in lawful picketing, in an amount equal to at least double the compensatory award for lost earnings?

RFL 134 Does the law require the employer to pay criminal fines for such retaliation for or impendance of the worker's participation in lawful picketing, in an amount equal at least to treble the compensatory award for lost earnings, either in all or in severe cases of such retaliation?

RFL 135 Does the law require the employer to serve a prison term for such retaliation for or impendance of the worker's participation in lawful picketing, either in all or in severe cases of such retaliation?

NAS Indicator A-17: whether legal regulations ban employer lockouts

[ANNOTATION : For consistency, there is no need to use the term “legal regulations” here. That term might mislead analysts into looking only for administrative regulations rather than for all types of legal instruments that might prohibit employer lockouts. It is also necessary to distinguish lockouts for purposes of applying economic pressure from lockouts that retaliate against the exercise of workers’ rights to organize, bargain, or protest. The latter question is covered by various Indicators above.]

1.1.6. Right to Lockout

RFL 136 Does the law prohibit employers from locking out workers as a means of applying economic pressure during collective negotiations?

NAS Indicator A-18: whether workers are legally able to ratify or reject agreements reached by union leaders

[ANNOTATION: ILO law does not require workers to ratify collective agreements. This is a matter for the worker organization to decide, pursuant to its constitutional internal processes. This question does not seem sufficiently indicative of overall disrespect for freedom of association. Indicators RFL 121-122 cabove asks the more pertinent question.]

NAS Indicator A-19: whether legal regulations permit employers to dismiss striking workers, or permit hiring of permanent strike replacement workers

[ANNOTATION: Indicator A-19 is not technically double-barreled, but the questions of discharge of strikers and permanent replacement of strikers are independently important and sufficiently distinguishable. For example, U.S. law permits permanent strike replacements but prohibits discharge of strikers. There is a distinction between the two. Permanently replaced strikers are not entitled to get their jobs back and to bump strike replacements at the end of the strike, but are entitled to fill their old jobs if and when strike replacements leave. Strikers who are discharged do not

have the latter entitlement. These matters are measured by Indicator RFL 123.]

RFL 137 Does the law entitle non-managerial, supervisory workers to the protections measured by the previous twenty-five Indicators.

1.1.7. Union Security Rights

NAS Indicator A-20: assessment of extent to which “right to work” laws or other “free rider” provisions undermine the ability of workers to organize and the extent to which laws require workers to join a given trade union as a condition of employment or that new workers be hired through a given trade union

[ANNOTATION: Indicator A-20 is double-barreled. In addition, the first prong – whether the ability of workers to organize is undermined – requires an empirical assessment of the impact of the law and therefore is an Indicator of outcome rather than an Indicator of the legal framework. The phrase “other ‘free rider’ provisions” is undefined. Moreover, the Indicator addresses only the question whether a closed or union shop is mandated directly by law; it does not address the more pertinent legal question of whether the law permits or prohibits collective agreements that require the closed shop, union shop, or agency shop. (A closed shop means workers must join the union before hiring. A union shop means workers must join the union after hiring. An agency shop means that workers need not join the union but must pay union dues as a condition of keeping their job.)]

RFL 138 Does the law permit provisions in collective agreements covering non-managerial, non-supervisory workers that require all workers covered by the agreement to pay union dues?

RFL 139 Does the law permit provisions in collective agreements covering non-managerial, non-supervisory workers that require all workers covered by the agreement to join a union as a precondition to obtaining or maintaining employment?

- RFL 140** Does the law permit employers to hire only those non-managerial, non-supervisory workers referred to the employer by a particular union or unions?
- RFL 141** Does the law require employers to refuse to hire non-managerial, non-supervisory workers who are not union members?
- RFL 142** Does the law require employers to discharge non-managerial, non-supervisory workers who are not union members?
- RFL 143** Does the law entitle non-managerial, supervisory workers to the protections measured in the previous five Indicators (applied to non-managerial, non-supervisory workers)?

NAS Indicator A-21: whether workers' and employer organizations may legally affiliate with international bodies

[ANNOTATION: Indicator A-21 is not technically double-barreled. Still, it is better to formulate separate Indicators for worker organizations and employers', since the antitrust limitations may differ for the two. The two pertinent Indicators are placed above, in section 1.1.2.4 on Labor Union Pluralism and International Affiliation.]

1.2. Enforcement of Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

1.2.1. Ratification of International Instruments on Labor Administration

[ANNOTATION: The NAS Indicators do not inquire into a government's ratification of, or compliance with, the ILO's general Convention on labor administration. The ILO's concept of "labor administration" includes all public bodies in the field of labor policy, and is therefore broader than the labor inspectorate and case-processing mechanism covered by the NAS Indicators. The question of ratification and codification of the general Convention is appropriately placed here; more specific obligations are more appropriately placed in the category of Capacity-Building Indicators.]

RFE 1 **Has ILO Convention no. 150 on Labor Administration, 1978, been ratified and received into binding domestic law?**

[See ANNOTATION for RFL 2 above.]

RFE 2 **Regardless whether ILO Convention no. 150 has been received into domestic law, have the obligations set forth in that Convention been defined more specifically in domestic legislation, administrative regulations, or other binding domestic legal instruments?**

1.2.2. Imprisonment of and Violence Against Labor Unionists

NAS Indicator B-1: the extent to which union organizers are jailed or exiled by the government, or fired, injured, or murdered without prompt and effective prosecution on the part of the government

[ANNOTATION: NAS Indicator B-1 is technically not double-barreled (it is just a lengthy disjunctive rule), but analysts might understandably take it that way. It is also ambiguous. It is unclear if the final phrase (“without prompt...”) attaches only to the immediately preceding phrase (“fired, injured, or murdered...”) or attaches also to the first phrase (“the extent to which union organizers are jailed or exiled by the government”). Indicator B-1 is also insufficiently precise because, among other reasons, it does not distinguish between lawful imprisonment and unlawful imprisonment. Nor does it distinguish between anti-union-motivated violence against unionists and violence against unionists motivated by other reasons. Indicator B-1 is also redundant with Indicator B-2, since both Indicators cover anti-union discharges. Moreover, Indicator B-2 assumes that employers who unlawfully fire workers are subject to criminal prosecution (as distinct from civil enforcement), which is not required by ILO law and is often not the case in strongly labor-protective domestic legal systems. At the same time, Indicator B-1 is under-inclusive, since it does not include attempted assault and murder, but only completed assault and murder, and does not include the important category of threatened assault and murder. In addition, this Indicator should apply not only to union organizers but also to other union members and supporters and their family members. Finally, Indicator B-1 asks whether government prosecution is

“effective;” this is redundant with Indicator B-3. It is best to treat the “effectiveness” of case-processing (in both criminal and civil enforcement) independently from the questions of whether the government investigates and prosecutes alleged violations of workers rights.]

[ANNOTATION: The following Indicators might be considered Indicators of outcomes – that is, actual violation of rights by the government. Alternatively, they might be considered Indicators of pre-existing violations by the government. In either case, the Indicators might therefore be placed in the third category of Outcome Indicators. However, it makes as much if not more sense to treat all government-perpetrated violations as failures of enforcement rather than outcomes of failed enforcement – since government-perpetrated violations are of course acts of government institutions. These Indicators are not limited to workers in the export sector or in other sectors that affect the export labor market – since imprisonment and exile of any workers or their families is a serious sign of the government’s lack of commitment to compliance, and have a direct chilling effect on the associational activity of all workers. Note that these Indicators refer to acts of non-compliance in the two years prior to the assessment. That time frame could of course be changed to match the frequency of assessments by ILAB.]

[ANNOTATION: Note that most of the Indicators of effective enforcement below are twin Indicators. The first asks whether the government has complied with the element in question. The second repeats the question, but asks: “Has the government convincingly and verifiably demonstrated that” it complies with the element in question. The second Indicator therefore places the burden, in the first instance, on the government to collect and publish accurate, verifiable data on the matters measured by the Indicators. As discussed in Part V this paper, this serves two purposes: First, it creates incentives for the government to collect and publish accurate data on its own performance. That is, it “flushes out” data. Second, it reduces the burden on ILAB analysts. However, it is very important to emphasize that it does not absolve ILAB analysts of the responsibility of independently researching whether wrongful actions by the government have been reliably documented by NGOs or whether such wrongful actions can be discerned by the ILAB’s own primary research. These additional inquiries are necessary both to score the first of the twin indicators and to determine, for the second of the twin Indicators, whether the government “*convincingly and verifiably*” demonstrated its enforcement

effort. Note also that many of the Indicators below ask whether the government has demonstrated that it has *not* engaged in some wrongful conduct. While it is often said that it is impossible to “prove a negative,” that maxim is not applicable here, for at least two reasons. First, we wish to create incentives for the government to implement robust supervisory protocols and data collection protocols pertaining to critical aspects of enforcement. The government’s demonstration that it has implemented those two protocols is one (but not the only) element in demonstrating convincingly that it is not engaging in the wrongful conduct in question. For example, in order to convincingly and verifiably demonstrate that it is not imprisoning labor union leaders, the government may show (among other things) that its Department of Justice monitors, supervises, and punishes prosecutors in a way that prevents such abuses; and that it collects reliable data on the imprisonment of labor union leaders, the reasons for such imprisonment, and the evidentiary grounds for such imprisonment. Second, if NGOs, other advocates, or ILAB researchers have adduced reliable evidence that the government has engaged in abuses, then the burden is on the government to disprove such evidence, if the government is to “convincingly and verifiably” demonstrate compliance. Therefore, these Indicators *implicitly* ask the affirmative question: “Has an NGO, advocate, or other researcher adduced reliable evidence that the government has engaged” in the abuse in question.]

- RFE 3** Has the government, in the preceding two years, imprisoned one or more workers, union officials, or their family member in retaliation for their support for or participation in lawful union activities?
- RFE 4** Has the government convincingly and verifiably demonstrated that, in the preceding two years, it did not imprison one or more workers, union officials, or their family member in retaliation for their support for or participation in lawful union activities?
- RFE 5** Has the government, in the preceding two years, exiled one or more workers, union officials, or their family members in retaliation for their support for or participation in lawful union activities?
- RFE 6** Has the government convincingly and verifiably demonstrated that, in the preceding two years, it did not exile one or more workers, union officials, or their family members in retaliation for their support for or participation in lawful union activities?

RFE 7 Has the government, in the preceding two years, investigated all cases of alleged anti-union-motivated violence, attempted anti-union-motivated violence, and anti-union-motivated threats of violence against union supporters, union members, union officials, or their family members, where the government had or should have had knowledge of the allegations?

RFE 8 Has the government convincingly and verifiably demonstrated that, in the preceding two years, it investigated all cases of alleged anti-union-motivated violence, attempted anti-union-motivated violence, and anti-union-motivated threats of violence against union supporters, union members, union officials, or their family members, where the government had or should have had knowledge of the allegations?

[ANNOTATION: Note that the following two Indicators require the government to file a criminal indictment on behalf of workers whenever there is *in fact* reasonable cause to believe that the worker was the victim of crimes of anti-union motivated violence or threats. Hence, if the government did not find reasonable cause but *should* have found reasonable cause, the government does not satisfy the Indicator.]

RFE 9 Has the government, in the preceding two years, prosecuted all alleged perpetrators of anti-union-motivated violence, attempted anti-union-motivated violence, or anti-union-motivated threats against union supporters, union members, union officials, or their family members, where the government had or should have had reasonable cause to believe such allegations?

RFE 10 Has the government convincingly and verifiably demonstrated that, in the preceding two years, it prosecuted all alleged perpetrators of anti-union-motivated violence, attempted anti-union-motivated violence, or anti-union-motivated threats against union supporters, union members, union officials, or their family members, where the government had or should have had reasonable cause to believe such allegations?

NAS Indicator B-2: the extent to which strikers suffer retaliation without prompt and effective prosecution on the part of the

government

[ANNOTATION: Indicator B-2 speaks of “prosecution,” which connotes criminal process. Government remediation of anti-union retaliation is typically (though not always) through civil process, not criminal process, except where the retaliation takes the form of violence or criminal conspiracy. In addition, Indicator B-2 is subsumed within refined Indicators corresponding to original Indicators B-1 and B-3 and is therefore now redundant. That is, Indicator B-2 is just one example of the effectiveness or ineffectiveness of government investigation, complaint procedures, and administrative or judicial enforcement, in cases of alleged violations of labor rights.]

1.2.3. Process and Remedies in Cases on Freedom of Association, Rights of Organizing, and Rights to Bargain Collectively

1.2.3.1. Administrative and Judicial Procedures for Enforcing Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

NAS Indicator B-3: whether there are defects in the government’s complaint process, such as excessive delays or expenses, light penalties, or nonpunishment of offenders

[ANNOTATION: Indicator B-3 is excessively open-ended. It asks about any “defects” in complaint-based government enforcement, which potentially covers all key elements included in the capacious concepts of “rule of law” and “effective enforcement.” It is also ambiguous: Does it refer only to civil enforcement, which is initiated by complaints, as opposed to criminal enforcement initiated by indictments? Or instead, by using the concepts of punishment, offenders, and penalties, does it also (or only) refer to criminal enforcement? Indicator B-3 also fails to track the U.S. trade agreements that impose several specific obligations on the parties’ complaint-based enforcement systems. The following Indicators track the obligations stipulated in the major U.S. trade agreements, and cover both criminal and civil enforcement. As drafted below, the Indicators measure compliance in the two years preceding ILAB’s assessment. That time frame can be changed to match the frequency of assessments.]

- RFE 11** Has the government, in the preceding two years, ensured in all cases that workers and worker organizations alleging violation of their rights to associate, collectively bargain, or strike were able to file complaints, or have complaints or indictments filed on their behalf, with administrative or judicial tribunals empowered to enforce those rights?
- RFE 12** Has the government convincingly and verifiably demonstrated that, in the preceding two years, it has ensured in all cases that workers and worker organizations alleging violation of their rights to associate, collectively bargain, or strike were able to file complaints, or have complaints or indictments filed on their behalf, with administrative or judicial tribunals empowered to enforce those rights?
- RFE 13** Has the government, in the preceding two years, ensured, in all such cases in which domestic law stipulated that the worker's or worker organization's civil case could be initiated exclusively by a complaint filed by government attorneys or other government officials, that such complaints were filed within two months of the worker or worker organization bringing the matter to the government's attention unless the worker or worker organization agreed to settle the matter or the charge was groundless?
- RFE 14** Has the government convincingly and verifiably demonstrated that, in the preceding two years, it has ensured, in all such cases in which domestic law stipulated that the worker's or worker organization's civil case could be initiated exclusively by a complaint filed by government attorneys or other government officials, that such complaints were filed within two months of the worker or worker organization bringing the matter to the government's attention unless the worker or worker organization agreed to settle the matter or the charge was groundless?

[ANNOTATION: Note that the following Indicator requires the government to file a criminal indictment on behalf of workers whenever there is *in fact* reasonable cause to believe that the worker was the victim of crimes of anti-union motivated violence or threats. Hence, if the government did not find reasonable cause but *should* have found reasonable cause, the government does not satisfy the Indicator. To avoid double-counting,

these indicators exclude cases of anti-union violence and threats already addressed in Indicators above]

RFE 15 In the preceding two years, has the government ensured, in all such cases in which domestic law stipulated that the worker’s or worker organization’s criminal case could be initiated exclusively by an indictment filed by government attorneys or other government officials (except for crimes covered by Indicators __ above), that such indictments were filed in all cases in which there was reasonable cause to believe that criminal law was violated?

RFE 16 Has the government convincingly and verifiably demonstrated that, in the preceding two years, it has ensured, in all such cases in which domestic law stipulated that the worker’s or worker organization’s criminal case could be initiated exclusively by an indictment filed by government attorneys or other government officials (except for crimes covered by Indicators __ above), that such indictments were filed in all cases in which there was reasonable cause to believe that criminal law was violated?

[ANNOTATION: Note that the following Indicator gives the government six months to investigate a criminal charge before filing indictment, and two weeks to file the charge from the time the government did or should have reached a determination that there was reasonable cause to believe a crime had occurred. It may seem mistaken to give the government two months to file a civil complaint (as measured in the Indicator above) but six and a half months to file a criminal indictment, since punishment of crimes (such as murder) is more urgent than remediation of civil offenses (such as anti-union discharges). But for that very reason, the burden of proof is higher for issuing an indictment than for filing a civil complaint. The government should routinely file civil complaints when workers file charges against the employer, except when the charge on its face fails to state a legally cognizable claim. In contrast, in most legal systems, the government must have reasonable cause to believe a crime has occurred before issuing an indictment. The determination of reasonable cause typically requires more extensive investigation. Note that the following two indicators apply to all crimes, including those addressed in the above Indicators. There is no duplication here, since the latter Indicators did not address time limits for investigation and potential indictment.]

RFE 17 In the preceding two years, has the government ensured, in all cases in which domestic law stipulated that the worker’s or worker organization’s criminal case could be initiated exclusively by an indictment filed by government attorneys or other government officials and in which there was reasonable cause to believe that criminal law was violated, that the indictment was filed within six months of the matter being brought to the government’s attention and within two weeks of the time when the government did or should have found reasonable cause to believe that criminal law was violated?

RFE 18 Has the government convincingly and verifiably demonstrated that, in the preceding two years, it ensured, in all cases in which domestic law stipulated that the worker’s or worker organization’s criminal case could be initiated exclusively by an indictment filed by government attorneys or other government officials and in which there was reasonable cause to believe that criminal law was violated, that the indictment was filed within six months of the matter being brought to the government’s attention and within two weeks of the time when the government did or should have found reasonable cause to believe that criminal law was violated?

[ANNOTATION: The following eight Indicators measure the independence of the tribunal hearing cases of nondiscrimination and equality. For purposes of coding, the results of the four substantive Indicators should be combined. If the answer to the first substantive Indicator is “yes” and the answer to the following three substantive Indicators is “inapplicable,” then the government receives one positive score for independence of the tribunal. If the answer to all four of those indicators is “yes,” then the government receives one positive score. If the answer to any one of the four Indicators is “no,” then the government receives one negative score. The same applies to the four twin Indicators asking whether the government demonstrated compliance with the substantive Indicators. The reason for this scoring pattern is this: if the Indicators were not treated conjunctively in this way, then two of the Indicators would be inapplicable to governments that use only tribunals without employer and employee representatives, and the other two would be inapplicable to governments using only tribunals with employer and employee representatives, causing an imbalance in the scoring among

those two categories of governments as well as governments that use both types of tribunals.]

- RFE 19** In the preceding two years, has the government ensured in all cases where tribunals (devoted to freedom of association, rights to organize, rights to bargain collectively, and rights to strike) do not include representatives of workers and employers, that the tribunal member or members were independent of complaining workers, of complained-against employers, and of complained-against government agencies or officials?
- RFE 20** Has the government convincingly and verifiably demonstrated that, in the preceding two years, it ensured in all cases (devoted to freedom of association, rights to organize, rights to bargain collectively, and rights to strike) where tribunals do not include representatives of workers and employers, that the tribunal member or members were independent of complaining workers, of complained-against employers, and of complained-against government agencies or officials?
- RFE 21** In the preceding two years, has the government ensured in all but a trivial number of cases (devoted to freedom of association, rights to organize, rights to bargain collectively, and rights to strike) where tribunals included representatives of workers and employers, that the number of worker representatives was equal to the number of employer representatives?
- RFE 22** Has the government convincingly and verifiably demonstrated that, in the preceding two years, it ensured in all but a trivial number of such cases (devoted to freedom of association, rights to organize, rights to bargain collectively, and rights to strike) where tribunals included representatives of workers and employers, that the number of worker representatives was equal to the number of employer representatives?
- RFE 23** In the preceding two years, has the government ensured that in all but a trivial number of cases (devoted to freedom of association, rights to organize, rights to bargain collectively, and rights to strike) where representatives of workers and employers were seated on the tribunal, there was also at least one member of the relevant tribunal

who was/were independent of worker organizations, employers and any complained-against government agencies or officials?

RFE 24 Has the government convincingly and verifiably demonstrated that, in the preceding two years, it ensured in all but a trivial number of cases (devoted to freedom of association, rights to organize, rights to bargain collectively, and rights to strike) where representatives of workers and employers were seated on the tribunal, there was also at least one member of the relevant tribunal who was/were independent of worker organizations, employers and any complained-against government agencies or officials?

[ANNOTATION: The following Indicator asks whether the government, in practice, enforces the substantive right against retaliation set out in the Substantive Indicators above.]

RFE 25 In the preceding two years, has the government ensured in all cases that workers who filed complaints (alleging violation of freedom of association, rights to organize, rights to bargain collectively, or rights to strike) or for whom such complaints or indictments were filed on their behalf, and any party filing such complaints or indictments on behalf of other workers, were effectively protected against retaliation for filing such complaints?

RFE 26 In the preceding two years, has the government ensured in all cases (devoted to freedom of association, rights to organize, rights to bargain collectively, and rights to strike) that all non-trivial proceedings were open to the public, except where necessary to protect the anonymity of complaining workers?

RFE 27 Has the government convincingly and verifiably demonstrated that, in the preceding two years, it ensured in all cases (devoted to freedom of association, rights to organize, rights to bargain collectively, and rights to strike) that all non-trivial proceedings were open to the public, except where necessary to protect the anonymity of complaining workers?

RFE 28 In the preceding two years, has the government ensured in all cases (devoted to freedom of association, rights to organize, rights to bargain collectively, and rights to strike) that the parties were able to

present all material evidence to support or defend their respective positions?

RFE 29 Has the government convincingly and verifiably demonstrated that, in the preceding two years, it ensured in all cases (devoted to freedom of association, rights to organize, rights to bargain collectively, and rights to strike) that the parties were able to **present all material evidence to support or defend their respective positions?**

[ANNOTATION: While the following two Indicators are not explicitly specified in the labor-rights provisions of the U.S.-Peru agreement or other trade agreements to which the U.S. is signatory, they are entailed by the general requirement in those agreements that government proceedings comply with “due process of law” as well as by the more specific requirements that parties are entitled to present to the tribunal all material evidence and to respond to such evidence. See also *ILO Fifth Digest*.]

RFE 30 In the preceding two years, has the government ensured in all cases (devoted to freedom of association, rights to organize, rights to bargain collectively, and rights to strike) that the parties to such cases were able to **secure all material evidence** (in the possession of the opposing party or third-parties) through **court-enforced** subpoenas and depositions of witnesses taken under pain of perjury.

RFE 31 Has the government convincingly and verifiably demonstrated that, in the preceding two years, it ensured in all cases (devoted to freedom of association, rights to organize, rights to bargain collectively, and rights to strike) that the parties to such cases were able to **secure all material evidence** (in the possession of the opposing party or third-parties) through **court-enforced** subpoenas and depositions of witnesses taken under pain of perjury.

RFE 32 In the preceding two years, has the government ensured in all cases (devoted to freedom of association, rights to organize, rights to bargain collectively, and rights to strike) that the parties were able to **cross-examine witnesses** called by the opposing party?

- RFE 33** Has the government convincingly and verifiably demonstrated that, in the preceding two years, it ensured in all cases (devoted to freedom of association, rights to organize, rights to bargain collectively, and rights to strike) that the parties were able to cross-examine witnesses called by the opposing party?
- RFE 34** In the preceding two years, has the government ensured in all cases (devoted to freedom of association, rights to organize, rights to bargain collectively, and rights to strike) that the parties were able to make oral and written arguments in support of their position and against the opposing party’s evidence and arguments?
- RFE 35** Has the government convincingly and verifiably demonstrated that, in the preceding two years, it ensured in all cases (devoted to freedom of association, rights to organize, rights to bargain collectively, and rights to strike) that the parties were able to make oral and written arguments in support of their position and against the opposing party’s evidence and arguments?
- RFE 36** In the preceding two years, has the government ensured in all cases (devoted to freedom of association, rights to organize, rights to bargain collectively, and rights to strike) that all final decisions on the merits of the case were publicly issued in writing?
- RFE 37** Has the government convincingly and verifiably demonstrated that, in the preceding two years, it ensured in all cases (devoted to freedom of association, rights to organize, rights to bargain collectively, and rights to strike) that all final decisions on the merits of the case were publicly issued in writing?
- [ANNOTATION: If all final decisions on the merits of all but a trivial number of such cases were not publicly issued in writing, then the answer to the following Indicator is “no.”]
- RFE 38** In the preceding two years, has the government ensured in all cases (devoted to freedom of association, rights to organize, rights to bargain collectively, and rights to strike) that all such final decisions stated the evidence and reasons on which they were based?

[ANNOTATION: If all final decisions on the merits of all but a trivial number of such cases were not publicly issued in writing, then the answer to the following Indicator is “no.”]

RFE 39 Has the government convincingly and verifiably demonstrated that, in the preceding two years, it ensured in all cases (devoted to freedom of association, rights to organize, rights to bargain collectively, and rights to strike) that all such final decisions stated the evidence and reasons on which they were based?

1.2.3.2. Remedies for Violations of Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

RFE 40 In the preceding two years, has the government ensured in all cases in which the tribunal has found that a worker was discharged for anti-union motives, that the tribunal at a minimum ordered the employer to reinstate the worker with back-pay.

RFE 41 Has the government convincingly and verifiably demonstrated that, in the preceding two years, it ensured in all cases in which the tribunal has found that a worker was discharged for anti-union motives, that the tribunal at a minimum ordered the employer to reinstate the worker with back-pay.

RFE 42 In the preceding two years, has the government ensured in all such cases in which the tribunal found that adverse action other than discharge was taken against a worker for anti-union motives, that the tribunal at a minimum ordered the employer to cease the adverse action and to compensate the worker fully for all damages suffered as a result of the adverse action?

RFE 43 Has the government convincingly and verifiably demonstrated that, in the preceding two years, it ensured in all such cases in which the tribunal found that adverse action other than discharge was taken against a worker for anti-union motives, that the tribunal at a minimum ordered the employer to cease the adverse action and to compensate the worker fully for all damages suffered as a result of the adverse action?

- RFE 44** In the preceding two years, has the government ensured in all cases in which the tribunal found that an employer supported, dominated, or interfered in the internal administration of a worker organization, that the tribunal at a minimum ordered the employer to cease such support, domination, or interference, to dismantle any worker organization established by the employer, and to fully compensate representative organizations for any impedance to their lawful activities on behalf of workers' interests?
- RFE 45** Has the government convincingly and verifiably demonstrated that, in the preceding two years, it ensured in all cases in which the tribunal found that an employer supported, dominated, or interfered in the internal administration of a worker organization, that the tribunal at a minimum ordered the employer to cease such support, domination, or interference, to dismantle any worker organization established by the employer, and to fully compensate representative organizations for any impedance to their lawful activities on behalf of workers' interests?
- RFE 46** In the preceding two years, has the government ensured, in all but a trivial number of cases in which the tribunal found that an employer refused to recognize a lawfully representative worker organization for purposes of collective bargaining, that the tribunal at a minimum ordered the employer to recognize the organization, to immediately bargain in good faith, and to compensate workers for their estimated loss in wages and benefits owing to the delay in bargaining?
- RFE 47** Has the government convincingly and verifiably demonstrated that, in the preceding two years, it ensured, in all but a trivial number of cases in which the tribunal found that an employer refused to recognize a lawfully representative worker organization for purposes of collective bargaining, that the tribunal at a minimum ordered the employer to recognize the organization, to immediately bargain in good faith, and to compensate workers for their estimated loss in wages and benefits owing to the delay in bargaining?
- RFE 48** In the preceding two years, has the government ensured in all cases in which the tribunal found that an employer refused to collectively bargain in good faith over any subject of bargaining set forth above

in the Substantive Indicators over which a lawfully representative worker organizations demanded bargaining, that the tribunal at a minimum ordered the employer to bargain in good faith over such subject(s), and to compensate workers for their estimated loss in wages and benefits owing to the refusal to bargain?

- RFE 49** **Has the government convincingly and verifiably demonstrated that, in the preceding two years, it ensured in all cases in which the tribunal found that an employer refused to collectively bargain in good faith over any subject of bargaining set forth above in the Substantive Indicators over which a lawfully representative worker organizations demanded bargaining, that the tribunal at a minimum ordered the employer to bargain in good faith over such subject(s), and to compensate workers for their estimated loss in wages and benefits owing to the refusal to bargain?**

[ANNOTATION: Note that the following Indicator is based on the legal rule that employers are not permitted to hire permanent replacements. The Indicator asks whether strikers were immediately reinstated when they ended their strikes, on the presumption that employers may hire temporary replacements but not permanent replacements. See *ILO Fifth Digest*.]

- RFE 50** **In the preceding two years, has the government ensured in all cases in which a tribunal found that an employer has discharged strikers or has hired replacements for strikers, that the tribunal at a minimum ordered the employer to reinstate the worker to her former position at such time as the worker demanded reinstatement and to pay the worker back wages for the time between the demand for reinstatement and the reinstatement?**

- RFE 51** **Has the government convincingly and verifiably demonstrated that, in the preceding two years, it ensured in all cases in which a tribunal found that an employer has discharged strikers or has hired replacements for strikers, that the tribunal at a minimum ordered the employer to reinstate the worker to her former position at such time as the worker demanded reinstatement and to pay the worker back wages for the time between the demand for reinstatement and the reinstatement?**

- RFE 52** In the preceding two years, has the government ensured in all cases in which an employer has violated a tribunal's order enforcing workers' or worker organizations' rights of association, organizing, collective bargaining, or striking, that the tribunal has imposed punitive sanctions against the employer?
- RFE 53** Has the government convincingly and verifiably demonstrated that, in the preceding two years, it ensured in all cases in which an employer has violated a tribunal's order enforcing workers' or worker organizations' rights of association, organizing, collective bargaining, or striking, that the tribunal has imposed punitive sanctions against the employer?
- RFE 54** In the previous two years, in cases finding violations of workers' rights of association, organizing, collective bargaining, or striking, did the aggregate fines and penalties imposed and monetary damages awarded per worker (adjudged to have suffered the rights violations) exceed the average for countries in the same quintile of real income per capita?
- RFE 55** Has the government convincingly and verifiably demonstrated that, in the preceding two years, in cases finding violations of workers' rights of association, organizing, collective bargaining, or striking, the aggregate fines and penalties imposed and monetary damages awarded per worker (adjudged to have suffered the rights violations) exceeded the average for countries in the same quintile of real income per capita?

1.2.3.3. Political Interference in Organizational Activities, and Freedom to Participate in Politics

NAS Indicator B-4: the extent to which the government interferes in freedom of association (e.g., by declaration of martial law, "state of crisis," or by suspension or dissolution of associations by administrative authority)

[ANNOTATION: NAS Indicator B-4 is not technically double-barreled, but analysts may understandably take it that way. It is grossly over-broad,

since “government interfere[nce] in freedom of association” takes innumerable forms, some of which are measured in other Indicators. It therefore overlaps with or subsumes other enforcement Indicators. It is therefore best to disaggregate Indicator B-4’s parenthetical phrase into more specific Indicators.]

- RFE 56** **In the preceding two years, has the government banned or suspended any union activity on grounds of national emergency?**
- RFE 57** **Has the government convincingly and verifiably demonstrated that, in the preceding two years, it has not banned or suspended any union activity on grounds of national emergency?**
- RFE 58** **In the preceding two years, has the government dissolved any union on grounds of national emergency?**
- RFE 59** **Has the government convincingly and verifiably demonstrated that, in the preceding two years, it has not dissolved any union on grounds of national emergency?**
- RFE 60** **In the preceding two years, has the government placed into receivership any union on grounds of national emergency?**
- RFE 61** **Has the government convincingly and verifiably demonstrated that, in the preceding two years, it has not placed into receivership any union on grounds of national emergency?**

NAS Indicator B-5: the independence of trade unions from political control

[ANNOTATION: “Independence” is a highly ambiguous concept, in light of the many modes of interaction between unions and governments. Again, it is best to disaggregate that concept into more specific, well-defined measures. Note that international standards are not violated by union affiliation with a political party. However, the government may not insist that a union affiliate with the government or with a political party, or be controlled by the government. See *ILO Fifth Digest*.]

- RFE 62** **In the preceding two years, has the government demanded that a union affiliate with the government or political party or continue to affiliate with the government or political party?**

RFE 63 **Has the government convincingly and verifiably demonstrated that, in the preceding two years, it has not demanded that a union affiliate with the government or political party or continue to affiliate with the government or political**

NAS Indicator B-6: the ability of trade unions to provide support for political parties and candidates

[ANNOTATION: Again, “ability” has no legal definition, when used in this context. For example, the concept of “ability” is ambiguous about whether it is sufficient if the law permits trade unions to support political parties and candidates, or if unions are “able” to support political parties despite legal prohibitions on such activity; or whether instead the government must affirmatively provide trade unions with resources for political participation, as occurs in some European countries. International standards do not require governments to provide affirmative support to labor union activity. The only relevant question, then, is whether the government prohibits political activity by unions.]

RFE 64 **In the preceding two years, has the government prohibited a trade union from providing support to a political party or candidate?**

RFE 65 **Has the government convincingly and verifiably demonstrated that, in the preceding two years, it has not prohibited a trade union from providing support to a political party or candidate?**

NAS Indicator B-7: government actions to combat labor-related corruption (such as control of unions by criminal figures for use as a protection racket or for financial skimming) without prompt and effective prosecution

[ANNOTATION: NAS Indicator B-7 is poorly drafted. First, it asks about “government actions,” which include a wide range of undefined activities. Second, there is an obvious grammatical error: as drafted the Indicator demands that government take anti-corruption measures that are neither prompt nor inclusive of effective prosecution. Third, for reasons already given, it is best to separate the question of whether prosecutions have occurred from the question of whether criminal process is expeditious and effective. The following Indicators therefore ask whether prosecutions are

undertaken. Indicators above measure the speed and effectiveness of such prosecutions.]

1.2.3.4. Prosecution of Union-Related Corruption

RFE 66 **In the preceding year, has the government prosecuted all alleged perpetrators of union-related financial improprieties, where the government was or should have been aware of, and had or should have had reasonable cause to believe, the allegations?**

RF 67 **Has the government convincingly and verifiably demonstrated that, in the preceding two years, it has prosecuted all alleged perpetrators of union-related financial improprieties, where the government was or should have been aware of, and had or should have had reasonable cause to believe, the allegations?**

NAS Indicator B-8: the adequacy of personnel and budgets of labor regulation departments compared to number of workplaces, the frequency and adequacy of labor inspections, the caseloads of labor administrative bodies and labor court, and whether bribes are paid to labor inspectors by employers without effective prosecution.

[ANNOTATION: NAS Indicator B-8 is double-barreled, asking several questions about labor inspectorates and other labor administrative bodies. Two of the questions ask about “adequacy” without providing a metric for that concept. One asks about caseloads, again with no applicable yardstick. Is a high caseload indicative of a high level of violations and therefore a “severe problem,” or instead indicative of an effective case-processing machinery and therefore a lower level of problems? The ambiguity is compounded by the fact that, under ILO conventions, the term “labor administrative bodies” includes both labor inspectorates and labor courts, although the Indicator treats them as separate entities. Further, a high number of labor inspections and low level of labor-court cases might have divergent implications for assessing effective enforcement, yet the two matters are included in a single question. On these matters, the most useful metrics are comparative and longitudinal, for reasons discussed in Part IV of this paper: How do the budget and personnel of relevant

administrative bodies compare with other countries at similar income levels? At what rate are budgets and staffing levels increasing?]

[ANNOTATION: Note that it is unclear whether NAS Indicator B-8 and immediately subsequent NAS Indicators apply to enforcement and administration only of rights of association and collective bargaining, or apply to enforcement and administration of other rights and standards as well. By their terms the Indicators are not limited to rights of association and collective bargaining, yet they are lodged in the NAS section on government performance pertaining to those particular rights; and similar questions are repeated in the corresponding NAS sections on government performance pertaining to other rights and standards. If we could expect that in almost all countries the same entities – the same labor boards and inspectorates – enforced all labor rights, then it would make sense to have a single set of Indicators asking about the resources, caseload, and other features of those entities, rather than formulating separate Indicators for each labor right.

The strategy adopted in the refined Indicators is to start from the baseline assumption that in the majority of countries, one set of entities enforces rights of association and collective bargaining, another enforces employment discrimination, and a third enforces wages, hours, and occupational safety and health. Therefore, we formulate one set of Indicators to measure the performance of the labor inspectorate and other labor administrative bodies with respect to rights of association and collective bargaining, a second set to measure the performance of the labor inspectorate and other labor administrative bodies with respect to employment discrimination, and a third set with respect to the three conditions of work.

The reason is this: If we instead start from the assumption that a single set of entities enforced all these rights and standards and therefore formulate only one set of Indicators about the labor administration's performance, then analysts would be faced with a difficult task when assessing countries with separate entities devoted to enforcing different rights. If such a country's institutions performed quite differently in enforcing some rights than in enforcing other rights, the analyst would be faced with the knotty task of "averaging" or otherwise aggregating such varying performance. To take the example of the U.S., how would the analyst assess the aggregate performance of the NLRB for freedom of association, rights to organize, and rights to bargain collectively, the EEOC and the courts for employment discrimination, the Wage and Hours

Division of the Department of Labor for minimum wages and maximum hours, and OSHA for occupational safety and health? By instead formulating separate sets of Indicators, the analyst need not improvise an aggregation strategy and can instead simply follow the overall weighting and aggregation scheme for the Assessment Indicators. It is true that this strategy raises the converse problem when analysts must apply the separate sets of Indicators to countries where a unified labor administration enforces all rights and standards. For such countries, the Indicators ask the analysts to pro-rate the resources, personnel, caseload, etc., devoted to each right or standard. While that task is difficult, it seems less intractable than the task of aggregating the performance of entities with qualitatively different structures and functions.]

[ANNOTATION: The final prong of NAS Indicator B-8 asks about unprosecuted instances of bribery in the labor inspectorate. As to this matter, a strategy of formulating a single set of Indicators covering the entire labor administration seems more sensible. Instances of bribery are more readily cumulated than are other features of the separate entities comprising the labor administration. The question of bribery is therefore addressed below in the new, fourth category of Indicators pertaining to government Capacity-Building.]

1.2.3.5. Ratification and Reception of International Instruments on Labor Administration and Labor Inspection

[See ANNOTATION for RFL 1 above.]

RFE 68 **Has ILO Convention no. 150 on Labor Administration, 1978, been ratified and received into binding domestic law?**

[See ANNOTATION for RFL 2 above.]

RFE 69 **Regardless whether ILO Convention no. 178 has been received into domestic law, have the rights set forth in that Convention been defined more specifically in domestic legislation, administrative regulations, or other binding domestic legal instruments.**

[See ANNOTATION for RFL 1 above.]

RFE 70 **Has ILO Convention no. 81 on Labor Inspection, 1947, been ratified and received into binding domestic law?**

[See ANNOTATION for RFL 2 above.]

RFE 71 **Regardless whether ILO Convention no. 81 has been received into domestic law, have the rights set forth in that Convention been defined more specifically in domestic legislation, administrative regulations, or other binding domestic legal instruments?**

1.2.3.6. Budget and Personnel of Labor Administration and Labor Inspectorate Devoted to Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

RFE 72 **Does the budget of all labor administration activities devoted to enforcement of workers' freedom of association and rights to organize, bargain collectively, and strike per non-managerial worker exceed the average for countries in the same quintile of real income per capita?**

RFE 73 **Has the government convincingly and verifiably demonstrated that the budget of all labor administration activities devoted to enforcement of workers' freedom of association and rights to organize, bargain collectively, and strike per non-managerial worker exceeds the average for countries in the same quintile of real income per capita?**

RFE 74 **In the preceding five years, did the rate of growth of in the budget of all labor administration activities devoted to enforcement of workers' freedom of association and rights to organize, bargain collectively, and strike per non-managerial worker exceed 133 percent of the rate of growth in real income per capita?**

RFE 75 **Has the government convincingly and verifiably demonstrated that, in the preceding five years, the rate of growth in the budget of all labor administration activities devoted to enforcement of workers' freedom of association and rights to organize, bargain collectively,**

and strike per non-managerial worker exceeded 133 percent of the rate of growth in real income per capita?

- RFE 76** In the preceding five years, did the rate of growth in the budget of all labor administration activities devoted to enforcement of workers' freedom of association and rights to organize, bargain collectively, and strike per non-managerial worker exceed the average among countries in same quintile of real income per capita?
- RFE 77** Has the government convincingly and verifiably demonstrated that, in the preceding five years, the rate of growth in the budget of all labor administration activities devoted to enforcement of workers' freedom of association and rights to organize, bargain collectively, and strike per non-managerial worker exceeded the average among countries in same quintile of real income per capita?
- RFE 78** Does the number of labor inspectors devoted to enforcement of workers' freedom of association and rights to organize, bargain collectively, and strike per non-managerial worker exceed the average for countries in the same quintile of real income per capita?
- RFE 79** Has the government convincingly and verifiably demonstrated that the number of labor inspectors devoted to enforcement of workers' freedom of association and rights to organize, bargain collectively, and strike per non-managerial worker exceeds the average for countries in the same quintile of real income per capita?
- RFE 80** In the preceding five years, did the rate of growth in the number of labor inspectors devoted to enforcement of workers' freedom of association and rights to organize, bargain collectively, and strike per non-managerial worker exceed 133 percent of the rate of growth in real income per capita?
- RFE 81** Has the government convincingly and verifiably demonstrated that, in the preceding five years, the rate of growth in the number of labor inspectors devoted to enforcement of workers' freedom of association and rights to organize, bargain collectively, and strike per non-managerial worker exceeded 133 percent of the rate of growth in real income per capita?

- RFE 82** In the preceding five years, did the rate of growth in the number of labor inspectors devoted to enforcement of workers' freedom of association and rights to organize, bargain collectively, and strike per non-managerial worker exceed the average among countries in same quintile of real income per capita?
- RFE 83** Has the government convincingly and verifiably demonstrated that, in the preceding five years, the rate of growth in the number of labor inspectors devoted to enforcement of workers' freedom of association and rights to organize, bargain collectively, and strike per non-managerial worker exceeded the average among countries in same quintile of real income per capita?
- RFE 84** Does the average real monthly earnings of labor inspectors devoted to enforcement of workers' freedom of association and rights to organize, bargain collectively, and strike exceed the average among countries in the same quintile of real income per capita?
- RFE 85** Has the government convincingly and verifiably demonstrated that the average real monthly earnings of labor inspectors devoted to enforcement of workers' freedom of association and rights to organize, bargain collectively, and strike exceeds the average among countries in the same quintile of real income per capita?
- RFE 86** In the preceding five years, did the rate of growth in the average real monthly earnings of labor inspectors devoted to enforcement of workers' freedom of association and rights to organize, bargain collectively, and strike exceed 133 percent of the rate of growth in real income per capita?
- RFE 87** Has the government convincingly and verifiably demonstrated that, in the preceding five years, the rate of growth in the average real monthly earnings of labor inspectors devoted to enforcement of workers' freedom of association and rights to organize, bargain collectively, and strike exceeded 133 percent of the rate of growth in real income per capita?
- RFE 88** In the preceding five years, did the rate of growth in the average real monthly earnings of labor inspectors devoted to enforcement of workers' freedom of association and rights to organize, bargain

collectively, and strike per non-managerial worker exceed the average among countries in same quintile of real income per capita?

RFE 89 Has the government convincingly and verifiably demonstrated that, in the preceding five years, the rate of growth in the average real monthly earnings of labor inspectors devoted to enforcement of workers' freedom of association and rights to organize, bargain collectively, and strike per non-managerial worker exceeded the average among countries in same quintile of real income per capita?

1.2.3.7. Structure and Process of the Labor Inspectorate Devoted to Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

[ANNOTATION: Indicators as to budgetary resources, numbers, and salary of the labor inspectorate are crude quantitative measures of administrative capacity. The following Indicators test for the most important qualitative features of successful labor inspectorates. Piore and Schrank (2007, 2008) and Schrank (2009) find regular group trainings improve the functioning of labor inspectorates – not just for knowledge imparted to inspectors but also for building the “esprit de corps” that is vital to effective inspection strategies.]

RFE 90 In the preceding year, did the labor inspectorate conduct two or more group trainings for both new and incumbent inspectors respecting workers' freedom of association and rights to organize, bargain collectively, and strike?

RFE 91 Has the government convincingly and verifiably demonstrated that, in the preceding year, the labor inspectorate conducted two or more group trainings for both new and incumbent inspectors respecting workers' freedom of association and rights to organize, bargain collectively, and strike?

[ANNOTATION: Piore and Schrank (2007, 2008) and Schrank (2009) find that effective strategic planning requires coherent commitments among the political officials who guide the Ministry of Labor or labor inspectorate, the middle-tier inspectorate managers, and frontline inspectors.]

- RFE 92** In the preceding year, did the labor inspectorate convene one or more meetings among frontline inspectors, labor inspectorate managers, and political officials charged with overseeing the inspectorate, to deliberate about the performance of the inspectorate respecting enforcement of workers' freedom of association and rights to organize, bargain collectively, and strike, including deliberation about the inspectorate's strategic plan for the following year?
- RFE 93** Has the government convincingly and verifiably demonstrated that, in the preceding year, the labor inspectorate convened one or more meetings among frontline inspectors, labor inspectorate managers, and political officials charged with overseeing the inspectorate, to deliberate about the performance of the inspectorate respecting enforcement of workers' freedom of association and rights to organize, bargain collectively, and strike, including deliberation about the inspectorate's strategic plan for the following year?
- RFE 94** In the preceding year, did the labor inspectorate produce a strategic plan identifying categories of workplaces that were priority targets for inspection for matters of workers' freedom of association and rights to organize, bargain collectively, and strike?
- RFE 95** Has the government convincingly and verifiably demonstrated that, in the preceding year, the labor inspectorate produced a strategic plan identifying categories of workplaces that were priority targets for inspection for matters of workers' freedom of association and rights to organize, bargain collectively, and strike?
- [ANNOTATION: Labor inspectors typically depend on the legal staff of a Ministry of Justice or other entity to bring complaints seeking administrative or judicial enforcement of worker rights. In some instances, inspectorates are empowered to issue self-executing orders, but these rare powers typically apply to urgent health and safety violations, not to violations of freedom of association.]
- RFE 96** In the preceding year, in all but a trivial number of cases in which any violation of workers' freedom of association or rights to organize, bargain collectively, or strike found by the inspectorate was not promptly remedied to the inspectorate's satisfaction, did the

labor inspectorate refer the case to the competent body for filing complaints?

- RFE 97** **Has the government convincingly and verifiably demonstrated that, in the preceding year, in all but a trivial number of cases in which any violation of workers’ freedom of association or rights to organize, bargain collectively, and strike found by the inspectorate was not promptly remedied to the inspectorate’s satisfaction, the labor inspectorate referred the case to the competent body for filing complaints?**
- RFE 98** **In the preceding year, did the competent body for filing complaints – after a finding by the labor inspectorate of any violation of workers’ freedom of association or rights to organize, bargain collectively, and strike – do so for all but a trivial number of cases received by that body upon referral by the inspectorate?**
- RFE 99** **Has the government convincingly and verifiably demonstrated that, in the preceding year, the competent body for filing complaints – after a finding by the labor inspectorate of any violation of workers’ freedom of association or rights to organize, bargain collectively, and strike – did so for all but a trivial number of cases received by that body upon referral by the inspectorate?**

[ANNOTATION: The following Indicator tests for the type of information technology system that is critical to effective strategic planning. In addition, labor inspectors often experience frustration when cases referred for legal enforcement are not pursued by the competent legal body. Indeed, labor inspectors may be left in the dark about the status of such cases. An effective information technology system facilitates communication and coordination between the labor inspectorate and such bodies.]

- RFE 100** **In the preceding year, did the labor inspectorate use a (computerized) information technology system enabling inspectorate managers, at a minimum, to track the workplaces inspected, the findings for each inspection, any workplace remedies achieved after each inspection finding any violation of workers’ freedom of association and rights to organize, bargain collectively, and strike without referral of the case for complaint-based**

enforcement, and the progress of any complaint-based cases stemming from each investigation?

RFE 101 **Has the government convincingly and verifiably demonstrated that, in the preceding year, the labor inspectorate used a (computerized) information technology system enabling inspectorate managers, at a minimum, to track the workplaces inspected, the findings for each inspection, any workplace remedies achieved after each inspection finding any violation of workers’ freedom of association and rights to organize, bargain collectively, and strike without referral of the case for complaint-based enforcement, and the progress of any complaint-based cases stemming from each investigation?**

1.2.3.8. Government Education on Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

NAS Indicator B-9: the efforts by national, state or provincial, and municipal authorities to educate workers about their rights and remedies and of the effectiveness of those efforts

[ANNOTATION: NAS Indicator B-9 appears to ask for a qualitative description of educational activities. This does not fit the matrix structure. Or perhaps the Indicator asks for some quantitative measure of the degree of “efforts” to educate workers, but does not provide guidance to analysts about how to carry out that measurement. Indicator B-9 is also double-barreled, asking first for some description or measure of the actual efforts, and asking second for an assessment of effectiveness of those efforts. The Indicators below define only a quantitative measure of efforts.]

RFE 102 **In the preceding year, did the government’s budget per worker for all programs to educate workers about their freedom of association and rights to organize, bargain collectively, and strike exceed the average for countries in the same quintile of real income per capita?**

RFE 103 **Has the government convincingly and verifiably demonstrated that, in the preceding year, its budget per worker for all programs to educate workers about their freedom of association and rights to**

organize, bargain collectively, and strike exceeded the average for countries in the same quintile of real income per capita?

RFE 104 In the preceding five years, did the rate of growth in the government's real budget per worker for all programs to educate workers about their freedom of association and rights to organize, bargain collectively, and strike exceed the average for countries in the same quintile of real income per capita?

RFE 105 Has the government convincingly and verifiably demonstrated that, in the preceding year, the rate of growth in the government's real budget per worker for all programs to educate workers about their freedom of association and rights to organize, bargain collectively, and strike exceeded the average for countries in the same quintile of real income per capita?

NAS Indicator B-10: the efforts on the part of national, state or provincial, and municipal authorities to engage in capacity-building for government officials with responsibility for labor matters and of the effectiveness of those efforts

[ANNOTATION: NAS Indicator B-10 is highly general. It asks the analyst to aggregate widely different types of information – such as the government's collection of data about all aspects of enforcement; its use of the data to inform officials about weaknesses in the labor administration; its setting of targets and achievement of targets across all units of the labor administration; its training of labor administration officials at all levels; and so on. The new category of Capacity-Building Indicators below formulates measures of more specific elements.]

1.2.3.9. Government Relationship with Social Actors With Respect to Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

NAS Indicator B-11: government actions in encouraging consultation and in facilitating dissemination of best practices in labor-management cooperation, through unions, employer groups, labor-management organizations, labor-oriented NGOs, and tripartite social dialogue

[ANNOTATION: NAS Indicator B-11 has a confusing grammatical flaw. *Who* is the “consultation” among? And *to whom* are best practices disseminated? As written, it appears that the enumerated actors are the conduits of the government’s “facilitation” of the dissemination of best practices, and are not the object of the government’s “encouragement” of “consultation.” The apparent intention was to measure the government encouragement of consultation among the bodies enumerated after the word “through,” but that reading leads to a category error: A group of actors follows the word “through,” until the final term “tripartite social dialogue,” which denotes a social process. It makes no sense to say that consultation is “among” a group of actors and a social process. So, the apparent intention of Indicator B-11 is to measure three separate phenomena: The government’s encouragement of “consultation” among the group of four enumerated actors; the government’s encouragement of dialogue among a group of three actors, two of which (employers and worker organizations) are in the group of four enumerated actors, but one of which (government) is not; and the government’s facilitation of dissemination of best practices via the four enumerated actors and through the process of tripartite dialogue. Hence, we construct three separate refined Indicators. Moreover, the gradated concepts of “government encourage[ment]” and government “facilitat[ion]” are quite ambiguous. We instead use the somewhat more determinate binary concepts of government’s “coordination” of actual consultations and actual dissemination of best practices, and the actual achievement of the types of agreements (i.e., national or sectoral) that tripartite social dialogue aims to achieve.]

- RFE 106** In the preceding year, did a competent government body coordinate actual consultation among worker organizations, employer organizations, and labor-related non-governmental organizations?
- RFE 107** Has the government convincingly and verifiably demonstrated that, in the preceding year, a competent government body coordinated actual consultation among worker organizations, employer organizations, and labor-related non-governmental organizations?
- RFE 108** In the preceding year, did a competent government body coordinate the actual dissemination of best-practices in labor-management relations to employers and unions?

RFE 109 **Has the government convincingly and verifiably demonstrated that, in the preceding year, a competent government body coordinated the actual dissemination of best-practices in labor-management relations to employers and unions?**

[ANNOTATION: The preceding Indicator asks about dissemination of best practices only to employers and unions, not to “labor-management organizations” and “NGOs” as Indicator B-11 seems to intend. It seems unmanageable to determine, at a general level, the government’s interactions with NGOs and another undefined category of organizations (i.e., “labor-management organizations”). The following Indicator asks about more specific interactions.]

RFE 110 **In the preceding two years, did tripartite social dialogue among the government, union federations, and employer organizations result in one or more tripartite agreement(s) at the national or sectoral levels?**

RFE 111 **Has the government convincingly and verifiably demonstrated that, in the preceding two years, tripartite social dialogue among the government, union federations, and employer organizations resulted in one or more tripartite agreement(s) at the national or sectoral levels?**

NAS Indicator B-12: government actions in hindering or facilitating the formation and functioning of labor-advocate NGOs and of independent labor inspection, monitoring, and certification organizations

[ANNOTATION: NAS Indicator B-12 is needlessly ambiguous in concurrently asking about “hindering” and “facilitating.” While not technically double-barreled, Indicator B-12 lumps together groups that have different structures and carry out significantly different functions. That is, labor advocacy by NGOs is quite distinct from labor monitoring and certification. The following two Indicators address these two categories independently.]

- RFE 112** In the preceding year, did the government obstruct individuals or organizations from lawful advocacy on behalf of workers' freedom of association or rights to organize, bargain collectively, and strike?
- RFE 113** Has the government convincingly and verifiably demonstrated that, in the preceding year, it did not obstruct individuals or organizations from lawful advocacy on behalf of workers' freedom of association or rights to organize, bargain collectively, and strike?
- RFE 114** In the preceding year, did the government obstruct individuals or organizations from lawfully inspecting workplaces or monitoring compliance with workers' freedom of association or rights to organize, bargain collectively, and strike?
- RFE 115** Has the government convincingly and verifiably demonstrated that, in the preceding year, it did not obstruct individuals or organizations from lawfully inspecting workplaces or monitoring compliance with workers' freedom of association or rights to organize, bargain collectively, and strike?

NAS Indicator B-13: government actions in encouraging and enabling utilization of domestic and international channels about problems, difficulties, or violations of freedom of association and effective recognition of the right to collective bargaining

[ANNOTATION: NAS Indicator B-13 is too broad, amorphous, and redundant to salvage. The phrase "utilization of domestic and international channels" could denote any action by any domestic or international public labor agency, corporation, worker organization or NGO that enforces or advocates for labor rights. The Indicator is therefore vastly overbroad in its own right. It also subsumes many, perhaps most, of the more specific Indicators above. In addition, the categories of "problems, difficulties, or violations" are vague, and the concepts of "encouraging and enabling" are ambiguous.]

1.3. Capacity-Building on Compliance With Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

[ANNOTATION: ILO Conventions and UN Conventions require governments to collect comprehensive, accurate data on freedom of association, rights to organize, and rights to bargain collectively. See *ILO Convention no. 160 on Labor Statistics, 1985*; *ILO Convention no. 87 on Freedom of Association and Protection of the Right to Organize, 1948*; *ILO Convention no. 98 on Right to Organize and Collective Bargaining, 1949*; and *United Nations Committee on Economic, Social and Cultural Rights, General Comments 1, 3, 9, 18, 20*.

This section includes both absolute and comparative Indicators. The absolute Indicators ask whether the government's data collection meets the internationally recognized standards codified by the ILO's International Conference of Labor Statisticians and other authoritative international bodies of statisticians. The comparative Indicators ask whether the government's protocols for data-collection exceed the standards for comprehensiveness and accuracy implemented by other countries in the same quintile of real income per capita. (The following section formulates longitudinal Indicators, measuring the government's use of its own indicators and numerical targets to improve its data-collection capacities.)

The conditional phrase that begins each of the following Indicators ("If the government does collect data...") is merely for clarity. If a government does not collect data on employment discrimination at all, it receives a negative score on the Indicator. The government does not get a free pass on the ground that the Indicator does not apply to a government that does not collect such data. Otherwise, governments that do collect data on employment discrimination but do not collect comprehensive data would be unfairly penalized relative to governments that do not collect such data at all.]

1.3.1. Capacity-Building: Data Collection on Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

RFC 1 **If the government does collect data on workers' freedom of association and rights to organize, to bargain collectively, and to strike, is the data comprehensive, in the sense that the government has convincingly and verifiably demonstrated that the standards for comprehensiveness in the government's protocols for collection and verification of data on workers' freedom of association and**

rights to organize, to bargain collectively, and to strike for non-managerial, non-supervisory workers meet or exceed the standards set by the ILO’s International Conference of Labor Statisticians?

RFC 2 If the government does collect data on workers’ freedom of association and rights to organize, to bargain collectively, and to strike, is the data comprehensive, in the sense that the government has convincingly and verifiably demonstrated that the standards for comprehensiveness in the government’s protocols for collection and verification of data on workers’ freedom of association and rights to organize, to bargain collectively, and to strike for non-managerial, non-supervisory workers exceed the average standard of comprehensiveness among governments in the same quintile of real income per capita?

RFC 3 If the government does collect data on workers’ freedom of association and rights to organize, to bargain collectively, and to strike, is the data accurate, in the sense that the government has convincingly and verifiably demonstrated that the standards for the government’s protocols for collection and verification of data on workers’ freedom of association and rights to organize, to bargain collectively, and to strike for non-managerial, non-supervisory workers meet or exceed the standards set by the ILO’s International Conference of Labor Statisticians?

RFC 4 If the government does collect data on workers’ freedom of association and rights to organize, to bargain collectively, and to strike, is the data accurate, in the sense that the government has convincingly and verifiably demonstrated that the standards for the government’s protocols for collection and verification of data on workers’ freedom of association and rights to organize, to bargain collectively, and to strike for non-managerial, non-supervisory workers exceed the average standard of accuracy among governments in the same quintile of real income per capita?

1.3.2 Capacity-Building: Government’s Use of its Own Indicators and Numerical Targets on Compliance with Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

[ANNOTATION: At the risk of causing confusion, the Capacity-Building Indicators include Indicators about the government’s formulation, application, and implementation of its own body of Indicators. That is, “Indicators” may refer either to (1) the body of Indicators developed in this paper for use by U.S. analysts in assessing governments, or (2) the body of Indicators developed and applied by the government themselves, to self-monitor their own performance. Since ILO and UN instruments require each government to develop its own set of Indicators and numerical targets, it is essential that the U.S. formulate the “indicators about indicators” found below. Fortunately, the context will make clear whether a given Indicator is a U.S. Indicator (found in this papers’ body of Indicators) or a trading partner’s own Indicator. Where the context may not clarify the point, the Indicators below explicitly refer to the “U.S. Indicators” or the assessed “government’s own Indicators.”]

1.3.2.1. Capacity-Building: Government Indicators and Targets on Improvements in Defining Substantive Standards, Efforts to Enforce Standards, and Outcomes on Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

RFC 5 **Has the government, in the preceding two years, applied its own Indicators and numerical targets at least annually to measure its compliance with workers’ freedom of association and rights to organize, to bargain collectively, and to strike?**

[ANNOTATION: If the answer the preceding Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 6 **If the government, in the preceding two years, has applied its own Indicators and numerical targets to measure its compliance with workers’ freedom of association and rights to organize, to bargain collectively, and to strike, have the Indicators included Indicators of improvement in the substantive definition of workers’ freedom of association and rights to organize, to bargain collectively, and to strike?**

[ANNOTATIO: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 7 **If the government has, in the preceding two years, applied numerical targets for the improvement of substantive standards for workers’ freedom of association and rights to organize, to bargain collectively, and to strike, has the government convincingly and verifiably demonstrated that the percentage degree of improvement during the previous five years required by the targets exceeded the average actual annual percentage degree of improvement during the previous five years by the countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 8 **If the answer to the previous Indicator is “yes,” has the government convincingly and verifiably demonstrated that it met its targets?**

[ANNOTATION: If the government has not, in the previous two years, applied its own Indicators and targets to measure its compliance with workers’ freedom of association and rights to organize, to bargain collectively, and to strike, then the answer to the following Indicator is “no.”]

RFC 9 **In the preceding two years, if the government has applied its own Indicators and numerical targets to measure its compliance with workers’ freedom of association and rights to organize, to bargain collectively, and to strike, have the Indicators included Indicators of improvement in efforts to enforce workers’ freedom of association and rights to organize, to bargain collectively, and to strike?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 10 **If the government has, in the preceding two years, applied numerical targets for improvement in efforts to enforce workers’ freedom of association and rights to organize, to bargain collectively, and to strike, has the government convincingly and verifiably demonstrated that the percentage degree of improvement during the previous five years required by the targets exceeded the average actual annual percentage degree of improvement during the previous five years by the countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 11 **If the answer to the previous Indicator is “yes,” has the government convincingly and verifiably demonstrated that it met its targets?**

[ANNOTATION: If the government has not, in the previous two years, applied its own Indicators and targets to measure its compliance with workers’ freedom of association and rights to organize, to bargain collectively, and to strike, then the answer to the following Indicator is “no.”]

RFC 12 **If the government has, in the preceding two years, applied its own Indicators and numerical targets to measure its compliance with workers’ freedom of association and rights to organize, to bargain collectively, and to strike, have the Indicators included Indicators of improved outcomes in the enforcement of workers’ freedom of association and rights to organize, to bargain collectively, and to strike?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 13 **If the government has, in the preceding two years, applied numerical targets for improved outcomes in the enforcement of workers’ freedom of association and rights to organize, to bargain collectively, and to strike, has the government convincingly and verifiably demonstrated that the percentage degree of improvement during the previous five years required by the targets exceeded the average actual annual percentage degree of improvement during the previous five years by the countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 14 **If the answer to the previous Indicator is “yes,” has the government convincingly and verifiably demonstrated that it met its targets?**

1.3.2.2. Capacity-Building: Sufficient Specification of Government Indicators and Targets on Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

[ANNOTATION: If the government has not applied Indicators and targets to freedom of association, rights to organize, and rights to bargain collectively, then the answer to the following six Indicators is “no.”

RFC 15 In the preceding two years, if the government has applied its own Indicators and numerical targets to workers’ freedom of association and rights to organize, to bargain collectively, and to strike, has the government specified the Indicators sufficiently to enable analysts to accurately and readily apply more than 80 percent of the Indicators contained in this body of Indicators pertaining to the substantive definition of workers’ freedom of association and rights to organize, to bargain collectively, and to strike?

RFC 16 In the preceding two years, if the government has applied its own Indicators and numerical targets to workers’ freedom of association and rights to organize, to bargain collectively, and to strike, has the government specified the Indicators sufficiently to enable analysts to accurately and readily apply a greater percentage of the Indicators contained in this body of Indicators pertaining to the substantive definition of workers’ freedom of association and rights to organize, to bargain collectively, and to strike than the average number that can accurately and readily be applied based on the specification of Indicators of other countries in the same quintile of real income per capita?

RFC 17 In the preceding two years, if the government has applied its own Indicators and numerical targets to workers’ freedom of association and rights to organize, to bargain collectively, and to strike, has the government specified the Indicators sufficiently to enable analysts to accurately and readily apply more than 80 percent of the Indicators contained in this body of Indicators pertaining to the enforcement of substantive workers’ freedom of association and rights to organize, to bargain collectively, and to strike?

- RFC 18** In the preceding two years, if the government has applied its own Indicators and numerical targets to workers' freedom of association and rights to organize, to bargain collectively, and to strike, has the government specified the Indicators sufficiently to enable analysts to accurately and readily apply a greater percentage of the Indicators contained in this body of Indicators pertaining to the enforcement of substantive rights of workers' freedom of association and rights to organize, to bargain collectively, and to strike than the average number that can accurately and readily be applied based on the specification of Indicators of other countries in the same quintile of real income per capita?
- RFC 19** In the preceding two years, if the government has applied its own Indicators and numerical targets to rights of workers' freedom of association and rights to organize, to bargain collectively, and to strike, has the government specified the Indicators sufficiently to enable analysts to accurately and readily apply more than 80 percent of the Indicators contained in this body of Indicators pertaining to the outcome of enforcement of substantive workers' freedom of association and rights to organize, to bargain collectively, and to strike?
- RFC 20** In the preceding two years, if the government has applied its own Indicators and numerical targets to rights of workers' freedom of association and rights to organize, to bargain collectively, and to strike, has the government specified the Indicators sufficiently to enable analysts to accurately and readily apply a greater percentage of the Indicators contained in this body of Indicators pertaining to the outcome of enforcement of substantive rights of workers' freedom of association and rights to organize, to bargain collectively, and to strike than the average number that can accurately and readily be applied based on the specification of Indicators of other countries in the same quintile of real income per capita?
- 1.3.2.3 Capacity-Building: Government Indicators and Targets on Budgets and Personnel of Labor Administration and Tribunals Devoted to Freedom of Association, Rights to Organize, and Rights to Bargain Collectively**

RFC 21 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the budgetary resources of all labor administration activities devoted to enforcement of workers’ freedom of association, rights to organize, and rights to bargain collectively per non-managerial worker?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RFC 22 If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for increasing the budgetary resources of all labor administration activities devoted to enforcement of workers’ freedom of association, rights to organize, and rights to bargain collectively per non-managerial worker, has the government convincingly and verifiably demonstrated that the targeted increases exceed the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 23 In the preceding two years, has the government met its targets for increasing the budgetary resources of all labor administration activities devoted to enforcement of workers’ freedom of association, rights to organize, and rights to bargain collectively per non-managerial worker?

RFC 24 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the budgetary resources of all labor administration activities devoted to enforcement of workers’ freedom of association, rights to organize, and rights to bargain collectively per non-managerial worker?

RFC 25 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increases in the budgetary resources for the labor tribunals devoted to processing and deciding cases on freedom of association, rights to organize, and rights to bargain collectively?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RFC 26 **If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for increases in the budgetary resources for the labor tribunals devoted to processing and deciding cases on freedom of association, rights to organize, and rights to bargain collectively, has the government convincingly and verifiably demonstrated that the targeted increases exceed the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 27 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increased budgetary resources for the labor tribunals devoted to processing and deciding cases on freedom of association, rights to organize, and rights to bargain collectively?**

RFC 28 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increases in the number of judges and administrators devoted to processing and deciding cases on freedom of association, rights to organize, and rights to bargain collectively?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RFC 29 **If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for increases in the number of judges and administrators devoted to processing and deciding cases on freedom of association, rights to organize, and rights to bargain collectively, has the government convincingly and verifiably demonstrated that the targeted increases exceeded the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 30 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the number of judges and administrators devoted to processing and deciding cases on freedom of association and collective?

RFC 31 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increases in the salary of judges and administrators devoted to processing and deciding cases on freedom of association, rights to organize, and rights to bargain collectively?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RFC 32 If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for increases in the salary of judges and administrators devoted to processing and deciding cases on freedom of association, rights to organize, and rights to bargain collectively, has the government convincingly and verifiably demonstrated that the targeted increases exceeded the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 33 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the salary of judges and administrators devoted to processing and deciding cases on freedom of association, rights to organize, and rights to bargain collectively?

RFC 34 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for improvement in the training of judges and administrators devoted to processing and deciding cases on freedom of association, rights to organize, and rights to bargain collectively?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RFC 35 **If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for improvement in the training of judges and administrators devoted to processing and deciding cases on freedom of association, rights to organize, and rights to bargain collectively, has the government convincingly and verifiably demonstrated that the targeted improvements exceed the average actual rate of improvement during the preceding five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 36 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for improvement in the training of judges and administrators devoted to processing and deciding cases on freedom of association, rights to organize, and rights to bargain collectively?**

1.3.2.4. Capacity-Building: Government Indicators and Targets on Lapse of Time in Processing Complaints on Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

RFC 37 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for reducing the average lapse of time between the filing of a complaint before a tribunal devoted to processing and deciding cases on freedom of association, rights to organize, and rights to bargain collectively and the final disposition by the tribunal (that is, a disposition finding either no violation; a violation and remedial order; or settlement of the case)?**

[ANNOTATION 2: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RFC 38 **If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for reducing the average lapse of time between the filing of a complaint before a tribunal devoted to processing and deciding cases on freedom of association, rights to organize, and rights to bargain collectively and the final disposition by the tribunal (that is, a disposition finding either no violation; a violation and remedial order; or settlement of the case), has the government convincingly and verifiably demonstrated that the targeted reductions exceed the average targeted reductions among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 39 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets in reducing the average lapse of time between the filing of a complaint before a tribunal devoted to processing and deciding cases on freedom of association, rights to organize, and rights to bargain collectively and the final disposition by the tribunal (that is, a disposition finding either no violation; a violation and remedial order; or settlement of the case)?**

1.3.2.5. Capacity-Building: Government Indicators and Targets on Information Technology Used by Tribunals Devoted to Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

RFC 40 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for improving the information technology applied to case processing by the labor tribunal devoted to processing and deciding cases on freedom of association, rights to organize, and rights to bargain collectively?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RFC 41 If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for improving the information technology applied to case processing by the labor tribunal devoted to processing and deciding cases on freedom of association, rights to organize, and rights to bargain collectively, has the government convincingly and verifiably demonstrated that the targeted improvements exceed the average actual rate of improvement during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

1.3.2.6. Capacity-Building: Government Indicators and Targets on Filing Complaints and Indictments on Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

RFC 42 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for improving the information technology applied to case processing by the labor tribunal devoted to processing and deciding cases on freedom of association, rights to organize, and rights to bargain collectively?

RFC 43 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which workers and worker organizations alleging violation of their rights to associate, collectively bargain, or strike were able to file complaints, or have complaints or indictments filed on their behalf, with administrative or judicial tribunals empowered to enforce those rights?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RFC 44 If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for increasing the rate at which workers and worker organizations alleging violation of their rights to associate, collectively bargain, or strike were able to file complaints, or have complaints or indictments filed on their

behalf, with administrative or judicial tribunals empowered to enforce those rights, has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of improvement during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 45 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the rate at which workers and worker organizations alleging violation of their rights to associate, collectively bargain, or strike were able to file complaints, or have complaints or indictments filed on their behalf, with administrative or judicial tribunals empowered to enforce those rights?

RFC 46 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for decreasing the lapse of time between workers and worker organizations bringing allegations to the government’s attention (pertaining to workers’ right to associate, to collectively bargain, or to strike) and the filing of a complaint by government attorneys or other government officials, in all cases in which domestic law stipulates that the worker’s or worker organization’s civil case can be initiated by such a complaint?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RFC 47 If in the preceding two years the government has at least annually applied such Indicators and numerical targets, has the government convincingly and verifiably demonstrated that the targeted decrease in the lapse of time exceeds the average actual rate of decrease during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 48 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for decreasing the lapse of time between workers and worker organizations bringing allegations to the government’s attention (pertaining to workers’ right to associate, to collectively bargain, or to strike) and the filing of a complaint by government attorneys or other government officials, in all cases in which domestic law stipulates that the worker’s or worker organization’s civil case can be initiated by such a complaint?

RFC 49 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which prosecutors filed criminal indictments in all cases in which there was reasonable cause to believe that labor union supporters or their families were victims of criminal acts motivated by the victim’s or victim’s family member’s support for the union?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RFC 50 If in the preceding two years the government has at least annually applied such Indicators and numerical targets, has the government convincingly and verifiably demonstrated that the targeted increase in filing criminal indictments exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 51 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the rate at which prosecutors filed criminal indictments in all cases in which there was reasonable cause to believe that labor union supporters or their families were victims of criminal acts motivated by the victim’s or victim’s family member’s support for the union?

RFC 52 In the preceding two years, has the government ensured, in all such cases in which domestic law stipulated that the worker’s or worker organization’s criminal case could be initiated exclusively by an

indictment filed by government attorneys or other government officials and in which there was reasonable cause to believe that criminal law was violated, that the indictment was filed within four months of the matter being brought to the government’s attention and within two weeks of the time when the government did or should have found reasonable cause to believe that criminal law was violated?

RFC 53 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for decreasing the lapse of time between workers and worker organizations bringing allegations to the government’s attention and the issuance of a criminal indictment in all cases in which the government had, or should have had, reasonable cause to believe that labor union supporters or their families were victims of criminal acts motivated by the victim’s or victim’s family member’s support for the union?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RFC 54 If in the preceding two years the government has at least annually applied such Indicators and numerical targets, has the government convincingly and verifiably demonstrated that the targeted decrease in the lapse of time exceeds the average actual rate of decrease during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 55 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for decreasing the lapse of time between workers and worker organizations bringing allegations to the government’s attention and the issuance of a criminal indictment in all cases in which the government had, or should have had, reasonable cause to believe that labor union supporters or their families were victims of criminal acts motivated by the victim’s or victim’s family member’s support for the union?

1.3.2.7. Capacity-Building: Government Indicators and Targets on Independence of Tribunals Devoted to Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

RFC 56 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which members of tribunals (deciding cases of alleged violations of rights to associate, to collectively bargain, or to strike) were independent of complaining workers, of complained-against employers, and of complained-against government agencies or officials – except for the employee and employer members of a tribunal explicitly composed of one or more neutral member(s) together with equal numbers of employer and employee representatives?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RFC 57 If in the preceding two years the government has at least annually applied such Indicators and numerical targets, has the government convincingly and verifiably demonstrated that the targeted increase in the rate at which members of tribunals (deciding cases of alleged violations of rights to associate, to collectively bargain, or to strike) were independent of complaining workers, of complained-against employers, and of complained-against government agencies or officials (except for the employee and employer members of a tribunal explicitly composed of one or more neutral member(s) together with equal numbers of employer and employee representatives) exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 58 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the rate at which tribunals (deciding cases of alleged violations of rights to associate, to collectively bargain, or to strike) were independent of complaining workers, of complained-against employers, and of

complained-against government agencies or officials -- except for the employee and employer members of a tribunal explicitly composed of one or more neutral member(s) together with equal numbers of employer and employee representatives?

1.3.2.8. Capacity-Building: Government Indicators and Targets on Retaliation against Workers who File Complaints on Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

RFC 59 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which (a) workers who filed with government officials complaints or allegations of violations of freedom of association or collective bargaining rights, (b) workers on behalf of whom such complaints or indictments were filed, and (c) any parties filing such complaints or allegations on behalf of workers, were effectively protected against retaliation for filing such complaints or allegations?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RFC 60 **If in the preceding two years the government has at least annually applied such Indicators and numerical targets, has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 61 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the rate at which (a) workers who filed with government officials complaints or allegations of violations of freedom of association or collective bargaining rights, (b) workers on behalf of whom such complaints or indictments were filed, and (c) any parties filing such complaints or**

allegations on behalf of workers, were effectively protected against retaliation for filing such complaints or allegations?

1.3.2.9. Capacity-Building: Government Indicators and Targets on Fair Process of Tribunals Devoted to Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

RFC 62 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which all non-trivial proceedings of tribunals hearing cases pertaining to workers' freedom of association and rights to organize, to bargain collectively, and to strike were open to the public, except where necessary to protect the anonymity of complaining workers?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RFC 63 If in the preceding two years the government has at least annually applied such Indicators and numerical targets, has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 64 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the rate at which all non-trivial proceedings of tribunals hearing cases pertaining to workers' freedom of association and rights to organize, to bargain collectively, and to strike were open to the public, except where necessary to protect the anonymity of complaining workers?

RFC 65 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which the parties were able to present all material evidence to support or defend their respective positions in cases alleging

violations of workers’ freedom of association and rights to organize, to bargain collectively, and to strike?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RFC 66 **If in the preceding two years the government has at least annually applied such Indicators and numerical targets, has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 67 **Has the government convincingly and verifiably demonstrated that in the previous two years it met its targets for increasing the rate at which the parties were able to present all material evidence to support or defend their respective positions in cases alleging violations of workers’ freedom of association and rights to organize, to bargain collectively, and to strike?**

RFC 68 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which the final decisions of tribunals were written, reasoned, and published?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RFC 69 **If in the preceding two years the government has at least annually applied such Indicators and numerical targets for issuance of written, reasoned, public final decisions, has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 70 **Has the government convincingly and verifiably demonstrated that in the previous two years it met its targets for increasing the rate at which the final decisions of tribunals were written, reasoned, and published?**

1.3.2.10. Capacity-Building: Government Indicators and Targets on Remedies for Violations of Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

RFC 71 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which tribunals at a minimum ordered the employer to reinstate the worker with back pay, in cases in which tribunals found that a worker was discharged for anti-union motives?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RFC 72 **If in the preceding two years the government has at least annually applied such Indicators and numerical targets, has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 73 **Has the government convincingly and verifiably demonstrated that in the previous two years it met its targets for increasing the rate at which tribunals at a minimum ordered the employer to reinstate the worker with back pay, in cases in which tribunals found that a worker was discharged for anti-union motives?**

RFC 74 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the**

rate at which tribunals at a minimum ordered the employer to cease the adverse action and to compensate the worker fully for all damages suffered as a result of the adverse action, in all cases in which tribunals found that adverse action other than discharge was taken against a worker for anti-union motives?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RFC 75 **If in the preceding two years the government has at least annually applied such Indicators and numerical targets, has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 76 **Has the government convincingly and verifiably demonstrated that in the previous two years it met its targets for increasing the rate at which tribunals at a minimum ordered the employer to cease the adverse action and to compensate the worker fully for all damages suffered as a result of the adverse action, in all cases in which tribunals found that adverse action other than discharge was taken against a worker for anti-union motives?**

RFC 77 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which tribunals – in all cases in which the tribunal found that an employer supported, dominated, or interfered in the internal administration of a worker organization – at a minimum ordered the employer to cease such support, domination, or interference, to dismantle any worker organization established by the employer, and to fully compensate representative organizations for any impedance to their lawful activities on behalf of workers’ interests?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RFC 78 If in the preceding two years the government has at least annually applied such Indicators and numerical targets, has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 79 Has the government convincingly and verifiably demonstrated that in the previous two years it met its targets for increasing the rate at which tribunals – in all cases in which the tribunal found that an employer supported, dominated, or interfered in the internal administration of a worker organization – at a minimum ordered the employer to cease such support, domination, or interference, to dismantle any worker organization established by the employer, and to fully compensate representative organizations for any impedance to their lawful activities on behalf of workers’ interests?

RFC 80 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which tribunals – in all cases in which the tribunal found that an employer refused to recognize a lawfully representative worker organization for purposes of collective bargaining – at a minimum ordered the employer to recognize the organization, to immediately bargain in good faith, and to compensate workers for their estimated loss in wages and benefits owing to the delay in bargaining?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RFC 81 If in the preceding two years the government has at least annually applied such Indicators and numerical targets, has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 82 **Has the government convincingly and verifiably demonstrated that in the previous two years it met its targets for increasing the rate at which tribunals – in all cases in which the tribunal found that an employer refused to recognize a lawfully representative worker organization for purposes of collective bargaining – at a minimum ordered the employer to recognize the organization, to immediately bargain in good faith, and to compensate workers for their estimated loss in wages and benefits owing to the delay in bargaining?**

[ANNOTATION: Note that the following Indicator is based on the legal rule that employers are not permitted to hire permanent replacements. The Indicator asks whether strikers were immediately reinstated when they ended their strikes, on the presumption that employers may hire temporary replacements but not permanent replacements.]

RFC 83 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which tribunals – in all cases in which the tribunal found that an employer has discharged strikers or has hired replacements for strikers – at a minimum ordered the employer to reinstate the worker to her former position at such time as the worker demanded reinstatement and to pay the worker back wages for the time between the demand for reinstatement and reinstatement?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RFC 84 **If in the preceding two years the government has at least annually applied such Indicators and numerical targets, has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 85 Has the government convincingly and verifiably demonstrated that in the previous two years it met its targets for increasing the rate at which tribunals – in all cases in which the tribunal found that an employer has discharged strikers or has hired replacements for strikers – at a minimum ordered the employer to reinstate the worker to her former position at such time as the worker demanded reinstatement and to pay the worker back wages for the time between the demand for reinstatement and the reinstatement?

RFC 86 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which tribunals imposed punitive sanctions against the employer, in all cases in which an employer has violated a tribunal's order enforcing workers' or worker organizations' rights of association, collective bargaining, or striking?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RFC 87 If in the preceding two years the government has at least annually applied such Indicators and numerical targets, has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 88 Has the government convincingly and verifiably demonstrated that in the previous two years it met its targets for increasing the rate at which tribunals imposed punitive sanctions against the employer, in all cases in which an employer has violated a tribunal's order enforcing workers' or worker organizations' rights of association, collective bargaining, or striking?

1.3.2.11. Capacity-Building: Government Indicators and Targets on Resources and Functions of Labor Inspectorate Devoted to Freedom of Association, Rights to Organize, and Rights to Bargain

Collectively

RFC 89 **In the preceding two years has the government at least annually applied its own Indicators and numerical targets for increases in the number of labor inspectors devoted to enforcing workers’ freedom of association and rights to organize, to bargain collectively, and to strike?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 90 **If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for increases in the number of labor inspectors devoted to enforcing workers’ freedom of association and rights to organize, to bargain collectively, and to strike, has the government convincingly and verifiably demonstrated that the targeted increases exceeded the average actual rate of increase during the previous five years among countries in the same quintile of income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 91 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the number of labor inspectors devoted to enforcing workers’ freedom of association and rights to organize, to bargain collectively, and to strike?**

RFC 92 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increases in the salary of labor inspectors devoted to enforcing workers’ freedom of association and rights to organize, to bargain collectively, and to strike?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 93 **If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for increases in the**

salary of labor inspectors devoted to enforcing workers' freedom of association and rights to organize, to bargain collectively, and to strike, has the government convincingly and verifiably demonstrated that the targeted increases exceeded the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 94 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the salary of labor inspectors devoted to enforcing workers' freedom of association and rights to organize, to bargain collectively, and to strike?**

RFC 95 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for improvement in the training of labor inspectors devoted to enforcing workers' freedom of association and rights to organize, to bargain collectively, and to strike?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 96 **If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for improvement in the training of labor inspectors devoted to enforcing workers' freedom of association and rights to organize, to bargain collectively, and to strike, has the government convincingly and verifiably demonstrated that the targeted improvements exceed the average actual rate of improvement during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 97 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for improvement in the training of labor inspectors devoted to enforcing workers' freedom**

of association and rights to organize, to bargain collectively, and to strike?

RFC 98 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for improvement in convening meetings among frontline inspectors, labor inspectorate managers, and political officials charged with overseeing the inspectorate, to deliberate about the performance of the inspectorate respecting enforcement of workers' freedom of association, rights to organize, and rights to bargain collectively, including deliberation about the inspectorate's strategic plan for the following year?

[ANNOTATION: If the answer to the previous Indicator is "no," the answer to the following Indicator is also "no."]

RFC 99 If in the preceding two years the government has at least annually applied such Indicators and numerical targets for improvement, has the government convincingly and verifiably demonstrated that the targeted improvements exceed the average actual rate of improvement during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is "no," the answer to the following Indicator is also "no."]

RFC 100 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for improvement in convening meetings among frontline inspectors, labor inspectorate managers, and political officials charged with overseeing the inspectorate, to deliberate about the performance of the inspectorate respecting enforcement of workers' freedom of association, rights to organize, and rights to bargain collectively, including deliberation about the inspectorate's strategic plan for the following year?

RFC 101 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for reducing the average lapse of time between the start of an inspection pertaining to workers' freedom of association and rights to organize, to bargain

collectively, and to strike and the final disposition by the inspectorate (that is, a disposition finding either no violation; successful remediation of the complaint; or referral of the case for prosecution)?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 102 **If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for reducing the average lapse of time between the start of an inspection pertaining to workers’ freedom of association and rights to organize, to bargain collectively, and to strike and the final disposition by the inspectorate (that is, a disposition finding either no violation; successful remediation of the complaint; or referral of the case for prosecution), has the government convincingly and verifiably demonstrated that the targeted improvements exceed the average actual rate of improvement during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 103 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets in reducing the average lapse of time between the start of an inspection pertaining to workers’ freedom of association and rights to organize, to bargain collectively, and to strike and the final disposition by the inspectorate (that is, a disposition finding either no violation; successful remediation of the complaint; or referral of the case for prosecution an increased number of labor inspectors devoted to enforcing workers’ freedom of association and rights to organize, to bargain collectively, and to strike)?**

RFC 104 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for improving the information technology applied to case processing by the labor inspectorate on matters of workers’ freedom of association and rights to organize, to bargain collectively, and to strike?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 105 If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for improving the information technology applied to case processing by the labor inspectorate on matters of workers’ freedom of association and rights to organize, to bargain collectively, and to strike, has the government convincingly and verifiably demonstrated that the targeted improvements exceed the average actual rate of improvement during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 106 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for improving the information technology applied to case processing by the labor inspectorate on matters of workers’ freedom of association and rights to organize, to bargain collectively, and to strike?

RFC 107 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for improving the labor inspectorate’s production of a strategic plan identifying categories of workplaces that were priority targets for inspection for matters of workers’ freedom of association, rights to organize, and rights to bargain collectively?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 108 If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for improving the labor inspectorate’s production of a strategic plan identifying categories of workplaces that were priority targets for inspection for matters of workers’ freedom of association, rights to organize, and rights to bargain collectively, has the government convincingly and verifiably demonstrated that the targeted improvements exceed the

average actual rate of improvement during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 109 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for improving the labor inspectorate’s production of a strategic plan identifying categories of workplaces that were priority targets for inspection for matters of workers’ freedom of association, rights to organize, and rights to bargain collectively?

[ANNOTATION: Labor inspectors typically depend on the legal staff of a Ministry of Justice or other entity to bring complaints seeking administrative or judicial enforcement of worker rights. In some instances, inspectorates are empowered to issue self-executing orders, but these rare powers typically apply to urgent health and safety violations, not to violations of freedom of association.]

RFC 110 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which the competent body filed complaints with the relevant tribunal, upon referral by the labor inspectorate after the labor inspectorate found a violation, or reasonable cause to believe there was a violation, of workers’ freedom of association or rights to collective bargaining?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 111 If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for such an increase, has the government convincingly and verifiably demonstrated that the targeted increase exceed the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RFC 112 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the rate at which the competent body filed complaints with the relevant tribunal, upon referral by the labor inspectorate after the labor inspectorate found a violation, or reasonable cause to believe there was a violation, of workers' freedom of association or rights to collective bargaining?

1.3.2.12. Capacity-Building: Government Indicators and Targets on Public Education on Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

RFC 113 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the government's budgetary resources per worker for all programs to educate workers about their rights of association and collective bargaining?

[ANNOTATION: If the answer to the previous Indicator is "no," the answer to the following Indicator is also "no."]

RFC 114 If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for such an increase, has the government convincingly and verifiably demonstrated that the targeted increases exceed the average actual rate of improvement during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is "no," the answer to the following Indicator is also "no."]

RFC 115 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the government's budgetary resources per worker for all programs to educate workers about their rights of association and collective bargaining?

1.3.3. Capacity-Building: Participation and Transparency in Compliance with Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

1.3.3.1. Capacity-Building: Consultation with Worker, Employer, and Other Organizations on Improving Substantive for Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved substantive standards of workers' freedom of association and rights to organize, to bargain collectively, and to strike, then the answer to the following Indicator is "no."]

RFC 116 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved substantive standards of workers' freedom of association and rights to organize, to bargain collectively, and to strike, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?**

1.3.3.2. Capacity-Building: Written Statement and Opportunity for Response on Improving Substantive Standards on Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved substantive standards of workers' freedom of association and rights to organize, to bargain collectively, and to strike, or did not consult with organizations prior to formulating and applying Indicators and targets, then the answer to the following Indicator is "no."]

RFC 117 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets for improved substantive standards of workers’ freedom of association and rights to organize, to bargain collectively, and to strike?**

1.3.3.3. Capacity-Building: Evaluation of Success in Improving Substantive Standards on Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improving substantive standards of workers’ freedom of association and rights to organize, to bargain collectively, and to strike, then the answer to the following Indicator is “no.”]

RFC 118 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving substantive standards of workers’ freedom of association and rights to organize, to bargain collectively, and to strike, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations during the evaluation process?**

1.3.3.4. Capacity-Building: Written Statement and Opportunity for Response on Evaluating Success in Improving Substantive Standards on Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improving substantive standards of workers’ freedom of association and rights to organize, to bargain collectively, and to strike, or did not consult with organizations during the evaluation process, then the answer to the following Indicator is “no.”]

RFC 119 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to rendering a final evaluation of its success in meeting its numerical targets for improved substantive standards of workers’ freedom of association and rights to organize, to bargain collectively, and to strike?**

1.3.3.5. Capacity-Building: Consultation with Worker, Employer, and Other Groups on Improving Efforts to Enforce Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved efforts to enforce substantive standards of workers’ freedom of association and rights to organize, to bargain collectively, and to strike, then the answer to the following Indicator is “no.”]

RFC 120 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved efforts to enforce substantive standards of workers’ freedom of association and rights to organize, to bargain collectively, and to strike, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?**

1.3.3.6. Capacity-Building: Written Statement and Opportunity for Response Prior to Formulating and Applying Indicators and Numerical Targets on Improving Efforts to Enforce Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved efforts to enforce substantive standards of workers’ freedom of association and rights to

organize, to bargain collectively, and to strike, or did not consult with organizations prior to formulating and applying Indicators and targets, then the answer to the following Indicator is “no.”]

RFC 121 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets on improved efforts to enforce workers’ freedom of association and rights to organize, to bargain collectively, and to strike?**

1.3.3.7. Capacity-Building: Consultation with Worker, Employer, and Other Groups in Evaluating the Government’s Success in Improving Efforts to Enforce Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improved efforts to enforce substantive standards of workers’ freedom of association and rights to organize, to bargain collectively, and to strike, then the answer to the following Indicator is “no.”]

RFC 122 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for improved efforts to enforce substantive standards of workers’ freedom of association and rights to organize, to bargain collectively, and to strike, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations during the evaluation process?**

1.3.3.8. Capacity-Building: Written Statement and Opportunity for Response on Evaluating Success in Improving Efforts to Enforce Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improved efforts to enforce substantive standards of workers' freedom of association and rights to organize, to bargain collectively, and to strike, or did not consult with organizations during the evaluation process, then the answer to the following Indicator is "no."]

RFC 123 If the answer to the previous Indicator is "yes," did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to rendering a final evaluation of its success in meeting numerical targets for improved efforts to enforce workers' freedom of association and rights to organize, to bargain collectively, and to strike ?

1.3.3.9. Capacity-Building: Consultation with Worker, Employer, and Other Groups on Improving Outcomes from Efforts to Enforce Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved outcomes from efforts to enforce workers' freedom of association and rights to organize, to bargain collectively, and to strike, then the answer to the following Indicator is "no."]

RFC 124 If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved outcomes from efforts to enforce workers' freedom of association and rights to organize, to bargain collectively, and to strike, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?

1.3.3.10. Capacity-Building: Written Statement and Opportunity for Response Prior to Formulating and Applying Indicators and Numerical Targets

on Improving Outcomes from Efforts to Enforce Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved outcomes from efforts to enforce workers' freedom of association, rights to organize, and rights to bargain collectively, or did not consult with organizations prior to formulating and applying Indicators and targets, then the answer to the following Indicator is "no."]

RFC 125 **If the answer to the previous Indicator is "yes," did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets on improved outcomes in enforcing workers' freedom of association and rights to organize, to bargain collectively, and to strike?**

1.3.3.11. Capacity-Building: Consultation with Worker, Employer, and Other Groups in Evaluating the Government's Success in Improving Outcomes from Efforts to Enforce Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improved outcomes from efforts to enforce substantive standards of workers' freedom of association, rights to organize, and rights to bargain collectively, then the answer to the following Indicator is "no."]

RFC 126 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for improved outcomes from efforts to enforce substantive standards of workers' freedom of association and rights to organize, to bargain collectively, and to strike, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations during the evaluation process?**

1.3.3.12. Capacity-Building: Written Statement and Opportunity for Response on Evaluating Success in Improving Outcomes from Efforts to Enforce Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improved outcomes from efforts to enforce substantive standards of workers' freedom of association, rights to organize, and rights to bargain collectively, then the answer to the following Indicator is "no."]

RFC 127 If the answer to the previous Indicator is "yes," did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to rendering a final evaluation of its success in meeting numerical targets for improved outcomes from efforts to enforce substantive standards of workers' freedom of association and rights to organize, to bargain collectively, and to strike?

1.3.3.13. Capacity-Building: Consultation with Worker, Employer, and Other Groups on Improving Collection and Analysis of Data on Compliance with Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved collection and analysis of data on compliance with workers' freedom of association, rights to organize, and rights to bargain collectively, then the answer to the following Indicator is "no."]

RFC 128 If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved collection and analysis of data on compliance with workers' freedom of association and rights to organize, to bargain collectively, and to strike, has the

government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?

1.3.3.14. Capacity-Building: Written Statement and Opportunity for Response Prior to Formulating and Applying Indicators and Numerical Targets on Improved Collection and Analysis of Data on Compliance with Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved collection and analysis of data on compliance with workers' freedom of association, rights to organize, and rights to bargain collectively, or did not consult with organizations prior to formulating and applying Indicators and targets, then the answer to the following Indicator is "no."]

RFC 129 If the answer to the previous Indicator is "yes," did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets for improved collection and analysis of data on compliance with workers' freedom of association and rights to organize, to bargain collectively, and to strike?

1.3.3.15. Capacity-Building: Consultation with Worker, Employer, and Other Groups in Evaluating the Government's Success in Improving the Collection and Analysis of Data on Compliance with Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improved collection and analysis of data on compliance with workers' freedom of association, rights to organize, and rights to bargain collectively, then the answer to the following Indicator is "no."]

RFC 130 If the government, in the preceding two years, evaluated its success in meeting numerical targets for improved collection and analysis of data on compliance with workers’ freedom of association and rights to organize, to bargain collectively, and to strike, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations during the evaluation process?

1.3.3.16. Capacity-Building: Written Statement and Opportunity for Response on Evaluating Success in Improving the Collection and Analysis of Data on Compliance with Nondiscrimination and Equality Rights

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improved collection and analysis of data on compliance with workers’ freedom of association, rights to organize, and rights to bargain collectively, or did not consult with organizations during the evaluation process, then the answer to the following Indicator is “no.”]

RFC 131 If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to rendering a final evaluation of its success in meeting numerical targets for improved collection and analysis of data on compliance with workers’ freedom of association and rights to organize, to bargain collectively, and to strike?

1.3.4. Capacity-Building: Interchange with Peer Countries on Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

RFC 132 In the preceding two years, have officials of the labor administration with responsibility for overseeing enforcement of freedom of association, rights to organize, and rights to bargain collectively met

at least annually with their peers in other countries to discuss their comparative successes and failures in satisfying these Indicators?

[ANNOTATION: If such meetings were not held, then the answer to the following Indicator is also “no.”]

RFC 133 If such meetings were held, did the officials present data and arguments to justify their comparative failures, if any, to satisfy particular Indicators?

RFC 134 In the preceding two years, have officials of the labor administration with responsibility for overseeing enforcement of freedom of association, rights to organize, and rights to bargain collectively met at least annually with their peers in other countries to discuss their comparative successes and failures in satisfying their own Indicators and targets for improved compliance?

[ANNOTATION: If such meetings were not held, then the answer to the following Indicator is also “no.”]

RFC 135 If such meetings were held, did the officials present data and arguments to justify their comparative failures, if any, to satisfy their own Indicators and numerical targets?

1.4. Outcomes on Freedom of Association, Rights to Organize, and Rights to Bargaining Collectively

1.4.1. Union Density

NAS Indicator C-1: union density

[ANNOTATION: The following two Indicators convert NAS Indicator C-1 into comparative and longitudinal measures. Note that union density is not a direct measure of a government’s enforcement of rights of association and collective bargaining. That is, compliance requires only that the government ensure workers are able freely to decide whether to form a union or not form a union. In theory, then, a low level of unionization could

coincide with strong enforcement of workers' right to choose. Nonetheless, we can expect that, on average, unionization rates are higher in countries where worker rights are strongly enforced and lower in countries where worker rights are not strongly enforced.

Equally important, union density is an Indicator of the enforcement of all kinds of labor rights, not just rights of association and collective bargaining, since (1) in unionized workplaces individual workers are less fearful of retaliation and are therefore more willing to assert their rights; (2) unions act as "private attorneys general," enforcing rights on behalf of workers who would otherwise lack the resources or information to do so; and (3) higher union density is associated with greater equality in wages and benefits, contributing to substantive achievement of nondiscrimination norms.

For these same reasons, we should be less worried about the possibility that measures of union density will double count the phenomena measured by Indicators of government effort in enforcing freedom of association, rights to organize, and rights to bargain collectively. That is, union density is a measure of other important concepts, apart from government enforcement of freedom of association, rights to organize, and rights to bargain collectively; and some of those other concepts will not be captured in the input Indicators (below) that apply to other rights. For example, greater wage equality may enable vulnerable workers to assert their rights and take advantage of whatever formal efforts the government makes to enforce rights of nondiscrimination, workers' freedom of association and rights to organize, to bargain collectively, and to strike. Indicators of government effort may not capture the substantive capacity of workers to exercise their rights; while equality of resources (proxied by union density) may serve as one measure of that substantive capacity.

At the same time, we may expect lower rates of unionization where the formal, industrial sector is relatively smaller. The following Indicator takes quintile of real income per capita as a proxy for the size of the formal, industrial sector. Alternatively, we might ask directly about union density among workers in the formal manufacturing export sector. The latter adjustment, however, seems less conceptually compelling, since it presumes that we should expect weaker enforcement among agricultural export workers than among manufacturing export workers. That adjustment may therefore capitulate to the pervasive denial of rights to agricultural workers.]

- RFO 1** Does the percentage of non-managerial workers who are union members exceed the average among countries in the same quintile of real income per capita?
- RFO 2** Has the government convincingly and verifiably demonstrated that the percentage of non-managerial workers who are union members exceeds the average among countries in the same quintile of real income per capita?
- RFO 3** In the preceding five years, did the rate of growth in the percentage of non-managerial workers who are union members exceed the average among countries in the same quintile of real income per capita?
- RFO 4** Has the government convincingly and verifiably demonstrated that, in the preceding five years, the rate of growth in the percentage of non-managerial workers who are union members exceeded the average among countries in the same quintile of real income per capita?

[ANNOTATION: In some labor relations systems, formal membership in unions is not the primary marker of workers' freedom in choosing whether to support the union's aims and activities. Instead, workers' participation in a union-called strike is a stronger measure. The French labor relations system is the most salient example. Indeed, even in legal systems, such as the U.S., with a strong emphasis on formal union membership and majority election of bargaining representatives, the degree of worker participation in strikes is sometimes taken as a stronger measure of workers' support for the union than is formal membership or a secret-ballot vote in favor of unionization. The reason is straightforward: Individual workers may take greater risks and make greater sacrifices by supporting a strike than by signing a union card or casting a pro-union vote. That is, the "real" test of a workers' support for the union is her willingness to sacrifice wages, incur the anger of her managers, and risk potential job loss. The following Indicator therefore complements the one before.]

- RFO 5** In the last five years, in the majority of strikes called by worker organizations, did at least a majority of workers in the relevant sector(s) participate in the strike?

RFO 6 **Has the government convincingly and verifiably demonstrated that, in the last five years, in the majority of strikes called by worker organizations, at least a majority of workers in the relevant sector(s) participated in the strike?**

NAS Indicator C-2: frequency, length, and person-days of legal strikes

[ANNOTATION 3: NAS Indicator C-2 is best deleted. Its conceptual meaning is unclear. A high level of strike activity *may* be a positive Indicator of government compliance with workers' right to organize, bargain, and strike. If that is true, the Indicator is redundant with Indicator C-1. That is, we can expect higher strike rates where there is greater union density. On the other hand, we might expect a higher strike rate where worker rights are *not* enforced – since workers may need to engage in large-scale strikes merely to achieve recognition. And, where collective bargaining is highly institutionalized, labor-management conflict may be reduced. (Think of German social democracy.) But even that proposition depends largely on the particular labor relations regime. For example, where strikes are barred during the term of a labor contract, unions *may* be readier to engage in lengthy strikes during bargaining rounds when the contract expires, since the stakes are relatively higher than in a system with rolling negotiations. (Think of the U.S. in the 1950s.) Or, a highly institutionalized system may generate more wildcat strikes by dissidents who see institutionalization as cooptation. (Think of Italy in the 1980s-90s.) On the other hand, a less institutionalized system with rolling negotiations and under-enforcement of legal norms *may* generate more strike activity, in a constant effort to push the temporary truce line in the workers' favor. (Think of post-war Great Britain.) The variables in play are too numerous and uncertain to make Indicator C-2 a worthwhile construct.]

1.4.2. Collective Bargaining Coverage

NAS Indicator C-3: percentage of workers covered by collective bargaining agreements

[ANNOTATION: The following Indicators convert Indicator C-3 into comparative and longitudinal measures. There is a risk that this Indicator and the above Indicators for union density are double-counting the same underlying concept. However, in many countries, the two measures are

sufficiently distinct: collective agreements may be extended, either by law or by actual practice, beyond the unionized workforce. In any event, while union density is a plausible proxy for effective enforcement of freedom of association, collective bargaining coverage is a measure both (1) of effective enforcement of collective bargaining rights and (2) of the sorts of grievance mechanisms (contained in collective agreements) that enable individual workers to better enforce their wages, hours, and health and safety standards. (For example, rates of collective bargaining coverage are positively correlated with enforcement of the minimum wage. (ILO, 2008e).)The latter concept, as well as the concept of effective extension of collective agreements, are captured in measures of overall coverage of collective bargaining. The former concept may be best measured by a ratio of collective bargaining coverage to union density. That ratio captures the extent to which workers who *are* unionized can achieve actual collective agreements, without doubly rewarding countries with high union density or doubly penalizing countries with low union density.]

- RFO 7** **Does the percentage of non-managerial workers who are covered by collective agreements exceed the average among countries in the same quintile of real income per capita?**
- RFO 8** **Has the government convincingly and verifiably demonstrated that the percentage of non-managerial workers who are covered by collective agreements exceeds the average among countries in the same quintile of real income per capita?**
- RFO 9** **In the preceding five years, did the rate of growth in the percentage of non-managerial workers who are covered by collective agreements exceed the average among countries in the same quintile of real income per capita?**
- RFO 10** **Has the government convincingly and verifiably demonstrated that, in the preceding five years, the rate of growth in the percentage of non-managerial workers who are covered by collective agreements exceeded the average among countries in the same quintile of real income per capita?**
- RFO 11** **Does the ratio of workers covered by collective agreements to workers who are unionized exceed the average among countries in the same quintile of real income per capita?**

RFO 12 **Has the government convincingly and verifiably demonstrated that the ratio of workers covered by collective agreements to workers who are unionized exceeds the average among countries in the same quintile of real income per capita?**

1.4.3. Discrimination Against Union Activity

NAS Indicator C-4: incidents of discrimination against union organizers, unions, or employer associations.

[ANNOTATION: This data point is the holy grail for measuring workers' freedom of association. Unfortunately, it is likely to be unavailable, incomplete, or misleading. The number of recorded cases of anti-union discharges is very high in the U.S. because (1) there *is* a large number of such discharges, (2) there is a sufficiently well-functioning administrative agency that hears cases of such discharges, thereby providing data on their numbers, and yet (3) the administrative agency's remediation is so weak that there is relatively little deterrent against the discharges. The number of recorded cases may be small in cases where any one of these 3 factors is absent. Hence, if a country has a repressive or wholly malfunctioning labor administration (that is element 2 is absent), we may see few recorded cases of discriminatory discharges. At the same time, if there is a functioning administrative agency and few recorded cases of anti-union retaliation, we cannot know whether there would be many violations if not for administrative enforcement (that is, element 1 may be absent) or instead the administrative enforcement is sufficiently high-powered to deter the violations that would otherwise obtain (i.e., 3 is absent) or alternatively that there are many violations but workers see no point in filing charges with the weak administrative agency. To complicate matters more, Indicator C-4 asks not only about anti-union discharges but about all forms of anti-union discrimination, some of which are highly subtle and unlikely to hit the radar even in an advanced, well-functioning system. The following Indicators test for the most important, concrete instances of actual anti-union outcomes. Note that, unlike the twin Indicators above, the twin Indicators below explicitly ask whether independent researchers, as well as the government, have reliably documented the abuses in question. This is conceptually sound, in light of the difficulty in obtaining information on such abuses. That is, ILAB

analysts should not be charged with independent verification of the abuses in instances where other reputable organizations have documented them. At the same time, ILAB is *among* the “public agencies” that *might* reliably document the abuses for purposes of the Indicators below making reference to such public agencies.

- RFO 13** In the last two years, have public agencies or private labor-rights advocates reliably documented one or more case(s) of blacklisting of union supporters?
- RFO 14** Has the government convincingly and verifiably demonstrated that, in the last two years, there have been no cases of blacklisting of union supporters?
- RFO 15** In the last two years, have public agencies or private labor-rights advocates reliably documented two or more cases of mass discharge of union supporters (that is, the discharge of five or more workers at one time by one employer, in retaliation for the workers’ support for the union)?
- RFO 16** Has the government convincingly and verifiably demonstrated that, in the last two years, there have not been two or more cases of mass discharge of union supporters (that is, the discharge of five or more workers at one time by one employer, in retaliation for the workers’ support for the union)?
- RFO 17** In the last two years, have public agencies or private labor-rights advocates reliably documented anti-union discharges in more than five workplaces?
- RFO 18** Has the government convincingly and verifiably demonstrated that, in the last two years, there have not been anti-union discharges in more than five workplaces?

1.4.4. Wage Outcomes

[ANNOTATION: In the legislative history of NAALC, the germinal labor provisions in U.S. trade agreements, Representative Gephardt made clear that one of the key purposes of protecting free association was to raise

actual living standards for workers in Mexico, as well the other NAFTA states. The legislative history of GSP even more strongly conveys the view that rights of association and collective bargaining are designed to raise workers' wages relative to the economic return to economic and political elites that reap the profit stream from export production. We can therefore take the following two measures of increasing wages not merely as outcome Indicators that double-count the Indicators of enforcement, but also as independent elements of the definition of adequate efforts, as discussed in Part 5 of the paper.]

- RFO 19** In the last five years, have average real wages of non-managerial workers increased at a rate that exceeds the average among countries in the same quintile in real income per capita?
- RFO 20** Has the government convincingly and verifiably demonstrated that, in the last five years, average real wages of non-managerial workers increased at a rate that exceeded the average among countries in the same quintile in real income per capita?
- RFO 21** In the last five years, has the ratio of (1) total real wages of non-managerial workers to (2) total real profit plus total real managerial wages increased at a rate that exceeds the average among countries in the same quintile of real income per capita?
- RFO 22** Has the government convincingly and verifiably demonstrated that, in the last five years, the ratio of (1) total real wages of non-managerial workers to (2) total real profit plus total managerial real wages increased at a rate that exceeds the average among countries in the same quintile of real income per capita?

2. ASSESSMENT INDICATORS FOR RIGHTS OF NONDISCRIMINATION AND EQUALITY IN EMPLOYMENT



2.1. Substantive Law on Nondiscrimination and Equality

2.1.1. Ratification and Reception of International Instruments on Nondiscrimination and Equality.

NAS Indicator A-1: ratification of ILO Convention No. 100 on equal remuneration

[See ANNOTATION for RFL 1 above.]

RDL 1 Has ILO Convention no. 100 on Equal Remuneration, 1951, been ratified and received into binding domestic law?

[See ANNOTATION for RFL 2 above.]

RDL 2 Regardless whether ILO Convention no. 100 has been received into domestic law, have the rights set forth in the Convention been defined more specifically in domestic legislation, administrative regulations, or other binding domestic legal instruments?

NAS Indicator A-2: ratification of ILO Convention No. 111 on discrimination (employment and occupation)

[See ANNOTATION for RFL 1 above.]

RDL 3 Has ILO Convention no. 111 on Discrimination (Employment and Occupation), 1958, been ratified and received into binding domestic law?

[See ANNOTATION for RFL 2 above.]

RDL 4 Regardless whether ILO Convention no. 111 has been received into domestic law, have the rights set forth in the Convention been

defined more specifically in domestic legislation, administrative regulations, or other binding domestic legal instruments?

NAS Indicator A-3: ratification of the U.N. International Convention on the Elimination of All Forms of Racial Discrimination

[See ANNOTATION for RFL 1 above.]

RDL 5 Has the United Nations Convention on the Elimination of All Forms of Racial Discrimination been ratified and received into binding domestic law?

[See ANNOTATION for RFL 2 above.]

RDL 6 Regardless whether the Convention on the Elimination of All Forms of Racial Discrimination has been received into domestic law, have the rights set forth in that Convention been defined more specifically in domestic legislation, administrative regulations, or other binding domestic legal instruments?

NAS Indicator A-4: ratification of the U.N. Convention on the Elimination of All Forms of Discrimination Against Women

[See ANNOTATION for RFL 1 above.]

RDL 7 Has the United Nations Convention on the Elimination of All Forms of Discrimination Against Women been ratified and received into binding domestic law?

[See ANNOTATION for RFL 2 above.]

RDL 8 Regardless whether the Convention on the Elimination of All Forms of Discrimination Against Women has been received into domestic law, have the labor-related rights set forth in that Convention been defined more specifically in domestic legislation, administrative regulations, or other binding domestic legal instruments?

[ANNOTATION: The NAS Indicators included the U.N Conventions on race and gender discrimination, but did not include the U.N. Conventions

pertaining to other illegitimate grounds for discrimination. The following Indicators correct that omission.]

RDL 9 **Has the United Nations Convention on the Protection of all Migrant Workers and the Members of Their Families been ratified and received into binding domestic law?**

[See ANNOTATION for RFL 2 above.]

RDL 10 **Regardless whether the Convention on the Protection of all Migrant Workers and the Members of Their Families has been received into domestic law, have the labor-related rights set forth in that Convention been defined more specifically in domestic legislation, administrative regulations, or other binding domestic legal instruments?**

[See ANNOTATION for RFL 1 above.]

RDL 11 **Has the United Nations Convention on the Rights of Persons with Disabilities been ratified and received into binding domestic law?**

[See ANNOTATION for RFL 2 above.]

RDL 12 **Regardless whether the Convention on the Rights of Persons with Disabilities has been received into domestic law, have the labor-related rights set forth in that Convention been defined more specifically in domestic legislation, administrative regulations, or other binding domestic legal instruments?**

2.1.2. Substantive Prohibitions on Discrimination

NAS Indicator A-5: whether there are laws that prohibit discrimination in employment on the grounds of race, color, sex (including sexual harassment), religion, political opinion, national extraction, and social origin

[ANNOTATION: As written, NAS Indicator A-5 requires the government to have laws banning discrimination on each of the enumerated grounds. That is, if the government fails to proscribe just one ground for

discrimination (say, “social origin”), then the government fails the Indicator – since the list of proscribed grounds is written in the conjunctive form. It also creates conceptual imbalances, since the government receives a positive score for the following NAS Indicator A-6 if it enforces anti-discrimination norms pertaining to *any one* of imaginable secondary proscribed grounds, such as nepotism or height. In addition, the term “social origin” in Indicator A-5 has no settled meaning in the comparative law of employment discrimination. It could refer to many different demographic classifications. Perhaps that phrase is intended to mean “indigenous origins;” if so, it should say so. The phrase “national extraction” is also problematic, since the law of employment discrimination has a settled definition of “national origin” but not of the novel coinage of “national extraction.” In sum, it is best to formulate separate Indicators for each of the major grounds for discrimination proscribed in international law and in the equality principles of major regional and domestic systems of labor law. The Indicators below use the conceptualization of U.S. law that treats the concept of “national origin” as interchangeable with the concept of “ethnicity.” That treatment, however, can be readily adapted to contexts in which “ethnicity” refers to internal divisions, such as tribal groupings.]

[ANNOTATION: The question whether “there are laws that prohibit discrimination” is too abstract. In most legal systems, including the ILO’s and major domestic regimes’, there are three major forms of discrimination: disparate treatment (i.e., differential treatment that is motivated by hostility to the defined group); harassment (i.e., the employer’s failure to protect members of the defined group against a hostile work environment created by co-workers or supervisors); and disparate impact (i.e., a facially neutral employment practice that has a disproportionate adverse effect on the defined group and that is not justified by objective job requirements or business necessity). Hence, for each proscribed distinction (race, gender, etc.), we must ask whether the legal system proscribes each of these three forms of discrimination. For certain proscribed distinctions, there may be specific additional Indicators. In the case of gender, for example, the Indicators below address burdens on workers who are pregnant or caring for infants.]

[ANNOTATION: The ILO and UN law on discrimination is substantially broader than U.S. domestic constitutional and statutory rules and other countries’ domestic rules. One series of Indicators, for example, captures the definition of discrimination under the Equal Protection clause of the

U.S. Constitution – namely, “disparate treatment” as defined in Annotation 191 above. Another series captures the additional anti-discrimination norm against employment practices with a disparate impact found in U.S. civil rights law (Title VII), also defined in Annotation 191 above. Both of these definitions (disparate treatment and disparate impact) are also found in ILO and UN law. ILO and UN law go further, however, stipulating that the practices of actors other than employers may constitute wrongful discrimination by virtue of their disparate negative impact on the employment interests of protected groups. For example, if government decisions about the location of transportation or housing make it disproportionately more difficult to travel to work for people living in predominantly immigrant (non-citizen) neighborhoods or regions, then such government decisions constitute employment discrimination on grounds of citizenship status – unless the government can prove it has objective, compelling reasons for those decisions. Indeed, the UN Committee on Economic, Cultural, and Social Rights has issued quasi-authoritative General Comments that stipulate that even government omissions (as opposed to affirmative action and decisions) may constitute discrimination if the omissions have a disparate impact on employment opportunities. (UNCESCR, 1990, 1998, 2006, 2009). For example, the government must establish technical and vocational training programs as a nondiscrimination measure for women and other vulnerable groups. More generally, the government must allocate “sufficient” resources to secure the rights in the Covenant, including nondiscrimination rights, and must use “the maximum of its available resources”, including both domestic and international resources. (UNCESCR, 1990). These requirements are addressed in the Indicators below, spanning enforcement of all substantive norms. In addition, the Committee stipulates that nondiscrimination norms must be immediately guaranteed, neither subject to progressive implementation nor dependent on available resources. (UNCESCR, 2006). This is captured below in the relevant Indicators on Enforcement. The Committee also mandates that the government eliminate systemic discrimination deeply entrenched in social behavior, culture, and organizations in both the public and private sectors.]

RDL 13 Does the law prohibit all adverse employment-related treatment that is motivated by the worker’s gender?

RDL 14 Does the law prohibit harassment of workers based on the worker’s gender?

- RDL 15** Does the law prohibit employment practices that are not motivated by gender, that nonetheless have a disparate adverse employment-related impact on gender groups, and that are not necessary to the objective requirements of the job?
- RDL 16** Does the law require equal remuneration between men and women for work of equal value?
- RDL 17** Does the law require employers to treat pregnancy the same as other disabling conditions, for purposes of disability leaves and benefits?
- RDL 18** Does the law require employers to provide flexible work schedules to enable workers with responsibilities caring for dependent children, sick family members, or elderly family members to engage in full-time employment without discrimination based on sex?
- RDL 19** Does the law require the government or the employer to provide child care, to enable workers with responsibilities caring for dependent children, sick family members, or elderly family members to engage in employment without discrimination based on sex?
- RDL 20** Does the law prohibit all adverse employment-related treatment that is motivated by the worker's race?
- RDL 21** Does the law prohibit harassment of workers based on the workers' race?
- RDL 22** Does the law prohibit employment practices that are not motivated by race, that nonetheless have a disparate adverse employment-related impact on racial groups, and that are not necessary to the objective requirements of the job?
- RDL 23** Does the law prohibit all adverse employment-related treatment that is motivated by the worker's national origin or ethnicity?
- RDL 24** Does the law prohibit harassment of workers based on the workers' national origin or ethnicity?

- RDL 25** Does the law prohibit employment practices that are not motivated by national origin or ethnicity, that nonetheless have a disparate adverse employment-related impact on groups defined by national origin or ethnicity, and that are not necessary to the objective requirements of the job?
- RDL 26** Does the law prohibit all adverse employment-related treatment that is motivated by the worker's lack of citizenship, where the worker is a lawful resident?
- RDL 27** Does the law prohibit harassment of workers based on the workers' lack of citizenship?
- RDL 28** Does the law prohibit employment practices that are not motivated by the worker's non-citizenship, that nonetheless have a disparate adverse employment-related impact on non-citizens, and that are not necessary to the objective requirements of the job?
- RDL 29** Does the law require that a non-citizen worker without proper documentation enjoy equality of treatment as to rights arising out of past employment?
- RDL 30** Does the law prohibit all adverse employment-related treatment that is motivated by the worker's religion?
- RDL 31** Does the law prohibit harassment of workers based on the workers' religion?
- RDL 32** Does the law prohibit employment practices that are not motivated by religion, that nonetheless have a disparate adverse employment-related impact on religious groups, and that are not necessary to the objective requirements of the job?
- RDL 33** Does the law prohibit employment discrimination on grounds of political opinion, except for employment in policy-making positions?
- RDL 34** Does the law prohibit all adverse employment-related treatment that is motivated by the worker's political opinion, except for exclusion from employment in policy-making positions?

- RDL 35** Does the law prohibit harassment of workers based on the workers' political opinion?
- RDL 36** Does the law prohibit employment practices that are not motivated by political opinion, that nonetheless have a disparate adverse employment-related impact on political groups, and that are not necessary to the objective requirements of the job?
- RDL 37** Does the law prohibit all adverse employment-related treatment that is motivated by the worker's mental or physical disability, where the disabled worker is able to meet the objective requirements of the job?
- RDL 38** Does the law prohibit harassment of workers based on the workers' mental or physical disability?
- RDL 39** Does the law prohibit employment practices that are not motivated by the worker's mental or physical disability, that nonetheless have a disparate adverse employment-related impact on disabled groups, and that are not necessary to the objective requirements of the job?
- RDL 40** Does the law require employers to make reasonable accommodations in job requirements to enable the disabled to obtain and maintain employment?
- RDL 41** Does the law prohibit all adverse employment-related treatment that is motivated by the worker's indigenous status?
- RDL 42** Does the law prohibit harassment of workers based on the workers' indigenous status?
- RDL 43** Does the law prohibit employment practices that are not motivated by the worker's indigenous status, that nonetheless have a disparate adverse employment-related impact on indigenous groups, and that are not necessary to the objective requirements of the job?
- RDL 44** Does the law prohibit all adverse employment-related treatment that is motivated by the worker's sexual orientation?

- RDL 45** Does the law prohibit harassment of workers based on the workers' sexual orientation?
- RDL 46** Does the law prohibit employment practices that are not motivated by sexual orientation, that nonetheless have a disparate adverse employment-related impact on groups defined by sexual orientation, and that are not necessary to the objective requirements of the job?
- RDL 47** Does the law prohibit all adverse employment-related treatment that is motivated by the worker's age?
- RDL 48** Does the law prohibit harassment of workers based on the workers' age?
- RDL 49** Does the law prohibit employment practices that are not motivated by age, that nonetheless have a disparate adverse employment-related impact on groups defined by age, and that are not necessary to the objective requirements of the job?
- RDL 50** Does the law prohibit all adverse employment-related treatment that is motivated by the worker's health status, including HIV/AIDS-positive status, except where workers are unable to meet the objective requirements of the job?
- RDL 51** Does the law prohibit harassment of workers motivated by the workers' health status, including HIV/AIDS-positive status?
- RDL 52** Does the law prohibit employment practices that are not motivated by the workers' health status, that nonetheless have a disparate adverse employment-related impact on groups defined by health status, and that are not necessary to the objective requirements of the job?

NAS Indicator A-6: whether there are laws that cover additional grounds on which employment discrimination is prohibited, for example disability or sexual orientation

[ANNOTATION : Discrimination based on disability and sexual orientation are specifically addressed in the Indicators above. Indicator A-6 is excessively open-ended. Because it is written in the disjunctive form, it

creates conceptual imbalance when combined with Indicator A-5, which is written in the conjunctive, as discussed above. Indicator A-6 asks whether there are any additional proscribed grounds, without distinguishing between grounds that are more significant (e.g., disability) and those that are found in some legal systems but are less significant (e.g., nepotism). Note that Indicators A-5 and A-6 do not mention age discrimination. Indicators on age discrimination are included in the refined Indicators.]

NAS Indicator A-7: whether there are laws that also protect migrant workers from discrimination in employment

[ANNOTATION : It is unclear why the NAS Indicator A-7 puts migrant workers in a separate Indicator from all other enumerated grounds for discrimination. Note that if Indicators A-5, A-6, and A-7 were not revised, then greater conceptual weight would be given to the protection of migrants (A-7) than to the protection of the disabled (A-6), which would, in turn, be given greater weight than protection of all the groups (race, color, gender, religion, etc.) enumerated in Indicator A-5 taken together. Further, the category of “migrant worker” is more precisely disaggregated into two sub-categories: non-citizens with lawful residence, and non-citizens without documentation. These two sub-categories are treated separately in the Indicators above.]

NAS Indicator A-8: whether there are laws that prohibit discrimination in access to and ownership of assets, including property ownership, inheritance, and access to other assets or credit

[ANNOTATION: Previous Annotations explain why it is best to use separate Indicators for each of the proscribed grounds for discrimination (i.e., for each of the protected status groups, such as racial groups, gender groups, etc.). However, as a conceptual matter, access to property and credit is only indirectly related to employment, compared with the direct adverse practices measured above in the employment relation proper. As a matter of conceptual balance, then, the issue of access to property and credit does not merit equivalent numbers of Indicators as those pertaining directly to employment. The following Indicators therefore aggregate four of the major proscribed grounds – race, gender, national origin, and citizenship. (As above, “national origin” and “ethnicity” are treated as interchangeable concepts.) In other words, the answer to the Indicator will

be “no,” if the country does not prohibit discrimination in property ownership based on race, even if the country does prohibit discrimination in property ownership based on gender, national origin, and citizenship. The answer will be “yes” only if the country prohibits discrimination in property ownership based on all four proscribed grounds. The Indicators below add a third item to the questions of nondiscrimination in owning property and obtaining credit – namely, nondiscrimination in making and enforcing contracts, which may be equally vital to the group members’ capacity to economically thrive.]

2.1.3. Substantive Prohibitions on Discrimination in Property Rights, Education, and Job Training

RDL 53 Does the law prohibit discrimination, on grounds of race, gender, national origin (or ethnicity), and citizenship, in the ownership of all forms of property?

RDL 54 Does the law prohibit discrimination, on grounds of race, gender, national origin (or ethnicity), and citizenship, in obtaining credit?

RDL 55 Does the law prohibit discrimination, on grounds of race, gender, national origin (or ethnicity), and citizenship, in entering into and enforcing contracts?

NAS Indicator A-9. whether there are laws that make nondiscrimination in employment meaningful in practice with equal access to education, training, vocational guidance, and placement services; maternity protection; and parental leave

[ANNOTATION : Indicator A-9 includes several disparate entitlements. One of the entitlements – maternity protection – is abstract and has no obvious specific meaning. Parental leave is also undefined. It is also unclear whether Indicator A-9 is a substantive Indicator or an enforcement Indicator.]

RDL 56 Does the law prohibit discrimination based on gender in access to education?

- RDL 57** Does the law prohibit discrimination based on race in access to education?
- RDL 58** Does the law prohibit discrimination based on national origin (or ethnicity) in access to education?
- RDL 59** Does the law prohibit discrimination, in access to education, against non-citizens who are lawfully resident in the country?
- RDL 60** Does the law prohibit discrimination based on political opinion in access to education?
- RDL 61** Does the law prohibit discrimination based on religion in access to education?
- RDL 62** Does the law prohibit discrimination based on disability in access to education?
- RDL 63** Does the law prohibit discrimination based on indigenous origin in access to education?
- RDL 64** Does the law prohibit discrimination based on sexual orientation in access to education?
- RDL 65** Does the law prohibit discrimination based on age in access to education?
- RDL 66** Does the law prohibit discrimination based on health status, including HIV/AIDS-positive status, in access to education?
- RDL 67** Does the law prohibit discrimination based on gender in access to job training?
- RDL 68** Does the law prohibit discrimination based on race in access to job training?
- RDL 69** Does the law prohibit discrimination based on national origin (or ethnicity) in access to training?

- RDL 70** Does the law prohibit discrimination, in access to job training, against non-citizens who are lawfully resident in the country?
- RDL 71** Does the law prohibit discrimination based on political opinion in access to job training?
- RDL 72** Does the law prohibit discrimination based on religion in access to job training?
- RDL 73** Does the law prohibit discrimination based on disability in access to job training?
- RDL 74** Does the law prohibit discrimination based on indigenous origin in access to job training?
- RDL 75** Does the law prohibit discrimination based on sexual orientation in access to job training?
- RDL 76** Does the law prohibit discrimination based on age in access to job training?
- RDL 77** Does the law prohibit discrimination based on health status, including HIV/AIDS-positive status, in access to job training?

2.1.4. Maternity and Parenting Leave

- RDL 78** Does the law entitle women to take maternity leave without loss of her job for at least two weeks prior to the expected date of childbirth and at least two months following childbirth?
- RDL 79** Does the law entitle women to take maternity leave without loss of pay for at least two weeks prior to the expected date of childbirth and at least two months following childbirth?
- RDL 80** Does the law entitle the father and mother to take an aggregate of at least three months of parenting leave without loss of job after the birth of the child, in addition to time taken by the mother for maternity leave?

RDL 81 Does the law entitle the father and mother to take an aggregate of at least three months of parenting leave without loss of pay after the birth of the child, in addition to time taken by the mother for maternity leave?

NAS Indicator A-10: whether there are laws or a legally established or recognized machinery for wage determination that ensure equal remuneration for work of equal value

[ANNOTATION: The question whether there are equal-pay laws is addressed above. The question whether there is machinery for ensuring equal pay is an Indicator of enforcement rather than an Indicator of substantive norms. It is therefore placed below in the second category of Indicators.]

2.2. Enforcement of Rights of Nondiscrimination and Equality

2.2.1. Process and Remedies in Cases on Rights of Nondiscrimination and Equality

2.2.1.1. Administrative and Judicial Procedures

NAS Indicator B-1: whether there is a national mechanism to promote equality and whether it has an employment focus or employment component in a broader policy

[ANNOTATION: NAS Indicator B-1 is too general to have much evaluative bite. That is, a government may have no real commitment to ending discrimination but may readily establish a weak body with a merely “promot[ional]” mandate. In addition, the concepts of an “employment focus,” “employment component,” and “within a broader policy” are ambiguous. For Assessment purposes, the more central institutional questions are the functioning of the labor inspectorate; the functioning of an active, well-resourced agency for bringing public complaints before a well-functioning tribunal; the capacity of workers to bring private complaints before such a tribunal; and specific educational programs directed at employment equality. For purposes of consistency in defining and using concepts, the relevant Indicators for freedom of association and

rights of collective bargaining are here adapted to claims of discrimination. (The NAS Indicators used inconsistent concepts for these analogous items.) Again, for reasons explained above, we here use twin indicators – one for the substantive measure, and a second for the government’s demonstration that it satisfied the substantive measure.]

[ANNOTATION: The following eight Indicators measure the independence of the tribunal hearing cases of nondiscrimination and equality. For purposes of coding, the results of the four substantive Indicators should be combined. If the answer to the first substantive Indicator is “yes” and the answer to the following three substantive Indicators is “inapplicable,” then the government receives one positive score for independence of the tribunal. If the answer to all four of those indicators is “yes,” then the government receives one positive score. If the answer to any one of the four Indicators is “no,” then the government receives one negative score. The same applies to the four twin Indicators asking whether the government demonstrated compliance with the substantive Indicators. The reason for this scoring pattern is this: if the Indicators were not treated conjunctively in this way, then some Indicators would be inapplicable to governments that use only tribunals without employer and employee representatives, and other Indicators would be inapplicable to governments using only tribunals with employer and employee representatives, causing an imbalance in the scoring among those two categories of governments as well as governments that use both types of tribunals.]

RDE 1 **In the preceding year, has the government ensured, in all but a trivial number of cases, that workers and worker organizations alleging violation of equal pay or employment discrimination were able to file complaints, or have complaints filed on their behalf, with administrative or judicial tribunals empowered to enforce those rights?**

RDE 2 **Has the government convincingly and verifiably demonstrated that, in the preceding year, it ensured, in all but a trivial number of cases, that workers and worker organizations alleging violation of equal pay or employment discrimination were able to file complaints, or have complaints filed on their behalf, with administrative or judicial tribunals empowered to enforce those rights?**

- RDE 3** In the preceding year, has the government ensured in all but a trivial number of such cases where tribunals do not include representatives of workers and employers, that the tribunal member or members were independent of workers and employers and of any government agency or official accused of wrongdoing?
- RDE 4** Has the government convincingly and verifiably demonstrated that, in the preceding year, it ensured in all but a trivial number of such cases where tribunals do not include representatives of workers and employers, that the tribunal member or members were independent of workers and employers and of any government agency or official accused of wrongdoing?
- RDE 5** In the preceding year, has the government ensured in all but a trivial number of such cases where tribunals include representatives of workers and employers, that the number of worker representatives were equal to the number of employer representatives?
- RDE 6** Has the government convincingly and verifiably demonstrated that, in the preceding year, it ensured in all but a trivial number of such cases where tribunals include representatives of workers and employers, that the number of worker representatives were equal to the number of employer representatives?
- RDE 7** In the preceding year, has the government ensured that in all but a trivial number of such cases where representatives of workers and employer were seated on the tribunal, there was also at least one official seated on the relevant tribunal who was/were independent of worker and employer organizations?
- RDE 8** Has the government convincingly and verifiably demonstrated that, in the preceding year, it ensured that in all but a trivial number of such cases where representatives of workers and employer were seated on the tribunal, there was also at least one official seated on the relevant tribunal who was/were independent of worker and employer organizations?
- RDE 9** In the preceding year, has the government ensured, in all but a trivial number of such cases, that workers who filed such complaints or for whom complaints were filed on their behalf, and any party filing such

complaints on behalf of other workers, were effectively protected against retaliation for filing such complaints?

- RDE 10** Has the government convincingly and verifiably demonstrated that, in the preceding year, it ensured, in all but a trivial number of such cases, that workers who filed such complaints or for whom complaints were filed on their behalf, and any party filing such complaints on behalf of other workers, were effectively protected against retaliation for filing such complaints?
- RDE 11** In the preceding year, has the government ensured, in all but a trivial number of such cases, that all non-trivial proceedings were open to the public?
- RDE 12** Has the government convincingly and verifiably demonstrated that, in the preceding year, it ensured, in all but a trivial number of such cases, that all non-trivial proceedings were open to the public?
- RDE 13** In the preceding year, has the government ensured, in all but a trivial number of such cases, that the parties to such cases were able to present all material evidence to support or defend their respective positions?
- RDE 14** Has the government convincingly and verifiably demonstrated that, in the preceding year, it ensured, in all but a trivial number of such cases, that the parties to such cases were able to present all material evidence to support or defend their respective positions?
- RDE 15** In the preceding year, has the government ensured, in all but a trivial number of such cases, that the parties to such cases were able to secure such material evidence through court-enforced subpoenas and depositions of witnesses taken under pain of perjury.
- RDE 16** Has the government convincingly and verifiably demonstrated that, in the preceding year, it ensured, in all but a trivial number of such cases, that the parties to such cases were able to secure such material evidence through court-enforced subpoenas and depositions of witnesses taken under pain of perjury.

RDE 17 In the preceding year, has the government ensured, in all but a trivial number of such cases, that the parties to such cases were able to cross-examine witnesses?

RDE 18 Has the government convincingly and verifiably demonstrated that, in the preceding year, it ensured, in all but a trivial number of such cases, that the parties to such cases were able to cross-examine witnesses?

RDE 19 In the preceding year, has the government ensured, in all but a trivial number of such cases, that the parties to such cases were able to make oral and written arguments in support of their position and against the opposing party's evidence and arguments?

RDE 20 Has the government convincingly and verifiably demonstrated that, in the preceding year, it ensured, in all but a trivial number of such cases, that the parties to such cases were able to make oral and written arguments in support of their position and against the opposing party's evidence and arguments?

RDE 21 In the preceding year, has the government ensured, in all but a trivial number of such cases, that all final decisions on the merits of the case were publicly issued in writing?

RDE 22 Has the government convincingly and verifiably demonstrated that, in the preceding year, it ensured, in all but a trivial number of such cases, that all final decisions on the merits of the case were publicly issued in writing?

[ANNOTATION: If all final decisions on the merits of all but a trivial number of such cases were not publicly issued in writing, then the answer to the following Indicator is "no."]

RDE 23 In the preceding year, has the government ensured, in all but a trivial number of such cases, that all such decisions stated the evidence and reasons on which they were based?

[ANNOTATION: If all final decisions on the merits of all but a trivial number of such cases were not publicly issued in writing, then the answer to the following Indicator is "no."]

RDE 24 Has the government convincingly and verifiably demonstrated that, in the preceding year, it ensured, in all but a trivial number of such cases, that all such decisions stated the evidence and reasons on which they were based?

2.2.1.3. Remedies in Cases of Nondiscrimination and Equality

RDE 25 In the preceding year, has the government ensured, in all but a trivial number of cases in which the tribunal has found that a worker was discharged for proscribed grounds of discrimination, that the tribunal at a minimum ordered the employer to reinstate the worker with back-pay.

RDE 26 Has the government convincingly and verifiably demonstrated that, in the preceding year, it ensured, in all but a trivial number of cases in which the tribunal has found that a worker was discharged for proscribed grounds of discrimination, that the tribunal at a minimum ordered the employer to reinstate the worker with back-pay.

RDE 27 In the preceding year, has the government ensured, in all but a trivial number of cases in which the tribunal found that adverse action other than discharge was taken against a worker for proscribed grounds of discrimination, that the tribunal at a minimum ordered the employer to cease the adverse action and to compensate the worker fully for all damages suffered as a result of the adverse action?

RDE 28 Has the government convincingly and verifiably demonstrated that, in the preceding year, it ensured, in all but a trivial number of cases in which the tribunal found that adverse action other than discharge was taken against a worker for proscribed grounds of discrimination, that the tribunal at a minimum ordered the employer to cease the adverse action and to compensate the worker fully for all damages suffered as a result of the adverse action?

RDE 29 In the preceding year, has the government ensured, in all but a trivial number of cases in which an employer has violated a tribunal's order enforcing workers' rights to equal pay or nondiscrimination

that the tribunal has imposed punitive sanctions against the employer?

RDE 30 Has the government convincingly and verifiably demonstrated that, in the preceding year, it ensured, in all but a trivial number of cases in which an employer has violated a tribunal's order enforcing workers' rights to equal pay or nondiscrimination that the tribunal has imposed punitive sanctions against the employer?

RDE 31 In the previous two years, in cases finding violations of rights to nondiscrimination and equality, did the real aggregate fines and penalties imposed and monetary damages awarded per worker (adjudged to have suffered the rights violations) exceed the average for countries in the same quintile of income per capita?

RDE 32 Has the government convincingly and verifiably demonstrated that, in the previous two years, in cases finding violations of rights to nondiscrimination and equality, the real aggregate fines and penalties imposed and monetary damages awarded per worker (adjudged to have suffered the rights violations) exceeded the average for countries in the same quintile of income per capita?

RDE 33 In the previous five years, did the rate of growth in such real aggregate fines, penalties, and monetary damages per worker exceed 133 percent of the rate of growth in real income per capita?

RDE 34 Has the government convincingly and verifiably demonstrated that, in the previous five years, the rate of growth in such real aggregate fines, penalties, and monetary damages per worker exceeded 133 percent of the rate of growth in real income per capita?

2.2.2. Labor Administration and Labor Inspection for Nondiscrimination and Equality

2.2.2.1. Ratification and Reception of International Instruments on Labor Administration and Labor Inspection for Nondiscrimination and Equality

NAS Indicator B-2. whether the country has a labor inspectorate

[ANNOTATION: NAS Indicators B-2, B-3, B-4, and B-5 are not consistent with the NAS Indicators above pertaining to labor inspectorates' enforcement of rights of association and collective bargaining. To ensure consistency and clarity, revised Indicators following NAS Indicator B-5 – pertaining to the labor administration's work in the field of nondiscrimination and equal pay, including the work of the labor inspectorate – track the Indicators above pertaining to the labor administration's work in the field of workers' freedom of association, rights to organize, and rights to bargain collectively.]

NAS Indicator B-3: the breadth of labor inspections in the country, in terms of number of visits, frequency of visits, number of workers covered, etc.

NAS Indicator B-4: the level of resources devoted to the labor inspectorate in terms of number of personnel and budget, absolute or relative to number of workers or spending

NAS Indicator B-5: whether nondiscrimination issues are explicitly included in labor inspections and inspectors trained in them

RDE 35 Has ILO Convention no. 150 on Labor Administration, 1978, been ratified and received into binding domestic law?

[See ANNOTATION for RFL 2 above.]

RDE 36 Regardless whether ILO Convention no. 150 has been received into domestic law, have the rights set forth in that Convention been defined more specifically in domestic legislation, administrative regulations, or other binding domestic legal instruments.

[See ANNOTATION for RFL 1 above.]

RDE 37 Has ILO Convention no. 81 on Labor Inspection, 1947, been ratified and received into binding domestic law?

[See ANNOTATION for RFL 2 above.]

RDE 38 **Regardless whether ILO Convention no. 81 has been received into domestic law, have the rights set forth in that Convention been defined more specifically in domestic legislation, administrative regulations, or other binding domestic legal instruments.**

2.2.2.2. Budget and Personnel of Labor Administration and Labor Inspectorate Devoted to Nondiscrimination and Equality

RDE 39 **Does the budget of all labor administration bodies devoted to enforcement of nondiscrimination and equality per non-managerial worker exceed the average for countries in the same quintile of income per capita?**

RDE 40 **Has the government convincingly and verifiably demonstrated that the budget of all labor administration bodies devoted to enforcement of nondiscrimination and equality per non-managerial worker exceeds the average for countries in the same quintile of income per capita?**

RDE 41 **In the preceding five years, did the rate of growth of the budget of all labor administration bodies devoted to enforcement of workers' rights to nondiscrimination and equality per non-managerial worker exceed 133 percent of the rate of growth in real income per capita?**

RDE 42 **Has the government convincingly and verifiably demonstrated that, in the preceding five years, the rate of growth of the budget of all labor administration bodies devoted to enforcement of workers' rights to nondiscrimination and equality per non-managerial worker exceed 133 percent of the rate of growth in real income per capita?**

RDE 43 **Does the number of labor inspectors devoted to enforcement of workers' nondiscrimination and equality per non-managerial worker exceed the average for countries in the same quintile of income per capita?**

RDE 44 **Has the government convincingly and verifiably demonstrated that the number of labor inspectors devoted to enforcement of workers' nondiscrimination and equality per non-managerial worker exceed the average for countries in the same quintile of income per capita?**

- RDE 45** In the preceding five years, did the rate of growth in the number of labor inspectors devoted to enforcement of workers' rights to nondiscrimination and equality per non-managerial worker exceed 133 percent of the rate of growth in real income per capita?
- RDE 46** Has the government convincingly and verifiably demonstrated that, in the preceding five years, the rate of growth in the number of labor inspectors devoted to enforcement of workers' rights to nondiscrimination and equality per non-managerial worker exceeded 133 percent of the rate of growth in real income per capita?
- RDE 47** In the preceding five years, did the rate of growth in the number of labor inspectors devoted to enforcement of workers' rights to nondiscrimination and equality per non-managerial worker exceed the average among countries in same quintile of real income per capita?
- RDE 48** Has the government convincingly and verifiably demonstrated that, in the preceding five years, the rate of growth in the number of labor inspectors devoted to enforcement of workers' rights to nondiscrimination and equality per non-managerial worker exceeded the average among countries in same quintile of real income per capita?
- RDE 49** Does the average real monthly earnings of labor inspectors devoted to enforcement of workers' rights to nondiscrimination and equality exceed the average among countries in the same quintile of real income per capita?
- RDE 50** Has the government convincingly and verifiably demonstrated that the average real monthly earnings of labor inspectors devoted to enforcement of workers' rights to nondiscrimination and equality exceeds the average among countries in the same quintile of real income per capita?
- RDE 51** In the preceding five years, did the rate of growth in the average real monthly earnings of labor inspectors devoted to enforcement of workers' rights to nondiscrimination and equality exceed 133 percent of the rate of growth in real income per capita?

- RDE 52** **Has the government convincingly and verifiably demonstrated that, in the preceding five years, the rate of growth in the average real monthly earnings of labor inspectors devoted to enforcement of workers' rights to nondiscrimination and equality exceeded 133 percent of the rate of growth in real income per capita?**
- RDE 53** **In the preceding five years, did the rate of growth in the average real monthly earnings of labor inspectors devoted to enforcement of workers' rights to nondiscrimination and equality per non-managerial worker exceed the average among countries in same quintile of real income per capita?**
- RDE 54** **Has the government convincingly and verifiably demonstrated that, in the preceding five years, the rate of growth in the average real monthly earnings of labor inspectors devoted to enforcement of workers' rights to nondiscrimination and equality per non-managerial worker exceeded the average among countries in same quintile of real income per capita?**
- 2.2.2.3. Structure and Process of Labor Inspectorate Devoted to Nondiscrimination and Equality**
- RDE 55** **In the preceding year, did the labor inspectorate conduct trainings for both new and incumbent inspectors on nondiscrimination and equality?**
- RDE 56** **Has the government convincingly and verifiably demonstrated that, in the preceding year, the labor inspectorate conducted trainings for both new and incumbent inspectors on nondiscrimination and equality?**
- RDE 57** **In the preceding year, did the labor inspectorate convene meetings among frontline inspectors, labor inspectorate managers, and political officials charged with overseeing the inspectorate, to deliberate about the performance of the inspectorate in matters of nondiscrimination and equality, including about the inspectorate's strategic plan for the following year?**

- RDE 58** Has the government convincingly and verifiably demonstrated that, in the preceding year, the labor inspectorate convened meetings among frontline inspectors, labor inspectorate managers, and political officials charged with overseeing the inspectorate, to deliberate about the performance of the inspectorate in matters of nondiscrimination and equality, including about the inspectorate’s strategic plan for the following year?
- RDE 59** In the preceding year, did the labor inspectorate produce a strategic plan identifying categories of workplaces that were priority targets for inspection for matters of nondiscrimination and equality?
- RDE 60** Has the government convincingly and verifiably demonstrated that, in the preceding year, the labor inspectorate produced a strategic plan identifying categories of workplaces that were priority targets for inspection for matters of nondiscrimination and equality?
- RDE 61** In the preceding year, in all but a trivial number of cases in which any violation of equal pay or employment discrimination found by the inspectorate was not promptly remedied short of a complaint, did the labor inspectorate refer the case to the competent body for filing complaints?
- RDE 62** Has the government convincingly and verifiably demonstrated that, in the preceding year, in all but a trivial number of cases in which any violation of equal pay or employment discrimination found by the inspectorate was not promptly remedied short of a complaint, the labor inspectorate referred the case to the competent body for filing complaints?
- RDE 63** In the preceding year, did the competent body for filing complaints after a finding of any violation of equal pay or employment discrimination by the labor inspectorate do so for all but a trivial number of cases received by that body upon referral by the inspectorate?
- RDE 64** Has the government convincingly and verifiably demonstrated that, in the preceding year, the competent body for filing complaints after a finding of any violation of equal pay or employment discrimination

by the labor inspectorate did so for all but a trivial number of cases received by that body upon referral by the inspectorate?

RDE 65 In the preceding year, did the labor inspectorate use an information technology (computerized) system enabling inspectorate managers, at a minimum, to track the workplaces inspected, the findings for each inspection, any workplace remedies achieved after each inspection finding any violation of nondiscrimination and equality without referral of the case for complaint-based enforcement, and the progress of any complaint-based cases stemming from each investigation?

RDE 66 Has the government convincingly and verifiably demonstrated that, in the preceding year, the labor inspectorate used an information technology (computerized) system enabling inspectorate managers, at a minimum, to track the workplaces inspected, the findings for each inspection, any workplace remedies achieved after each inspection finding any violation of nondiscrimination and equality without referral of the case for complaint-based enforcement, and the progress of any complaint-based cases stemming from each investigation?

NAS Indicator B-6: whether there is a grievance mechanism for airing and investigating discrimination complaints, “whistle-blowers” or complainants are protected from retaliation, and the grievance mechanism is adequately supported and funded

[ANNOTATION: NAS Indicator B-6 uses terms that are inconsistent with the Indicators for complaint-filing in cases alleging violations of freedom of association and rights of collective bargaining. It is therefore unclear whether Indicator B-6 is intended to apply to some grievance mechanism – such as a public ombudsmen or a specified grievance mechanism that is required of all private employers – other than the mechanism for filing complaints before the competent labor tribunal. However, the following NAS Indicator, B-7, suggests that Indicator B-6 in fact applies to the labor tribunal, since Indicator B-7 refers to prosecutions, penalties and fines – elements which would not apply to an ombudsmen or employer-based grievance mechanism. In any event, the revised Indicators above already cover complaint-filing by both public agencies and private complainants.

The Indicators also cover protection against retaliation. Indicator B-6 refers to “whistle-blowers,” apparently referring to third parties who raise grievances of alleged discrimination committed by the employer against other workers. That concept is captured to the above Indicators referring to parties filing complaints “on behalf” of workers. The Indicators above also cover the budgetary resources of the inspectorate, the tribunal, and the agency charged with filing complaints before the tribunal.]

NAS Indicator B-7: measures of utility of grievance procedures, including number of complaints, length of process, penalties imposed if complaints upheld, and annual prosecutions and fines for violations of nondiscrimination laws

[ANNOTATION: Indicators above on aggregate damage awards pick up one key element of NAS Indicator B-7.]

2.2.3. Affirmative Action Programs

NAS Indicator B-8: where applicable, whether there are affirmative action programs aimed at promoting equality and not at elevating one group over another

[ANNOTATION: Indicator B-8 does not use the terminology and rules for affirmative action set forth in international law and in the law of leading national legal systems. The following Indicators correct that defect. The Indicators apply to affirmative action on behalf of racial, gender, national origin, ethnic, and indigenous groups. As above, the Indicators use the conceptualization of U.S. law that treats national origin groups and ethnic groups as a single category. That treatment, however, can be readily adapted to contexts in which internal ethnic groups (such as tribal “ethnicities”) are subject to historical disadvantage. Indicators of the actual outcome of such affirmative action programs are found below in the third category of Indicators on outcomes.]

RDE 67 In the preceding two years, if there is one or more racial group(s) that has historically been subject to systematic economic disadvantage in the country, did the government ensure that at least

one-half of employers implemented affirmative action programs to remedy the continuing effects of such disadvantage?

- RDE 68** Has the government convincingly and verifiably demonstrated that, in the preceding two years, if there is one or more racial group(s) that has historically been subject to systematic economic disadvantage in the country, the government ensured that at least one-half of employers implemented affirmative action programs to remedy the continuing effects of such disadvantage?
- RDE 69** In the preceding two years, if there is one or more racial group(s) that has historically been subject to systematic economic disadvantage in the country, did the government ensure that the percentage of employers implementing affirmative action programs to remedy the continuing effects of such disadvantage exceeded the average among countries in the same quintile of real income per capita?
- RDE 70** Has the government convincingly and verifiably demonstrated that, in the preceding two years, if there is one or more racial group(s) that has historically been subject to systematic economic disadvantage in the country, the government ensured that the percentage of employers implementing affirmative action programs to remedy the continuing effects of such disadvantage exceeded the average among countries in the same quintile of real income per capita?
- RDE 71** In the preceding five years, if there is one or more racial group(s) that has historically been subject to systematic economic disadvantage in the country, did the government ensure that the rate of growth in the percentage of employers implementing affirmative action programs to remedy the continuing effects of such disadvantage exceeded the average rate of growth among countries in the same quintile of real income per capita?
- RDE 72** Has the government convincingly and verifiably demonstrated that, in the preceding five years, if there is one or more racial group(s) that has historically been subject to systematic economic disadvantage in the country, the government ensured that rate of growth in the percentage of employers implementing affirmative

action programs to remedy the continuing effects of such disadvantage exceeded the average rate of growth among countries in the same quintile of real income per capita?

RDE 73 In the preceding two years, did the government ensure that at least one-half of employers implemented affirmative action programs to remedy the continuing effects of the historical economic disadvantage of women?

RDE 74 Has the government convincingly and verifiably demonstrated that, in the preceding two years, the government ensured that at least one-half of employers implemented affirmative action programs to remedy the continuing effects of the historical economic disadvantage of women?

RDE 75 In the preceding two years, did the government ensure that the percentage of employers implementing affirmative action programs to remedy the continuing effects of the historical economic disadvantage of women exceeded the average among countries in the same quintile of real income per capita?

RDE 76 Has the government convincingly and verifiably demonstrated that, in the preceding two years, the government ensured that the percentage of employers implementing affirmative action programs to remedy the continuing effects of the historical economic disadvantage of women exceeded the average among countries in the same quintile of real income per capita?

RDE 77 In the preceding five years, did the government ensure that the rate of growth in the percentage of employers implementing affirmative action programs to remedy the continuing effects of the historical economic disadvantage of women exceeded the average rate of growth among countries in the same quintile of real income per capita?

RDE 78 Has the government convincingly and verifiably demonstrated that, in the preceding five years, the government ensured that the rate of growth in the percentage of employers implementing affirmative action programs to remedy the continuing effects the historical economic disadvantage of women exceeded the average rate of

growth among countries in the same quintile of real income per capita?

- RDE 79** In the preceding two years, if there is one or more national origin or ethnic group(s) that has historically been subject to systematic economic disadvantage in the country, did the government ensure that at least one-half of employers implemented affirmative action programs to remedy the continuing effects of such disadvantage?
- RDE 80** Has the government convincingly and verifiably demonstrated that, in the preceding two years, if there is one or more national origin or ethnic group(s) that has historically been subject to manifest economic disadvantage in the country, the government ensured that at least one-half of employers implemented affirmative action programs to remedy the continuing effects of such disadvantage?
- RDE 81** In the preceding two years, if there is one or more national origin or ethnic group(s) that has historically been subject to systematic economic disadvantage in the country, did the government ensure that the percentage of employers implementing affirmative action programs to remedy the continuing effects of such disadvantage exceeded the average among countries in the same quintile of real income per capita?
- RDE 82** Has the government convincingly and verifiably demonstrated that, in the preceding two years, if there is one or more national origin or ethnic group(s) that has historically been subject to systematic economic disadvantage in the country, the government ensured that the percentage of employers implementing affirmative action programs to remedy the continuing effects of such disadvantage exceeded the average among countries in the same quintile of real income per capita?
- RDE 83** In the preceding two years, if there is one or more national origin or ethnic group(s) that has historically been subject to systematic economic disadvantage in the country, did the government ensure that the rate of growth in the percentage of employers implementing affirmative action programs to remedy the continuing effects of such disadvantage exceeded the average rate of growth among countries in the same quintile of real income per capita?

- RDE 84** Has the government convincingly and verifiably demonstrated that, in the preceding two years, if there is one or more national origin or ethnic group(s) that has historically been subject to systematic economic disadvantage in the country, the government ensured that rate of growth in the percentage of employers implementing affirmative action programs to remedy the continuing effects of such disadvantage exceeded the average rate of growth among countries in the same quintile of real income per capita?
- RDE 85** In the preceding two years, if there is one or more indigenous group(s) that has historically been subject to systematic economic disadvantage in the country, did the government ensure that at least one-half of employers implemented affirmative action programs to remedy the continuing effects of such disadvantage?
- RDE 86** Has the government convincingly and verifiably demonstrated that, in the preceding two years, if there is one or more indigenous group(s) that has historically been subject to manifest economic disadvantage in the country, the government ensured that at least one-half of employers implemented affirmative action programs to remedy the continuing effects of such disadvantage?
- RDE 87** In the preceding two years, if there is one or more indigenous group(s) that has historically been subject to systematic economic disadvantage in the country, did the government ensure that the percentage of employers implementing affirmative action programs to remedy the continuing effects of such disadvantage exceeded the average among countries in the same quintile of real income per capita?
- RDE 88** Has the government convincingly and verifiably demonstrated that, in the preceding two years, if there is one or more indigenous group(s) that has historically been subject to systematic economic disadvantage in the country, the government ensured that the percentage of employers implementing affirmative action programs to remedy the continuing effects of such disadvantage exceeded the average among countries in the same quintile of real income per capita?

RDE 89 **In the preceding two years, if there is one or more indigenous group(s) that has historically been subject to systematic economic disadvantage in the country, did the government ensure that the rate of growth in the percentage of employers implementing affirmative action programs to remedy the continuing effects of such disadvantage exceeded the average rate of growth among countries in the same quintile of real income per capita?**

RDE 90 **Has the government convincingly and verifiably demonstrated that, in the preceding two years, if there is one or more indigenous group(s) that has historically been subject to systematic economic disadvantage in the country, the government ensured that the rate of growth in the percentage of employers implementing affirmative action programs to remedy the continuing effects of such disadvantage exceeded the average rate of growth among countries in the same quintile of real income per capita?**

2.2.4. Public Education on Nondiscrimination and Equality

NAS Indicator B-9: whether there are public education or sensitivity campaigns, both to educate vulnerable citizens about their rights and to change cultural and traditional attitudes that contribute to discrimination

[ANNOTATION: Indicator B-9 asks only about the existence of campaigns, which is a relatively weak sign of commitment. The Indicator also jumbles several different concepts -- “public education,” “sensitivity,” “educat[ion] of vulnerable citizens,” “cultural” change, and change in “traditional attitudes.” Each of these concepts is ambiguous. For example, does “vulnerab[ility]” here refer to each of the proscribed grounds for discrimination above? What, if any, is the conceptual distinction between a “cultural” attitude and a “traditional” attitude? Which of those attitudes “contribute” to discrimination? The following Indicators are more concrete.]

RDE 91 **In the preceding year, did real government expenditure per non-managerial worker for all program(s) to educate workers about their rights to nondiscrimination and equality exceed the average for countries in the same quintile of real income per capita?**

- RDE 92** Has the government convincingly and verifiably demonstrated that, in the preceding year, its real expenditure per non-managerial worker for all program(s) to educate workers about their rights to nondiscrimination and equality exceeded the average for countries in the same quintile of real income per capita?
- RDE 93** In the preceding five years, did the rate of growth of real government expenditure per non-managerial worker in the export sector for all program(s) to educate workers about their rights to nondiscrimination and equality exceed 133 percent of the rate of growth in real income per capita?
- RDE 94** Has the government convincingly and verifiably demonstrated that, in the preceding five years, the rate of growth of real government expenditure per non-managerial worker in the export sector for all program(s) to educate workers about their rights to nondiscrimination and equality exceeded 133 percent of the rate of growth in real income per capita?
- RDE 95** In the preceding five years, did the rate of growth of real government expenditure per non-managerial worker in the export sector for all program(s) to educate workers about their rights to nondiscrimination and equality exceed the average among countries in same quintile of real income per capita?
- RDE 96** Has the government convincingly and verifiably demonstrated that, in the preceding five years, the rate of growth of real government expenditure per non-managerial worker in the export sector for all program(s) to educate workers about their rights to nondiscrimination and equality exceeded the average among countries in same quintile of real income per capita?

NAS Indicator B-10: whether there are requests for or implementation of international technical assistance programs, which can signal improvements in government efforts and, possibly, effectiveness

[ANNOTATION: Indicator B-10 is not highly probative, as suggested by the tentative language in the final clause of the Indicator. A government's

mere request for foreign funds or technical assistance does not deserve significant weight on the ground that it is a “signal” of “possibl[e]” improvements in “effectiveness.” Indicators below address the question of success in actual implementation of international technical assistance. In addition, the Indicators below track the Indicators above pertaining to the government’s record of impeding NGOs in monitoring rights of association and collective bargaining.]

2.2.5. Child Care Programs

NAS Indicator B-11: whether there are relevant supportive policies, such as child care.

RDE 97 **In the preceding two years, did real government expenditure on child care per non-managerial worker with dependent children below school age exceed the average among countries in the same quintile of real income per capita?**

RDE 98 **Has the government convincingly and verifiably demonstrated that, in the preceding two years, real government expenditure on child care per non-managerial worker with dependent children below school age exceeded the average among countries in the same quintile of real income per capita?**

RDE 99 **In the preceding five years, did the rate of growth in real government expenditure on child care per non-managerial worker with dependent children below school age exceed the average among countries in same quintile of real income per capita?**

RDE 100 **Has the government convincingly and verifiably demonstrated that, in the preceding five years, the rate of growth on child care per non-managerial worker with dependent children below school age exceeded the average among countries in same quintile of real income per capita?**

[ANNOTATION: Indicators above measures child care expenditure per export worker. They deliberately do not limit the inquiry to child care expenditure per *female* export worker. Since lack of child care might be expected to reduce female employment, a government with limited child

care spending might be rewarded for the consequently lower level of female employment and higher level of child care per female worker.]

RDE 101 In the previous five years, did the rate of growth in real government expenditure on child care per non-managerial worker exceed 133 percent of the rate of growth in real income per capita?

RDE 102 Has the government convincingly and verifiably demonstrated that, in the previous five years, the rate of growth in real government expenditure on child care per non-managerial worker exceeded 133 percent of the rate of growth in real income per capita?

[ANNOTATION: An NAS Indicator below in the section below on Acceptable Conditions Regarding Wages, Hours, and Occupational Safety and Health, asks analysts to determine whether a government is providing “support” for NGO activities. This may be a difficult Indicator to apply. An Indicator that asks instead whether the government has taken actions that impede the activities of NGOs may be both easier to apply and a better diagnostic measure of a problem requiring deeper assessment.]

2.2.6. Government Impediments to Private Monitoring on Nondiscrimination and Equality

RDE 103 Have public or private actors provided reliable evidence that the government has, in the preceding year, impeded the lawful activities of any organization devoted to monitoring equal pay or employment discrimination or to advocacy on behalf of workers’ rights in those fields?

RDE 104 Has the government convincingly and verifiably demonstrated that, in the preceding year, it has not impeded the lawful activities of any organization devoted to monitoring equal pay or employment discrimination or to advocacy on behalf of workers’ rights in those fields?

2.3. Capacity-Building on Compliance with Nondiscrimination and Equality Rights

2.3.1. Capacity-Building: Data Collection on Nondiscrimination and Equality Rights

[ANNOTATION: ILO Conventions and UN Conventions require governments to collect comprehensive, accurate data on equality in employment. See *Convention no. 160 on Labor Statistics, 1985*, and *United Nations Committee on Economic, Social and Cultural Rights, General Comments 1, 3, 5, 6, 9, 16, 18, 20*.

This section includes both absolute and comparative Indicators. The absolute Indicators ask whether the government's data collection meets the internationally recognized standards codified by the ILO's International Conference of Labor Statisticians and other authoritative international bodies of statisticians. The comparative Indicators ask whether the government's protocols for data-collection exceed the standards for comprehensiveness and accuracy implemented by other countries in the same quintile of real income per capita. (The following section formulates longitudinal Indicators, measuring the government's use of its own indicators and numerical targets to improve its data-collection capacities.)

The conditional phrase that begins each of the following Indicators ("If the government does collect data...") is merely for clarity. If a government does not collect data on employment discrimination at all, it receives a negative score on the Indicator. The government does not get a free pass on the ground that the Indicator does not apply to a government that does not collect such data. Otherwise, governments that do collect data on employment discrimination but do not collect comprehensive data would be unfairly penalized relative to governments that do not collect such data at all.]

RDC 1 **If the government does collect data on discrimination in employment, is the data comprehensive, in the sense that the government has convincingly and verifiably demonstrated that the standards for comprehensiveness in the government's protocols for collection and verification of data on employment discrimination for non-managerial, non-supervisory workers meet the standards set by the ILO's International Conference of Labor Statisticians?**

- RDC 2** If the government does collect data on discrimination in employment, is the data comprehensive, in the sense that the government has convincingly and verifiably demonstrated that the standards for comprehensiveness in the government's protocols for collection and verification of data on employment discrimination for non-managerial, non-supervisory workers exceed the average standards for comprehensiveness among governments in the same quintile of real income per capita?
- RDC 3** If the government does collect data on discrimination in employment, is the data accurate, in the sense that the government has convincingly and verifiably demonstrated that the standards for the government's protocols for collection and verification of data on employment discrimination for non-managerial, non-supervisory workers in the export sector meet the standards set by the ILO's International Conference of Labor Statisticians?
- RDC 4** If the government does collect data on discrimination in employment, is the data accurate, in the sense that the government has convincingly and verifiably demonstrated that the standards for the government's protocols for collection and verification of data on employment discrimination for non-managerial, non-supervisory workers in the export sector exceed the average standard of accuracy among governments in the same quintile of real income per capita?
- RDC 5** If the government does collect and analyze data on discrimination in employment for non-managerial, non-supervisory workers, does the government disaggregate the data by gender?
- RDC 6** If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by gender, is the data comprehensive, in the sense that the government has convincingly and verifiably demonstrated that the standards for comprehensiveness in the government's protocols for collection of data on gender discrimination for non-managerial, non-supervisory workers meet the standards set by the ILO's International Conference of Labor Statisticians?

- RDC 7** If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by gender, is the data comprehensive, in the sense that the government has convincingly and verifiably demonstrated that the standards for comprehensiveness in the government's protocols for collection of data on gender discrimination for non-managerial, non-supervisory workers exceed the average standard of comprehensiveness among governments in the same quintile of real income per capita?
- RDC 8** If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by gender, is the data accurate, in the sense that the government has convincingly and verifiably demonstrated that the standards for the government's protocols for collection and verification of data on gender discrimination for non-managerial, non-supervisory workers meet the standards set by the ILO's International Conference of Labor Statisticians?
- RDC 9** If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by gender, is the data accurate, in the sense that the government has convincingly and verifiably demonstrated that the standards for the government's protocols for collection and verification of data on gender discrimination for non-managerial, non-supervisory workers exceed the average standard of accuracy among governments in the same quintile of real income per capita?
- RDC 10** If the government does collect and analyze data on discrimination in employment for non-managerial, non-supervisory workers, does the government disaggregate the data by race?
- RDC 11** If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by race, is the data comprehensive, in the sense that the government has convincingly and verifiably demonstrated that the standards for comprehensiveness in the government's protocols for collection and verification of data on employment discrimination by race for non-managerial, non-supervisory workers meet the

standards set by the ILO’s International Conference of Labor Statisticians?

- RDC 12** If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by race, is the data comprehensive, in the sense that the government has convincingly and verifiably demonstrated that the standards for comprehensiveness in the government’s protocols for collection and verification of data on employment discrimination by race for non-managerial, non-supervisory workers exceed the average standard of comprehensiveness among governments in the same quintile of real income per capita?
- RDC 13** If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by race, is the data accurate, in the sense that the government has convincingly and verifiably demonstrated that the standards for the government’s protocols for collection and verification of data on race discrimination for non-managerial, non-supervisory workers meet the standards set by the ILO’s International Conference of Labor Statisticians?
- RDC 14** If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by race, is the data accurate, in the sense that the government has convincingly and verifiably demonstrated that the standards for the government’s protocols for collection and verification of data on race discrimination for non-managerial, non-supervisory workers exceed the average standard of comprehensiveness among governments in the same quintile of real income per capita?
- RDC 15** If the government does collect and analyze data on discrimination in employment for non-managerial, non-supervisory workers, does the government disaggregate the data by national origin or ethnic groups?
- RDC 16** If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by national origin or ethnic groups, is the data comprehensive, in the sense that the government has convincingly and verifiably

- demonstrated that the standards for comprehensiveness in the government's protocols for collection and verification of data on employment discrimination based on national origin or ethnicity for non-managerial, non-supervisory workers meet the standards set by the ILO's International Conference of Labor Statisticians?**
- RDC 17** **If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by national origin or ethnic groups, is the data comprehensive, in the sense that the government has convincingly and verifiably demonstrated that the standards for comprehensiveness in the government's protocols for collection and verification of data on employment discrimination based on national origin or ethnicity for non-managerial, non-supervisory workers exceed the average standard of comprehensiveness among governments in the same quintile of real income per capita?**
- RDC 18** **If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregates the data by national origin or ethnic group, is the data accurate, in the sense that the government has convincingly and verifiably demonstrated that the standards for the government's protocols for collection and verification of data on discrimination based on national origin or ethnicity for non-managerial, non-supervisory workers meet the standards set by the ILO's International Conference of Labor Statisticians?**
- RDC 19** **If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by national origin or ethnic group, is the data accurate, in the sense that the government has convincingly and verifiably demonstrated that the standards for the government's protocols for collection and verification of data on discrimination based on national origin or ethnicity for non-managerial, non-supervisory workers exceed the average standard of accuracy among governments in the same quintile of real income per capita?**
- RDC 20** **If the government does collect and analyze data on discrimination in employment for non-managerial, non-supervisory workers, does the government disaggregate the data by indigenous origin?**

- RDC 21** **If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by indigenous origin, is the data comprehensive, in the sense that the government has convincingly and verifiably demonstrated that the standards for comprehensiveness in the government's protocols for collection and verification of data on employment discrimination based on indigenous origin for non-managerial, non-supervisory workers meet the standards set by the ILO's International Conference of Labor Statisticians?**
- RDC 22** **If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by indigenous origin, is the data comprehensive, in the sense that the government has convincingly and verifiably demonstrated that the standards for comprehensiveness in the government's protocols for collection and verification of data on employment discrimination based on indigenous origin for non-managerial, non-supervisory workers exceed the average standard of comprehensiveness among governments in the same quintile of real income per capita?**
- RDC 23** **If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by indigenous origin, is the data accurate, in the sense that the government has convincingly and verifiably demonstrated that the standards for the government's protocols for collection and verification of data on discrimination based on indigenous origin for non-managerial, non-supervisory workers meet the standards set by the ILO's International Conference of Labor Statisticians?**
- RDC 24** **If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by indigenous origin, is the data accurate, in the sense that the government has convincingly and verifiably demonstrated that the standards for the government's protocols for collection and verification of data on discrimination based on indigenous origin for non-managerial, non-supervisory workers exceed the average standard of accuracy among governments in the same quintile of real income per capita?**

- RDC 25** **If the government does collect and analyze data on discrimination in employment for non-managerial, non-supervisory workers, does the government disaggregate the data by citizen and non-citizen status?**
- RDC 26** **If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by citizen and non-citizen status, is the data comprehensive, in the sense that the government has demonstrated that the standards for comprehensiveness in the government's protocols for collection and verification of data on employment discrimination based on citizenship status for non-managerial, non-supervisory workers meet the standards set by the ILO's International Conference of Labor Statisticians?**
- RDC 27** **If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by citizen and non-citizen status, is the data comprehensive, in the sense that the government has demonstrated that the standards for comprehensiveness in the government's protocols for collection and verification of data on employment discrimination based on citizenship status for non-managerial, non-supervisory workers exceed the average standard of comprehensiveness among governments in the same quintile of real income per capita?**
- RDC 28** **If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by citizen and non-citizen status, is the data accurate, in the sense that the government has demonstrated that the standards for the government's protocols for collection and verification of data on employment discrimination based on citizenship status for non-managerial, non-supervisory workers meet the standards set by the ILO's International Conference of Labor Statisticians?**
- RDC 29** **If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by citizen and non-citizen status, is the data accurate, in the sense that the government has demonstrated that the standards for the government's protocols for collection and verification of data on employment discrimination based on citizenship status for non-**

managerial, non-supervisory workers exceed the average standard of accuracy among governments in the same quintile of real income per capita?

- RDC 30** **If the government does collect and analyze data on discrimination in employment for non-managerial, non-supervisory workers, does the government disaggregate the data by disabled and non-disabled status?**
- RDC 31** **If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by disabled and non-disabled status, is the data comprehensive, in the sense that the government has demonstrated that the standards for comprehensiveness in the government's protocols for collection and verification of data on employment discrimination based on disability for non-managerial, non-supervisory workers meet the standards set by the ILO's International Conference of Labor Statisticians?**
- RDC 32** **If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by disabled and non-disabled status, is the data comprehensive, in the sense that the government has demonstrated that the standards for comprehensiveness in the government's protocols for collection and verification of data on employment discrimination based on disability for non-managerial, non-supervisory workers exceed the average standard of comprehensiveness among governments in the same quintile of real income per capita?**
- RDC 33** **If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by disabled and non-disabled status, is the data accurate, in the sense that the government has demonstrated that the standards for the government's protocols for collection and verification of data on employment discrimination based on disability for non-managerial, non-supervisory workers meet the standards set by the ILO's International Conference of Labor Statisticians?**

- RDC 34** If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by disabled and non-disabled status, is the data accurate, in the sense that the government has demonstrated that the standards for the government's protocols for collection and verification of data on employment discrimination based on disability for non-managerial, non-supervisory workers in the export sector exceed the average standard of accuracy among governments in the same quintile of real income per capita?
- RDC 35** If the government does collect and analyze data on discrimination in employment for non-managerial, non-supervisory workers, does the government disaggregate the data by age groups?
- RDC 36** If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by age groups, is the data comprehensive, in the sense that the government has demonstrated that the standards for comprehensiveness in the government's protocols for collection and verification of data on employment discrimination based on age for non-managerial, non-supervisory workers meet the standards set by the ILO's International Conference of Labor Statisticians?
- RDC 37** If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by age groups, is the data comprehensive, in the sense that the government has demonstrated that the standards for comprehensiveness in the government's protocols for collection and verification of data on employment discrimination based on age for non-managerial, non-supervisory workers in the export sector exceed the average standard of comprehensiveness among governments in the same quintile of real income per capita?
- RDC 38** If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by age groups, is the data accurate, in the sense that the government has demonstrated that the standards for the government's protocols for collection and verification of data on employment discrimination based on age for non-managerial, non-

supervisory workers meet the standards set by the ILO's International Conference of Labor Statisticians?

- RDC 39** If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by age groups, is the data accurate, in the sense that the government has demonstrated that the standards for the government's protocols for collection and verification of data on employment discrimination based on age for non-managerial, non-supervisory workers exceed the average standard of accuracy among governments in the same quintile of real income per capita?
- RDC 40** If the government does collect and analyze data on discrimination in employment for non-managerial, non-supervisory workers, does the government disaggregate the data by sexual orientation groups?
- RDC 41** If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by sexual orientation groups, is the data comprehensive, in the sense that the government has demonstrated that the standards for comprehensiveness in the government's protocols for collection and verification of data on employment discrimination based on sexual orientation for non-managerial, non-supervisory workers meet the standards set by the ILO's International Conference of Labor Statisticians?
- RDC 42** If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by sexual orientation groups, is the data comprehensive, in the sense that the government has demonstrated that the standards for comprehensiveness in the government's protocols for collection and verification of data on employment discrimination based on sexual orientation for non-managerial, non-supervisory workers exceed the average standard of comprehensiveness among governments in the same quintile of real income per capita?
- RDC 43** If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers and disaggregate the data by sexual orientation groups, is the data accurate, in the sense that the government has demonstrated that the standards for the

government's protocols for collection and verification of data on employment discrimination based on sexual orientation for non-managerial, non-supervisory workers meet the standards set by the ILO's International Conference of Labor Statisticians?

RDC 44 **If the government does collect data on discrimination in employment for non-managerial, non-supervisory workers in the and disaggregate the data by sexual orientation groups, is the data accurate, in the sense that the government has demonstrated that the standards for the government's protocols for collection and verification of data on employment discrimination based on sexual orientation for non-managerial, non-supervisory workers exceed the average standard of accuracy among governments in the same quintile of real income per capita?**

2.3.2. Capacity-Building: The Government's Use of its Own Indicators and Numerical Targets on Compliance with Nondiscrimination and Equality

2.3.2.1. Government Indicators and Targets on Improvements in Defining Substantive Standards, Efforts to Enforce Standards, and Outcomes on Nondiscrimination and Equality

RDC 45 **In the preceding two years, has the government applied its own Indicators and numerical targets at regular intervals to measure its own compliance with rights of nondiscrimination and equality?**

[ANNOTATION: If the answer to the previous Indicator is "no," the answer to the following Indicator is also "no."]

RDC 46 **If the government, in the preceding two years, has applied its own Indicators and numerical targets to measure its compliance with rights of nondiscrimination and equality, have the Indicators included Indicators of improvement in the substantive definition of rights of nondiscrimination and equality?**

[ANNOTATION: If the answer to the previous Indicator is "no," the answer to the following Indicator is also "no."]

RDC 47 **If the government has, in the preceding two years, applied numerical targets for the improvement of substantive standards for rights of nondiscrimination and equality, has the government convincingly and verifiably demonstrated that the percentage degree of improvement during the previous five years required by the targets exceeded the average actual annual percentage degree of improvement during the previous five years by the countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 48 **If the answer to the previous Indicator is “yes,” has the government convincingly and verifiably demonstrated that it met its targets?**

[ANNOTATION: If the government has not, in the previous two years, applied its own Indicators and targets to measure its compliance with rights of nondiscrimination and equality, then the answer to the following Indicator is “no.”]

RDC 49 **In the preceding two years, if the government has applied its own Indicators and numerical targets to measure its compliance with rights of nondiscrimination and equality, have the Indicators included Indicators of improvement in efforts to enforce rights of nondiscrimination and equality?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 50 **If the government has, in the preceding two years, applied numerical targets for improvement in efforts to enforce rights of nondiscrimination and equality, has the government convincingly and verifiably demonstrated that the percentage degree of improvement during the previous five years required by the targets exceeded the average actual annual percentage degree of improvement during the previous five years by the countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 51 If the answer to the previous Indicator is “yes,” has the government convincingly and verifiably demonstrated that it met its targets?

[ANNOTATION: If the government has not, in the previous two years, applied its own Indicators and targets to measure its compliance with rights of nondiscrimination and equality, then the answer to the following Indicator is “no.”]

RDC 52 If the government has, in the preceding two years, applied its own Indicators and numerical targets to measure its compliance with nondiscrimination and equality, have the Indicators included Indicators of improved outcomes in the enforcement of rights of nondiscrimination and equality?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 53 If the government has, in the preceding two years, applied numerical targets for improved outcomes in the enforcement of rights of nondiscrimination and equality, has the government convincingly and verifiably demonstrated that the percentage degree of improvement during the previous five years required by the targets exceeded the average actual annual percentage degree of improvement during the previous five years by the countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 54 If the answer to the previous Indicator is “yes,” has the government convincingly and verifiably demonstrated that it met its targets?

[ANNOTATION: Note that the following Indicator asks about the four bases of discrimination most commonly found in domestic law. The subsequent Indicator asks about five bases of discrimination not so commonly found in domestic law.]

2.3.2.2. Capacity-Building: Disaggregation of Government Indicators and Targets by Subordinate Groups

RDC 55 In the preceding two years, if the government has applied its own Indicators and numerical targets to rights of nondiscrimination and equality, has the government disaggregated the Indicators and targets by gender, race, national origin or ethnicity, and citizenship status?

RDC 56 In the preceding two years, if the government has applied its own Indicators and numerical targets to rights of nondiscrimination and equality, has the government disaggregated the Indicators and targets by religion, indigenous origin, disability, age, and sexual orientation?

2.3.2.3. Capacity-Building: Sufficient Specification of Government Indicators and Targets on Nondiscrimination and Equality

RDC 57 In the preceding two years, if the government has applied its own Indicators and numerical targets to rights of nondiscrimination and equality, has the government specified the Indicators sufficiently to enable analysts to accurately and readily apply more than 80 percent of the Indicators contained in this body of Indicators pertaining to the substantive definition of rights of nondiscrimination and equality?

RDC 58 In the preceding two years, if the government has applied its own Indicators and numerical targets to rights of nondiscrimination and equal pay, has the government specified the Indicators sufficiently to enable analysts to accurately and readily apply a greater percentage of the Indicators contained in this body of Indicators pertaining to the substantive definition of rights of nondiscrimination and equality than the average number that can accurately and readily be applied based on the specification of Indicators of other countries in the same quintile of real income per capita?

RDC 59 In the preceding two years, if the government has applied its own Indicators and numerical targets to rights of nondiscrimination and equality, has the government specified the Indicators sufficiently to

enable analysts to accurately and readily apply more than 80 percent of the Indicators contained in this body of Indicators pertaining to the enforcement of substantive rights of nondiscrimination and equality?

RDC 60 In the preceding two years, if the government has applied its own Indicators and numerical targets to rights of nondiscrimination and equality, has the government specified the Indicators sufficiently to enable analysts to accurately and readily apply a greater percentage of the Indicators contained in this body of Indicators pertaining to the enforcement of substantive rights of nondiscrimination and equality than the average number that can accurately and readily be applied based on the specification of Indicators of other countries in the same quintile of real income per capita?

RDC 61 In the preceding two years, if the government has applied its own Indicators and numerical targets to rights of nondiscrimination and equality, has the government specified the Indicators sufficiently to enable analysts to accurately and readily apply more than 80 percent of the Indicators contained in this body of Indicators pertaining to the outcome of enforcement of substantive rights of nondiscrimination and equality?

RDC 62 In the preceding two years, if the government has applied its own Indicators and numerical targets to rights of nondiscrimination and equality, has the government specified the Indicators sufficiently to enable analysts to accurately and readily apply a greater percentage of the Indicators contained in this body of Indicators pertaining to the outcome of enforcement of substantive rights of nondiscrimination and equality than the average number that can accurately and readily be applied based on the specification of Indicators of other countries in the same quintile of real income per capita?

2.3.2.4. Capacity-Building: Government Indicators and Targets on Budgets and Personnel of Labor Administration and Tribunals Devoted to Nondiscrimination and Equality

RDC 63 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the budgetary resources of all labor administration activities devoted to enforcement of workers' rights of nondiscrimination and equality per non-managerial worker?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RDC 64 If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for increasing the budgetary resources of all labor administration activities devoted to enforcement of workers' rights of nondiscrimination and equality rights per non-managerial worker, has the government convincingly and verifiably demonstrated that the targeted increases exceed the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 65 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the budgetary resources of all labor administration activities devoted to enforcement of workers' rights of nondiscrimination and equality per non-managerial worker?

RDC 66 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increases in the budgetary resources for the labor tribunals devoted to processing and deciding cases on rights of nondiscrimination and equality?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RDC 67 If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for increases in the budgetary resources for the labor tribunals devoted to processing and deciding cases on rights of nondiscrimination and equality, has the government convincingly and verifiably demonstrated that the

targeted increases exceed the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 68 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increased budgetary resources for the labor tribunals devoted to processing and deciding cases on rights of nondiscrimination and equality?

RDC 69 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increases in the number of judges and administrators devoted to processing and deciding cases on rights of nondiscrimination and equality?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RDC 70 If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for increases in the number of judges and administrators devoted to processing and deciding cases on rights of nondiscrimination and equality, has the government convincingly and verifiably demonstrated that the targeted increases exceeded the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 71 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the number of judges and administrators devoted to processing and deciding cases on rights of nondiscrimination and equality?

RDC 72 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increases in the

salary of judges and administrators devoted to processing and deciding cases on rights of nondiscrimination and equality?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RDC 73 **If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for increases in the salary judges and administrators devoted to processing and deciding cases on rights of nondiscrimination and equality, has the government convincingly and verifiably demonstrated that the targeted increases exceeded the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 74 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the salary of judges and administrators devoted to processing and deciding cases on rights of nondiscrimination and equality?**

RDC 75 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for improvement in the training of judges and administrators devoted to processing and deciding cases on rights of nondiscrimination and equality?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RDC 76 **If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for improvement in the training of judges and administrators devoted to processing and deciding cases on rights of nondiscrimination and equality, has the government convincingly and verifiably demonstrated that the targeted improvements exceed the average actual rate of improvement during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 77 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for improvement in the training of judges and administrators devoted to processing and deciding cases on rights of nondiscrimination and equality?

2.3.2.5. Capacity-Building: Government Indicators and Targets on Lapse of Time in Processing Complaints on Nondiscrimination and Equality

RDC 78 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for reducing the average lapse of time between the filing of a complaint before a tribunal devoted to processing and deciding cases on rights of nondiscrimination and equality and the final disposition by the tribunal (that is, a disposition finding either no violation; a violation and remedial order; or settlement of the case)?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RDC 79 If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for reducing the average lapse of time between the filing of a complaint before a tribunal devoted to processing and deciding cases on rights of nondiscrimination and equality and the final disposition by the tribunal (that is, a disposition finding either no violation; a violation and remedial order; or settlement of the case), has the government convincingly and verifiably demonstrated that the targeted reductions exceed the average targeted reductions among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 80 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets in reducing the average lapse of time between the filing of a complaint before a

tribunal devoted to processing and deciding cases on rights of nondiscrimination and equality and the final disposition by the tribunal (that is, a disposition finding either no violation; a violation and remedial order; or settlement of the case)?

2.3.2.6. Capacity-Building: Government Indicators and Targets on Information Technology Used by Tribunals Devoted to Nondiscrimination and Equality

RDC 81 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for improving the information technology applied to case processing by the labor tribunal devoted to processing and deciding cases on rights of nondiscrimination and equality?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RDC 82 **If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for improving the information technology applied to case processing by the labor tribunal devoted to processing and deciding cases on rights of nondiscrimination and equality, has the government convincingly and verifiably demonstrated that the targeted improvements exceed the average actual rate of improvement during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 83 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for improving the information technology applied to case processing by the labor tribunal devoted to processing and deciding cases on rights of nondiscrimination and equality?**

2.3.2.7. Capacity-Building: Government Indicators and Targets on Filing Complaints on Nondiscrimination and Equality

RDC 84 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which workers alleging violation of their rights of nondiscrimination and equality were able to file complaints, or have complaints or indictments filed on their behalf, with administrative or judicial tribunals empowered to enforce those rights?**

[ANNOTATION : If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RDC 85 **If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for increasing the rate at which workers alleging violation of their rights of nondiscrimination and equality were able to file complaints, or have complaints or indictments filed on their behalf, with administrative or judicial tribunals empowered to enforce those rights, has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of improvement during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION : If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 86 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the rate at which workers alleging violation of their rights of nondiscrimination and equality were able to file complaints, or have complaints or indictments filed on their behalf, with administrative or judicial tribunals empowered to enforce those rights?**

RDC 87 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for decreasing the lapse of time between workers bringing allegations to the government’s attention (pertaining to workers’ rights of nondiscrimination and equality) and the filing of a complaint by**

government attorneys or other government officials, in all cases in which domestic law stipulates that the worker’s or worker organization’s civil case can be initiated by such a complaint?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RDC 88 **If in the preceding two years the government has at least annually applied such Indicators and numerical targets, has the government convincingly and verifiably demonstrated that the targeted decrease in the lapse of time exceeds the average actual rate of decrease during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 89 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for decreasing the lapse of time between workers bringing allegations to the government’s attention (pertaining to rights of nondiscrimination and equality) and the filing of a complaint by government attorneys or other government officials, in all cases in which domestic law stipulates that the worker’s or worker organization’s civil case can be initiated by such a complaint?**

2.3.2.8. Capacity-Building: Government Indicators and Targets on Independence of Tribunals Devoted to Nondiscrimination and Equality

RDC 90 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which members of tribunals (deciding cases of alleged violations of rights of nondiscrimination and equality) were independent of complaining workers, of complained-against employers, and of complained-against government agencies or officials – except for the employee and employer members of a tribunal explicitly composed of one or more neutral member(s)**

together with equal numbers of employer and employee representatives?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RDC 91 **If in the preceding two years the government has at least annually applied such Indicators and numerical targets, has the government convincingly and verifiably demonstrated that the targeted increase in the rate at which members of tribunals (deciding cases of alleged violations of rights of nondiscrimination and equality) were independent of complaining workers, of complained-against employers, and of complained-against government agencies or officials (except for the employee and employer members of a tribunal explicitly composed of one or more neutral member(s) together with equal numbers of employer and employee representatives) exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 92 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the rate at which tribunals (deciding cases of alleged violations of rights of nondiscrimination and equality) were independent of complaining workers, of complained-against employers, and of complained-against government agencies or officials -- except for the employee and employer members of a tribunal explicitly composed of one or more neutral member(s) together with equal numbers of employer and employee representatives?**

2.3.2.9. Capacity-Building: Government Indicators and Targets on Retaliation against Workers who File Complaints on Nondiscrimination and Equality

RDC 93 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the**

rate at which workers who filed with government officials complaints or allegations of violations of rights of nondiscrimination and equality were effectively protected against retaliation for filing such complaints or allegations?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RDC 94 **If in the preceding two years the government has at least annually applied such Indicators and numerical targets, has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 95 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the rate at which workers who filed with government officials complaints or allegations of violations of rights of nondiscrimination and equality were effectively protected against retaliation for filing such complaints or allegations?**

2.3.2.10. Capacity-Building: Government Indicators and Targets on Fair Process of Tribunals Devoted to Nondiscrimination and Equality

RDC 96 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which all non-trivial proceedings of tribunals hearing cases pertaining to rights of nondiscrimination and equality were open to the public, except where necessary to protect the anonymity of complaining workers?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RDC 97 **If in the preceding two years the government has at least annually applied such Indicators and numerical targets, has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 98 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the rate at which all non-trivial proceedings of tribunals hearing cases pertaining to rights of nondiscrimination and equality were open to the public, except where necessary to protect the anonymity of complaining workers?**

RDC 99 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which the parties were able to present all material evidence to support or defend their respective positions in cases alleging violations of rights of nondiscrimination and equality?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RDC 100 **If in the preceding two years the government has at least annually applied such Indicators and numerical targets, has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 101 **Has the government convincingly and verifiably demonstrated that in the previous two years it met its targets for increasing the rate at which the parties were able to present all material evidence to**

support or defend their respective positions in cases alleging violations of rights of nondiscrimination and equality?

RDC 102 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which tribunals’ final decisions pertaining to rights of nondiscrimination and equality were written, reasoned, and published?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RDC 103 **If in the preceding two years the government has at least annually applied such Indicators and numerical targets, has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 104 **Has the government convincingly and verifiably demonstrated that in the previous two years it met its targets for increasing the rate at which the tribunals’ final decisions pertaining to rights of nondiscrimination and equality were written, reasoned, and published?**

2.3.2.11. Capacity-Building: Government Indicators and Targets on Remedies for Violations of Nondiscrimination and Equality Rights

RDC 105 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which tribunals at a minimum ordered the employer to reinstate the worker with back pay, in cases in which tribunals found that a worker was discharged in violation of rights of nondiscrimination and equality?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RDC 106 If in the preceding two years the government has at least annually applied such Indicators and numerical targets, has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 107 Has the government convincingly and verifiably demonstrated that in the previous two years it met its targets for increasing the rate at which tribunals at a minimum ordered the employer to reinstate the worker with back pay, in cases in which tribunals found that a worker was discharged in violation of rights of nondiscrimination and equality?

RDC 108 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which tribunals at a minimum ordered the employer to cease the adverse action and to compensate the worker fully for all damages suffered as a result of the adverse action, in all cases in which tribunals found that adverse action other than discharge was taken against a worker in violation of rights of nondiscrimination and equality?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RDC 109 If in the preceding two years the government has at least annually applied such Indicators and numerical targets, has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 110 Has the government convincingly and verifiably demonstrated that in the previous two years it met its targets for increasing the rate at which tribunals at a minimum ordered the employer to cease the adverse action and to compensate the worker fully for all damages suffered as a result of the adverse action, in all cases in which tribunals found that adverse action other than discharge was taken against a worker in violation of rights of nondiscrimination and equality?

RDC 111 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which tribunals imposed punitive sanctions against the employer, in all cases in which an employer has violated a tribunal’s order enforcing workers’ rights of nondiscrimination and equality?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RDC 112 If in the preceding two years the government has at least annually applied such Indicators and numerical targets, has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 113 Has the government convincingly and verifiably demonstrated that in the previous two years it met its targets for increasing the rate at which tribunals imposed punitive sanctions against the employer, in all cases in which an employer has violated a tribunal’s order enforcing workers’ rights of nondiscrimination and equality?

2.3.2.12. Capacity-Building: Government Indicators and Targets on Resources and Functions of Labor Inspectorate Devoted to Nondiscrimination and Equality

RDC 114 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increases in the number of labor inspectors devoted to enforcing rights of nondiscrimination and equality?**

[ANNOTATION: If the answer the preceding Indicator is “no,” the answer to the following indicator is also “no.”]

RDC 115 **If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for increases in the number of labor inspectors devoted to enforcing rights of nondiscrimination and equality, has the government convincingly and verifiably demonstrated that the targeted increases exceeded the average actual rate of increase during the previous five years among countries in the same quintile of income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 116 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the number of labor inspectors devoted to enforcing rights of nondiscrimination and equality?**

RDC 117 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increases in the salary of labor inspectors devoted to enforcing rights of nondiscrimination and equality?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RDC 118 **If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for increases in the salary of labor inspectors devoted to enforcing rights of nondiscrimination and equality, has the government convincingly**

and verifiably demonstrated that the targeted increases exceeded the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 119 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the salary of labor inspectors devoted to enforcing rights of nondiscrimination and equality?

RDC 120 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for improvement in the training of labor inspectors devoted to enforcing rights of nondiscrimination and equality?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RDC 121 If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for improvement in the training of labor inspectors devoted to rights of nondiscrimination and equality, has the government convincingly and verifiably demonstrated that the targeted improvements exceed the average actual rate of improvement during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 122 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for improvement in the training of labor inspectors devoted to enforcing rights of nondiscrimination and equality?

RDC 123 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for improvement in convening meetings among frontline inspectors, labor inspectorate

managers, and political officials charged with overseeing the inspectorate, to deliberate about the performance of the inspectorate respecting enforcement of workers' rights of nondiscrimination and equality, including deliberation about the inspectorate's strategic plan for the following year?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RDC 124 **If in the preceding two years the government has at least annually applied such Indicators and numerical targets for improvement, has the government convincingly and verifiably demonstrated that the targeted improvements exceed the average actual rate of improvement during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 125 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for improvement in convening meetings among frontline inspectors, labor inspectorate managers, and political officials charged with overseeing the inspectorate, to deliberate about the performance of the inspectorate respecting enforcement of workers' rights of nondiscrimination and equality, including deliberation about the inspectorate's strategic plan for the following year?**

RDC 126 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for reducing the average lapse of time between the start of an inspection pertaining to rights of nondiscrimination and equality and the final disposition by the inspectorate (that is, a disposition finding either no violation; successful remediation of the complaint; or referral of the case for prosecution)?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RDC 127 **If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for reducing the average lapse of time between the start of an inspection pertaining to rights of nondiscrimination and equality and the final disposition by the inspectorate (that is, a disposition finding either no violation; successful remediation of the complaint; or referral of the case for prosecution), has the government convincingly and verifiably demonstrated that the targeted improvements exceed the average actual rate of improvement during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 128 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets in reducing the average lapse of time between the start of an inspection pertaining to rights of nondiscrimination and equality and the final disposition by the inspectorate (that is, a disposition finding either no violation; successful remediation of the complaint; or referral of the case for prosecution) an increased number of labor inspectors devoted to enforcing workers’ freedom of association and rights to organize, to bargain collectively, and to strike)?**

RDC 129 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for improving the information technology applied to case processing by the labor inspectorate on matters of rights of nondiscrimination and equality?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RDC 130 **If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for improving the information technology applied to case processing by the labor inspectorate on matters of rights of nondiscrimination and equality, has the government convincingly and verifiably demonstrated that the targeted improvements exceed the average actual rate of improvement during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 131 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for improving the information technology applied to case processing by the labor inspectorate on matters of rights of nondiscrimination and equality?

RDC 132 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for improving the labor inspectorate’s production of a strategic plan identifying categories of workplaces that were priority targets for inspection for matters of workers’ rights of nondiscrimination and equality?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RDC 133 If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for improving the labor inspectorate’s production of a strategic plan identifying categories of workplaces that were priority targets for inspection for matters of workers’ rights of nondiscrimination and equality, has the government convincingly and verifiably demonstrated that the targeted improvements exceed the average actual rate of improvement during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 134 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for improving the labor inspectorate’s production of a strategic plan identifying categories of workplaces that were priority targets for inspection for matters of workers’ rights of nondiscrimination and equality?

[ANNOTATION: Labor inspectors typically depend on the legal staff of a Ministry of Justice or other entity to bring complaints seeking administrative or judicial enforcement of worker rights. In some instances,

inspectories are empowered to issue self-executing orders, but these rare powers typically apply to urgent health and safety violations, not to violations of freedom of association.]

RDC 135 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which the competent body filed complaints with the relevant tribunal, upon referral by the labor inspectorate after the labor inspectorate found a violation, or reasonable cause to believe there was a violation, of workers' rights of nondiscrimination and equality?**

[ANNOTATION: If the answer to the previous Indicator is "no," the answer to the following Indicator is "no."]

RDC 136 **If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for such an increase, has the government convincingly and verifiably demonstrated that the targeted increase exceed the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is "no," the answer to the following Indicator is also "no."]

RDC 137 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the rate at which the competent body filed complaints with the relevant tribunal, upon referral by the labor inspectorate after the labor inspectorate found a violation, or reasonable cause to believe there was a violation, of workers' rights of nondiscrimination and equality?**

2.3.2.13. Capacity-Building: Government Indicators and Targets on Public Education on Nondiscrimination and Equality Rights

RDC 138 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the government's budgetary resources per worker for all programs to**

educate workers about their rights of nondiscrimination and equality?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RDC 139 **If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for such an increase, has the government convincingly and verifiably demonstrated that the targeted increases exceed the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RDC 140 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the government’s budgetary resources per worker for all programs to educate workers about their rights of nondiscrimination and equality?**

2.3.3. Capacity-Building: Participation and Transparency in Compliance with Nondiscrimination and Equality Rights

2.3.3.1. Capacity-Building: Consultation with Subordinate Groups on Improving Substantive Standards of Nondiscrimination and Equality

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 141 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with worker representatives and employer representatives prior to formulation and application of the Indicators and targets?**

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 142 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of women’s organizations prior to formulation and application of the Indicators and targets?**

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 143 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of racial groups prior to formulation and application of the Indicators and targets?**

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 144 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of national origin or ethnic groups prior to formulation and application of the Indicators and targets?**

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved substantive

standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 145 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of indigenous groups prior to formulation and application of the Indicators and targets?**

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 146 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of non-citizen groups prior to formulation and application of the Indicators and targets?**

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 147 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of the disabled prior to formulation and application of the Indicators and targets?**

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 148 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of the aged prior to formulation and application of the Indicators and targets?**

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 149 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of the gay and lesbian groups prior to formulation and application of the Indicators and targets?**

2.3.3.2. Capacity-Building: Written Statement and Opportunity for Response on Improving Substantive Standards of Nondiscrimination and Equality

[ANNOTATION: If in the preceding two years the government did not consult with non-governmental groups prior to formulating and applying Indicators of and numerical targets for improved substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 150 **If the government consulted with non-governmental groups prior to promulgating Indicators and numerical targets for improved substantive standards of nondiscrimination and equality rights, did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets?**

2.3.3.3. Capacity-Building: Evaluation of Success in Improving Substantive Standards of Nondiscrimination and Equality

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improved substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 151 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with worker representatives and employer representatives during the evaluation process?**

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improved substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 152 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of women’s organizations during the evaluation process?**

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improving substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 153 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of racial groups during the evaluation process?**

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improving substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 154 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of national origin or ethnic groups during the evaluation process?**

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improving substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 155 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of indigenous groups during the evaluation process?**

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improving substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 156 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of non-citizen groups during the evaluation process?**

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improving

substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 157 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of the disabled during the evaluation process?**

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improving substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 158 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of the aged during the evaluation process?**

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improving substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 159 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of the gay and lesbian groups during the evaluation process?**

2.3.3.4. Capacity-Building: Written Statement and Opportunity for Response on Evaluating Success in Improving Substantive Standards of Nondiscrimination and Equality

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improving

substantive standards of nondiscrimination and equality, or did not consult with non-governmental groups during that process, then the answer to the following Indicator is “no.”]

RDC 160 **If the government did consult with non-governmental groups during the process of evaluating its success in meeting numerical targets for improving substantive standards of nondiscrimination and equality rights, did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to rendering a final evaluation?**

2.3.3.5. Capacity-Building: Consultation with Subordinate Groups on Improving Efforts to Enforce Nondiscrimination and Equality Rights

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 161 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with worker representatives and employer representatives prior to formulation and application of the Indicators and targets?**

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 162 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it**

consulted with representatives of women’s organizations prior to formulation and application of the Indicators and targets?

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 163 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of racial groups prior to formulation and application of the Indicators and targets?**

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 164 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of national origin or ethnic groups prior to formulation and application of the Indicators and targets?**

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 165 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of indigenous groups prior to formulation and application of the Indicators and targets?**

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 166 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of non-citizen groups prior to formulation and application of the Indicators and targets?**

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 167 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of the disabled prior to formulation and application of the Indicators and targets?**

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 168 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of the aged prior to formulation and application of the Indicators and targets?**

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 169 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of the gay and lesbian groups prior to formulation and application of the Indicators and targets?**

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

2.3.3.6. Capacity-Building: Written Statement and Opportunity for Response Prior to Formulating and Applying Indicators and Numerical Targets on Improving Efforts to Enforce Nondiscrimination and Equality

[ANNOTATION: If in the preceding two years the government did not consult with non-governmental groups prior to promulgating Indicators and numerical targets for improved efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 170 **If the government consulted with non-governmental groups prior to promulgating Indicators and numerical targets for improved efforts to enforce substantive standards of nondiscrimination and equality rights, did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets?**

2.3.3.7. Capacity-Building: Consultation with Subordinate Groups in Evaluating the Government’s Success in Improving Efforts to Enforce Nondiscrimination and Equality Rights

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improved efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 171 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with worker representatives and employer representatives during the evaluation process?**

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improved efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 172 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of women’s organizations during the evaluation process?**

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improved efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 173 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of racial groups during the evaluation process?**

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improved efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 174 If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of national origin or ethnic groups during the evaluation process?

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improving efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 175 If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of indigenous groups during the evaluation process?

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improving efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 176 If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of non-citizen groups during the evaluation process?

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improving efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 177 If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving efforts to enforce substantive standards of nondiscrimination and equality rights, has

the government convincingly and verifiably demonstrated that it consulted with representatives of the disabled during the evaluation process?

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improving efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 178 If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of the aged during the evaluation process?

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improving efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 179 If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of the gay and lesbian groups during the evaluation process?

2.3.3.8. Capacity-Building: Written Statement and Opportunity for Response on Evaluating Success in Improving Efforts to Enforce Nondiscrimination and Equality

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improving efforts to enforce substantive standards of nondiscrimination and equality rights, or did not consult with non-governmental groups during the evaluation process, then the answer to the following Indicator is “no.”]

RDC 180 If the government did consult with non-governmental groups during the process of evaluating its success in meeting numerical targets for improving efforts to enforce substantive standards of nondiscrimination and equality rights, did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to rendering a final evaluation?

2.3.3.9. Capacity-Building: Consultation with Subordinate Groups on Improving Outcomes from Efforts to Enforce Nondiscrimination and Equality

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 181 If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with worker representatives and employer representatives prior to formulation and application of the Indicators and targets?

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 182 If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of women’s organizations prior to formulation and application of the Indicators and targets?

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 183 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of racial groups prior to formulation and application of the Indicators and targets?**

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 184 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of national origin or ethnic groups prior to formulation and application of the Indicators and targets?**

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 185 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of indigenous groups prior to formulation and application of the Indicators and targets?**

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 186 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of non-citizen groups prior to formulation and application of the Indicators and targets?**

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 187 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of the disabled prior to formulation and application of the Indicators and targets?**

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 188 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of the aged prior to formulation and application of the Indicators and targets?**

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved outcomes from

efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 189 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of the gay and lesbian groups prior to formulation and application of the Indicators and targets?**

2.3.3.10. Capacity-Building: Written Statement and Opportunity for Response Prior to Formulating and Applying Indicators and Numerical Targets on Improving Outcomes from Efforts to Enforce Nondiscrimination and Equality

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, or did not consult with non-governmental groups prior to formulating and applying such Indicators, then the answer to the following Indicators is “no.”]

RDC 190 **If the government consulted with non-governmental groups prior to promulgating Indicators and numerical targets for improved outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets?**

2.3.3.11. Capacity-Building: Consultation with Subordinate Groups in Evaluating the Government’s Success in Improving Outcomes from Efforts to Enforce Nondiscrimination and Equality Rights

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improved outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 191 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with worker representatives and employer representatives during the evaluation process?**

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improved outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 192 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of women’s organizations during the evaluation process?**

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improving outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 193 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of racial groups during the evaluation process?**

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improving outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 194 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of national origin or ethnic groups during the evaluation process?**

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improving outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 195 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of indigenous groups during the evaluation process?**

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improving outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 196 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of non-citizen groups during the evaluation process?**

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improving outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 197 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving outcomes from efforts to enforce substantive standards of nondiscrimination and equality**

rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of the disabled during the evaluation process?

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improving outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 198 If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of the aged during the evaluation process?

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improving outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 199 If the government, in the preceding two years, evaluated its success in meeting numerical targets for improving outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with representatives of the gay and lesbian groups during the evaluation process?

2.3.3.12. Capacity-Building: Written Statement and Opportunity for Response on Evaluating Success in Improving Outcomes from Efforts to Enforce Nondiscrimination and Equality

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improved outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, or did not consult with non-governmental groups during the evaluation process, then the answer to the following Indicator is “no.”]

RDC 200 **If the government did consult with non-governmental groups during the process of evaluating its success in meeting numerical targets to improve outcomes from efforts to enforce substantive standards of nondiscrimination and equality rights, did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to rendering a final evaluation?**

2.3.3.13. Capacity-Building: Consultation with Subordinate Groups on Improving Collection and Analysis of Data on Compliance with Nondiscrimination and Equality Rights

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved collection and analysis of data on compliance with nondiscrimination and equality rights, then the answer to the following Indicators is “no.”]

RDC 201 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved collection and analysis of data on compliance with nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?**

2.3.3.14. Capacity-Building: Written Statement and Opportunity for Response Prior to Formulating and Applying Indicators and Numerical Targets on Improved Collection and Analysis of Data on Compliance with Nondiscrimination and Equality Rights

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved collection and analysis of data on compliance with nondiscrimination and equality rights, then the answer to the following Indicator is “no.”]

RDC 202 If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets on improving the collection and analysis of data on compliance with nondiscrimination and equality rights?

2.3.3.15. Capacity-Building: Consultation with Subordinate Groups in Evaluating the Government’s Success in Improving the Collection and Analysis of Data on Compliance with Nondiscrimination and Equality Rights

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improved collection and analysis of data on compliance with nondiscrimination and equality rights, then the answer to the following Indicators is “no.”]

RDC 203 If the government, in the preceding two years, evaluated its success in meeting numerical targets for improved collection and analysis of data on compliance with nondiscrimination and equality rights, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations during the evaluation process?

2.3.3.16. Capacity-Building: Written Statement and Opportunity for Response on Evaluating Success in Improving Collection and Analysis of Data on Compliance with Nondiscrimination and Equality Rights

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improved collection and analysis of data on nondiscrimination and equality rights, or did not consult with non-governmental groups during the evaluation process, then the answer to the following Indicator is “no.”]

RDC 204 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to rendering a final evaluation of its success in meeting numerical targets for improved collection and analysis of data on compliance with nondiscrimination and equality rights?**

2.3.4. Capacity-Building: Interchange with Peer Countries on Nondiscrimination and Equality Rights

RDC 205 **In the preceding two years, have officials of the labor administration with responsibility for overseeing enforcement of rights to nondiscrimination and equality met at least annually with their peers in other countries to discuss their comparative successes and failures in satisfying these Indicators?**

[ANNOTATION: If such meetings were not held, then the answer to the following Indicator is “no.”]

RDC 206 **If such meetings were held, did the officials present data and arguments to justify their comparative failures, if any, to satisfy particular Indicators?**

RDC 207 **In the preceding two years, have officials of the labor administration with responsibility for overseeing enforcement of rights to nondiscrimination and equality met at least annually with their peers in other countries to discuss their comparative successes and failures in satisfying their own indicators and targets for improved compliance?**

[ANNOTATION: If such meetings were not held, then the answer to the following Indicator is “no.”]

RDC 208 **If such meetings were held, did the officials present data and arguments to justify their comparative failures, if any, to satisfy their own Indicators and numerical targets?**

2.4. Outcomes on Rights of Nondiscrimination and Equality

NAS Indicator C-1: differences in illiteracy rates between men and women and among different ethnic, racial, religious, or other groups

[ANNOTATION: NAS Indicator C-1 is double-barreled, asking for a male/female data point, as well as other comparative illiteracy data. It is also ambiguous, leaving the analyst uncertain about which other comparisons to make “among different...groups.” Indicators below parse and clarify these comparative measures.]

2.4.1. Labor Market Participation of Women

- RDO 1** Does the percentage of women participating in the labor market exceed the average among countries in the same quintile of real income per capita?
- RDO 2** Has the government convincingly and verifiably demonstrated that the percentage of women participating in the labor market exceeds the average among countries in the same quintile of real income per capita?
- RDO 3** In the last five years, has the rate of growth in the percentage of women participating in the labor market exceeded the average among countries in the same quintile of real income per capita?
- RDO 4** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of growth in the percentage of women participating in the labor market exceeded the average among countries in the same quintile of real income per capita?
- RDO 5** In the last five years, has the rate of growth in the percentage of women participating in the labor market exceeded 133 percent of the rate of growth in real income per capita?
- RDO 6** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of growth in the percentage of women

participating in the labor market exceeded 133 percent of the rate of growth in real income per capita?

2.4.2. Wages of Women and Other Subordinate Groups

- RDO 7** Does the ratio of the average wage rate of female workers to the average wage rate of male workers exceed the average ratio among countries in the same quintile of real income per capita?
- RDO 8** Has the government convincingly and verifiably demonstrated that the ratio of the average wage rate of female workers to the average wage rate of male workers exceeds the average ratio among countries in the same quintile of real income per capita?
- RDO 9** In the last five years, has the rate of increase in the ratio of the average wage rate of female workers to the average wage rate of male workers exceeded the average rate of increase among countries in the same quintile of real income per capita?
- RDO 10** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of increase in the ratio of the average wage rate of female workers to the average wage rate of male workers exceeded the average rate of increase among countries in the same quintile of real income per capita?
- RDO 11** Does the ratio of the average wage rate of the historically most subordinate racial group to the average wage rate of the historically most dominant racial group exceed the average ratio among countries in the same quintile of real income per capita?
- RDO 12** Has the government convincingly and verifiably demonstrated that the ratio of the average wage rate of the historically most subordinate racial group to the average wage rate of the historically most dominant racial group exceeds the average ratio among countries in the same quintile of real income per capita?
- RDO 13** In the last five years, has the rate of increase in the ratio of the average wage rate of the historically most subordinate racial group

to the average wage rate of the historically most dominant racial group exceeded the average rate of increase among countries in the same quintile of real income per capita?

- RDO 14** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of increase in the ratio of the average wage rate of the historically most subordinate racial group to the average wage rate of the historically most dominant racial group exceeded the average rate of increase among countries in the same quintile of real income per capita?
- RDO 15** Does the ratio of the average wage rate of the historically most subordinate national origin or ethnic group to the average wage rate of the historically most dominant national origin or ethnic group exceed the average ratio among countries in the same quintile of real income per capita?
- RDO 16** Has the government convincingly and verifiably demonstrated that the ratio of the average wage rate of the historically most subordinate national origin or ethnic group to the average wage rate of the historically most dominant national origin or ethnic group exceeds the average ratio among countries in the same quintile of real income per capita?
- RDO 17** In the last five years, has the rate of increase in the ratio of the average wage rate of the historically most subordinate national origin or ethnic group to the average wage rate of the historically most dominant national origin or ethnic group exceeded the average rate of increase among countries in the same quintile of real income per capita?
- RDO 18** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of increase in the ratio of the average wage rate of the historically most subordinate national origin or ethnic group to the average wage rate of the historically most dominant national origin or ethnic group exceeded the average rate of increase among countries in the same quintile of real income per capita?

- RDO 19** Does the ratio of the average wage rate of non-citizens to the average wage rate of citizens exceed the average ratio among countries in the same quintile of real income per capita?
- RDO 20** Has the government convincingly and verifiably demonstrated that the ratio of the average wage rate of non-citizens to the average wage rate of citizens exceeds the average ratio among countries in the same quintile of real income per capita?
- RDO 21** In the last five years, has the rate of increase in the ratio of the average wage rate of non-citizens to the average wage rate of citizens exceeded the average rate of increase among countries in the same quintile of real income per capita?
- RDO 22** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of increase in the ratio of the average wage rate of non-citizens to the average wage rate of citizens exceeded the average rate of increase among countries in the same quintile of real income per capita?

2.4.3. Literacy Rates Among Subordinate Groups

- RDO 23** Is the difference in literacy rates between men and women below the average among countries in the same quintile of real income per capita?
- RDO 24** Has the government convincingly and verifiably demonstrated that the difference in literacy rates between men and women is below the average among countries in the same quintile of real income per capita?
- RDO 25** In the last five years, has the rate of decline in the difference in literacy rates between men and women (with an increase in the literacy gap treated as a negative decline) exceeded the average among countries in the same quintile of income per capita?
- RDO 26** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of decline in the difference in literacy

rates between men and women (with an increase in the literacy gap treated as a negative decline) exceeded the average among countries in the same quintile of income per capita?

- RDO 27** Is the difference in literacy rates between the dominant racial group and the most historically subordinate racial groups below the average among countries in the same quintile of income per capita?
- RDO 28** Has the government convincingly and verifiably demonstrated that the difference in literacy rates between the dominant racial group and the most historically subordinate racial group is below the average among countries in the same quintile of real income per capita?
- RDO 29** In the last five years, has the rate of decline in the difference in literacy rates between the dominant and most subordinate racial groups (with an increase in the literacy gap treated as a negative decline) exceeded the average among countries in the same quintile of real income per capita?
- RDO 30** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of decline in the difference in literacy rates between the dominant and most subordinate racial groups (with an increase in the literacy gap treated as a negative decline) exceeded the average among countries in the same quintile of real income per capita?
- RDO 31** Is the difference in literacy rates between the dominant national origin or ethnic group and the most historically subordinate national origin or ethnic group below the average among countries in the same quintile of real income per capita?
- RDO 32** Has the government convincingly and verifiably demonstrated that the difference in literacy rates between the dominant national origin or ethnic group and the most historically subordinate national origin or ethnic group is below the average among countries in the same quintile of real income per capita?
- RDO 33** In the last five years, has the rate of decline in the difference in literacy rates between the dominant and most subordinate national

origin or ethnic groups (with an increase in the literacy gap treated as a negative decline) exceeded the average among countries in the same quintile of real income per capita?

- RDO 34** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of decline in the difference in literacy rates between the dominant and most subordinate national origin or ethnic groups (with an increase in the literacy gap treated as a negative decline) exceeded the average among countries in the same quintile of real income per capita?
- RDO 35** Is the difference in literacy rates between citizens and non-citizens below the average among countries in the same quintile of real income per capita?
- RDO 36** Has the government convincingly and verifiably demonstrated that the difference in literacy rates between citizens and non-citizens is below the average among countries in the same quintile of income per capita?
- RDO 37** In the last five years, has the rate of decline in the difference in literacy rates between citizens and non-citizens (with an increase in the literacy gap treated as a negative decline) exceeded the average among countries in the same quintile of real income per capita?
- RDO 38** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of decline in the difference in literacy rates between citizens and non-citizens (with an increase in the literacy gap treated as a negative decline) is below the average among countries in the same quintile of real income per capita?

2.4.4. School Enrollment of Subordinate Groups

NAS Indicator C-2: differences in school enrollment rates (primary, secondary, and tertiary, or combined) between men and women and among different ethnic, racial, religious, or other groups

[ANNOTATION: In asking about differences between “other groups,” NAS Indicator C-2 is open-ended. It is also double-barreled and ambiguous. It asks about gender differences. It then asks about other types of groups in the disjunctive – “or other groups.” This leaves the analyst with open-ended discretion to choose whether to assess ethnic, racial, religious or “other” groups or instead to ignore one or more of those groups altogether. Indicator C-2 has another, analogous problem when it asks about primary, secondary, and tertiary enrollments “or combined.” Again, this leaves the analyst with discretion about which categories to use, individually or in combination. The revised Indicators below correct these defects.]

- RDO 39** Is the ratio of the primary school enrollment rate of girls to the primary school enrollment rate of boys above the average among countries in the same quintile of real income per capita?
- RDO 40** Has the government convincingly and verifiably demonstrated that the ratio of primary school enrollment rate of girls to the primary school enrollment rate of boys is above the average among countries in the same quintile of real income per capita?
- RDO 41** In the last five years, has the rate of increase in the ratio of primary school enrollment rate of girls to the primary school enrollment rate of boys (with a decrease in the ratio treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?
- RDO 42** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of increase in the ratio of the primary school enrollment rate of girls to the primary school enrollment rate of boys (with a decrease in the ratio treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?
- RDO 43** Is the ratio of the secondary school enrollment rate of girls to the secondary school enrollment rate of boys above the average among countries in the same quintile of real income per capita?
- RDO 44** Has the government convincingly and verifiably demonstrated that the ratio of the secondary school enrollment rate of girls to the

secondary school enrollment rate of boys above average among countries in the same quintile of real income per capita?

- RDO 45** In the last five years, has the rate of increase in the ratio between the secondary school enrollment rate of girls to the secondary school enrollment rate of boys (with an decrease in the ratio treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?
- RDO 46** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of increase in the ratio between the secondary school enrollment rate of girls to the secondary school enrollment rate of boys (with an increase in the secondary school enrollment gap treated as a negative decline) exceeded the average among countries in the same quintile of real income per capita?
- RDO 47** Is the ratio between the tertiary school enrollment rate of females to the tertiary school enrollment rate of males percentage above the average among countries in the same quintile of real income per capita?
- RDO 48** Has the government convincingly and verifiably demonstrated that the ratio between the tertiary school enrollment rate of females to the tertiary school enrollment rate of males is above the average among countries in the same quintile of real income per capita?
- RDO 49** In the last five years, has the rate of increase in the ratio between the tertiary school enrollment rate of females to the tertiary school enrollment rate of males (with a decrease in the tertiary school enrollment gap treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?
- RDO 50** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of increase in the ratio between the tertiary school enrollment rate of females to the tertiary school enrollment rate of males (with a decrease in the tertiary school enrollment gap treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?

- RDO 51** **Is the ratio in primary school enrollment rates between the most historically subordinate racial group and the dominant racial group above the average among countries in the same quintile of real income per capita?**
- RDO 52** **Has the government convincingly and verifiably demonstrated that the ratio in primary school enrollment rates between the most historically subordinate racial group and the dominant racial group is above the average among countries in the same quintile of real income per capita?**
- RDO 53** **In the last five years, has the rate of increase in the ratio of primary school enrollment rates between the most historically subordinate racial group and the dominant racial group been above the average among countries in the same quintile of real income per capita?**
- RDO 54** **Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of increase in the ratio of primary school enrollment rates between the most historically subordinate racial group and the dominant racial group is above the average among countries in the same quintile of real income per capita?**
- RDO 55** **Is the ratio of secondary school enrollment rates between the most historically subordinate racial group and the dominant racial group above the average among countries in the same quintile of real income per capita?**
- RDO 56** **Has the government convincingly and verifiably demonstrated that the ratio of secondary school enrollment rates between the most historically subordinate racial group and the dominant racial group is above the average among countries in the same quintile of real income per capita?**
- RDO 57** **In the last five years, has the rate of increase in the ratio of secondary school enrollment rates between the most historically subordinate racial group and the dominant racial group (with a decrease in the secondary school enrollment gap treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?**

- RDO 58** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of increase in the ratio of secondary school enrollment rates between the most historically subordinate racial group and the dominant racial group (with a decrease in the secondary school enrollment gap treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?
- RDO 59** Is the ratio of tertiary school enrollment rates between the most historically subordinate racial group and the dominant racial group above the average among countries in the same quintile of real income per capita?
- RDO 60** Has the government convincingly and verifiably demonstrated that the ratio of tertiary school enrollment rates between the most historically subordinate racial group and the dominant racial group is above the average among countries in the same quintile of real income per capita?
- RDO 61** In the last five years, has the rate of increase of the ratio of tertiary school enrollment rates between the most historically subordinate racial group and the dominant racial group (with a decrease in the tertiary school enrollment gap treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?
- RDO 62** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of increase in the ratio of tertiary school enrollment rates between the most historically subordinate racial group and the dominant racial group (with a decrease in the tertiary school enrollment gap treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?
- RDO 63** Is the ratio of the primary school enrollment rates between the most historically subordinate national origin or ethnic group and the dominant national origin or ethnic group above the average among countries in the same quintile of real income per capita?

- RDO 64** Has the government convincingly and verifiably demonstrated that the ratio of the primary school enrollment rates between the most historically subordinate national origin or ethnic group and the dominant national origin or ethnic group above the average among countries in the same quintile of real income per capita?
- RDO 65** In the last five years, has the rate of increase in the ratio of the primary school enrollment rates between the most historically subordinate national origin or ethnic group and the dominant national origin or ethnic group (with a decrease in the primary school enrollment gap treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?
- RDO 66** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of increase in the ratio of the primary school enrollment rates between the most historically subordinate national origin or ethnic group and the dominant national origin or ethnic group (with a decrease in the primary school enrollment gap treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?
- RDO 67** Is the ratio of the secondary school enrollment rates between the most historically subordinate national origin or ethnic group and the dominant national origin or ethnic group above the average among countries in the same quintile of real income per capita?
- RDO 68** Has the government convincingly and verifiably demonstrated that the ratio of the secondary school enrollment rates between the most historically subordinate national origin or ethnic group and the dominant national origin or ethnic group above the average among countries in the same quintile of real income per capita?
- RDO 69** In the last five years, has the rate of increase in the ratio of the secondary school enrollment rates between the most historically subordinate national origin or ethnic group and the dominant national origin or ethnic group (with a decrease in the secondary school enrollment gap treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?

- RDO 70** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of increase in the ratio of the secondary school enrollment rates between the most historically subordinate national origin or ethnic group and the dominant national origin or ethnic group (with a decrease in the secondary school enrollment gap treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?
- RDO 71** Is the ratio of the tertiary school enrollment rates between the most historically subordinate national origin or ethnic group and the dominant national origin or ethnic group below the average among countries in the same quintile of real income per capita?
- RDO 72** Has the government convincingly and verifiably demonstrated that the ratio of the tertiary school enrollment rates between the most historically subordinate national origin or ethnic group and the dominant national origin or ethnic group is above the average among countries in the same quintile of real income per capita?
- RDO 73** In the last five years, has the rate of decline in the ratio of the tertiary school enrollment rates between the most historically subordinate national origin or ethnic group and the dominant national origin or ethnic group (with a decrease in the tertiary school enrollment gap treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?
- RDO 74** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of increase in the ratio of the tertiary school enrollment rates between the most historically subordinate national origin or ethnic group and the dominant national origin or ethnic group (with a decrease in the tertiary school enrollment gap treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?
- RDO 75** Is the ratio of the tertiary school enrollment rates between the most historically subordinate national origin or ethnic group and the dominant national origin or ethnic group below the average among countries in the same quintile of real income per capita?

- RDO 76** Has the government convincingly and verifiably demonstrated that the ratio of the primary school enrollment rates between non-citizens and citizens is above the average among countries in the same quintile of real income per capita?
- RDO 77** Has the government convincingly and verifiably demonstrated that the ratio of the primary school enrollment rates between non-citizens and citizens is above the average among countries in the same quintile of real income per capita?
- RDO 78** In the last five years, has the rate of increase in the ratio of the primary school enrollment rates between non-citizens and citizens (with a decrease in the primary school enrollment gap treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?
- RDO 79** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of increase in the ratio of the primary school enrollment rates between non-citizens and citizens (with a decrease in the primary school enrollment gap treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?
- RDO 80** Has the government convincingly and verifiably demonstrated that the ratio of the secondary school enrollment rates between non-citizens and citizens is above the average among countries in the same quintile of real income per capita?
- RDO 81** Has the government convincingly and verifiably demonstrated that the ratio of the secondary school enrollment rates between non-citizens and citizens is above the average among countries in the same quintile of real income per capita?
- RDO 82** In the last five years, has the rate of increase in the ratio of the secondary school enrollment rates between non-citizens and citizens (with a decrease in the secondary school enrollment gap treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?

- RDO 83** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of increase in the ratio of the secondary school enrollment rates between non-citizens and citizens (with a decrease in the secondary school enrollment gap treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?
- RDO 84** Is the ratio of the tertiary school enrollment rates between non-citizens and citizens above the average among countries in the same quintile of real income per capita?
- RDO 85** Has the government convincingly and verifiably demonstrated that the ratio of the tertiary school enrollment rates between non-citizens and citizens is above the average among countries in the same quintile of real income per capita?
- RDO 86** In the last five years, has the rate of increase in the ratio of the tertiary school enrollment rates between non-citizens and citizens (with a decrease in the tertiary school enrollment gap treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?
- RDO 87** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of increase in the ratio of the tertiary school enrollment rates between non-citizens and citizens (with a decrease in the tertiary school enrollment gap treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?

2.4.5. Vocational Training Enrollment of Subordinate Groups

NAS Indicator C-3: differences in vocational training enrollment rates between men and women and among different ethnic, racial, religious, or other vulnerable groups

[ANNOTATION: NAS Indicator C-3 has similar defects to those noted above for Indicator C-2.]

- RDO 88** Does the ratio of vocational training enrollment rates between females and males exceed the average among countries in the same quintile of real income per capita?
- RDO 89** Has the government convincingly and verifiably demonstrated that the ratio of vocational training enrollment rates between females and males exceeds the average among countries in the same quintile of real income per capita?
- RDO 90** In the last five years, has the rate of increase in the ratio of vocational training enrollment rates between females and males (with a decrease in the vocational training enrollment gap treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?
- RDO 91** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of increase in the ratio of vocational training enrollment rates between females and males (with a decrease in the vocational training enrollment gap treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?
- RDO 92** Does the ratio of vocational training enrollment rates between the most historically subordinate racial group and the dominant racial group exceed the average among countries in the same quintile of real income per capita?
- RDO 93** Has the government convincingly and verifiably demonstrated that the ratio of vocational training enrollment rates between the most historically subordinate racial group and the dominant racial group exceeded the average among countries in the same quintile of real income per capita?
- RDO 94** In the last five years, has the rate of increase in the ratio of vocational training enrollment rates between the most historically subordinate racial group and the dominant racial group (with a decrease in the vocational training enrollment gap treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?

- RDO 95** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of increase in the ratio of vocational training enrollment rates between the most historically subordinate racial group and the dominant racial group (with a decrease in the vocational training enrollment gap treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?
- RDO 96** Does the difference in vocational training enrollment rates between the most historically subordinate national origin or ethnic group and the dominant national origin or ethnic group exceed the average among countries in the same quintile of real income per capita?
- RDO 97** Has the government convincingly and verifiably demonstrated that the ratio of the vocational training enrollment rates between the most historically subordinate national origin or ethnic group and the dominant national origin or ethnic group exceed the average among countries in the same quintile of real income per capita?
- RDO 98** In the last five years, has the rate of increase in ratio of the vocational training enrollment rates between the most historically subordinate national origin or ethnic group and the dominant national origin or ethnic group (with a decrease in the vocational training enrollment gap treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?
- RDO 99** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of increase in the ratio of the vocational training enrollment rates between the most historically subordinate national origin or ethnic group and the dominant national origin or ethnic group (with a decrease in the vocational training enrollment gap treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?
- RDO 100** Does the ratio of vocational training enrollment rates between non-citizens and citizens exceed the average among countries in the same quintile of real income per capita?

- RDO 101** Has the government convincingly and verifiably demonstrated that the ratio of vocational training enrollment rates between non-citizens and citizens exceed the average among countries in the same quintile of real income per capita?
- RDO 102** In the last five years, has the rate of increase in the ratio of vocational training enrollment rates between non-citizens and citizens (with a decrease in the vocational training enrollment gap treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?
- RDO 103** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of increase in the ratio of vocational training enrollment rates between non-citizens and citizens (with a decrease in the vocational training enrollment gap treated as a negative increase) exceeded the average among countries in the same quintile of real income per capita?

2.4.6. Documented Discriminatory Practices

NAS Indicator C-4: documented discriminatory practices, such as widespread sexual harassment or pregnancy testing for job applicants

[ANNOTATION: NAS Indicator C-4 is excessively broad, since the concept of “discriminatory practices” encompasses a very broad range of practices, potentially affecting a very broad range of target groups. Indicator C-4 also gives no guidance about the kind of “documentation” that suffices. The following Indicators probe the most salient forms of discrimination against various groups. Concededly, there is tension between the following Indicators asking about cases of discrimination documented by public agencies and later Indicators asking about data collection by public agencies. That is, public agencies may be hesitant to collect accurate data that would put them in violation of the former Indicators. For a discussion of this problem and how it can be mitigated, see sub-parts 9.2 – 9.3 of the paper.]

- RDO 104** In the last two years, have public agencies or private labor-rights advocates reliably documented two or more case(s) in which an employer has refused to hire women on grounds of their gender?
- RDO 105** Has the government convincingly and verifiably demonstrated that, in the last two years, there were not two or more case(s) in which an employer refused to hire women on grounds of their gender?
- RDO 106** In the last two years, have public agencies or private labor-rights advocates reliably documented two or more case(s) in which an employer in the export sector required women to take pregnancy tests as a condition of hiring or continued employment?
- RDO 107** Has the government convincingly and verifiably demonstrated that, in the last two years, there were not two or more case(s) in which an employer required women to take pregnancy tests as a condition of hiring or continued employment?
- RDO 108** In the last two years, have public agencies or private labor-rights advocates reliably documented five or more cases in which women have been subject to sexual harassment in their workplace?
- RDO 109** Has the government convincingly and verifiably demonstrated that, in the last two years, there were no more than four cases in which women were subjected to sexual harassment in their workplace?
- RDO 110** In the last two years, have public agencies or private labor-rights advocates reliably documented two or more case(s) in which an employer has refused to hire workers on grounds of their race?
- RDO 111** Has the government convincingly and verifiably demonstrated that, in the last two years, there were not two or more case(s) in which an employer refused to hire workers on grounds of their race?
- RDO 112** In the last two years, have public agencies or private labor-rights advocates reliably documented two or more case(s) in which an employer has refused to hire workers on grounds of their national origin or ethnicity?

- RDO 113** Has the government convincingly and verifiably demonstrated that, in the last two years, there were not two or more case(s) in which an employer refused to hire workers on grounds of their national origin or ethnicity?
- RDO 114** In the last two years, have public agencies or private labor-rights advocates reliably documented two or more case(s) in which an employer has refused to hire workers on grounds of their non-citizenship (where the non-citizen is lawfully resident in the country)?
- RDO 115** Has the government convincingly and verifiably demonstrated that, in the last two years, there were not two or more case(s) in which an employer refused to hire workers on grounds of their non-citizenship (where the non-citizen is lawfully resident in the country)?

2.4.7. Employment Categories of Subordinate Groups

NAS Indicator C-5: employment status—wage or salaried worker, self-employed, or contributing family worker

[ANNOTATION: NAS Indicator C-5 is ambiguous. Should the analyst look for aggregate data on employment status – that is, the percentage of the total workforce that are wage, salaried, self-employed, and family workers? Or should these four categories be transversally measured across social groups defined by gender, race, and so on? Most likely, Indicator C-5 intends the latter inquiry. But if so, which social groups are relevant? More important, what is the normative implication of a certain distribution of employment status within each social group? That is, how is the analyst to know whether there are “some problems,” “more extensive problems,” or “severe problems”? The Indicators below seek to overcome these ambiguities, once again converting the triadic question into binary absolute questions, binary longitudinal questions, and binary comparative questions.]

- RDO 116** Does the percentage of salaried workers who are female exceed the average among countries in the same quintile of real income per capita?

RDO 117 **Has the government convincingly and verifiably demonstrated that the percentage of salaried workers who are female exceeds the average among countries in the same quintile of real income per capita?**

[ANNOTATION: If, five years ago, the percentage of salaried workers who were females was fifty percent or greater, then the answer to the following indicator is “yes” instead of “not applicable” – in order not to cause an imbalance in the number of indicators applied to different governments as well as to reward well-performing governments.]

RDO 118 **If, five years ago, the percentage of salaried workers who were females was less than fifty percent, has the rate of increase in the last five years in the percentage of salaried workers who are female (measured by the percentage increase from the absolute percentage of five years ago) exceeded the average among countries in the same quintile of real income per capita?**

[ANNOTATION: If, five years ago, the percentage of salaried workers who were females was fifty percent or greater, then the answer to the following indicator is “yes” instead of “not applicable” – in order not to cause an imbalance in the number of indicators applied to different governments as well as to reward well-performing governments.]

RDO 119 **Has the government convincingly and verifiably demonstrated that if, five years ago, the percentage of salaried workers who were females was less than fifty percent, in the last five years the rate of increase in the percentage of salaried workers in the export sector who are female (measured by the percentage increase from the absolute percentage of five years ago) exceeded the average among countries in the same quintile of real income per capita?**

RDO 120 **Does the percentage of working age members of the most historically subordinate racial group who participate in the labor market exceed the average among countries in the same quintile of real income per capita?**

RDO 121 **Has the government convincingly and verifiably demonstrated that the percentage of working age members of the most historically**

subordinate racial group who participate in the labor market exceeds the average among countries in the same quintile of real income per capita?

[ANNOTATION: If, five years ago, the percentage of workers participating in the labor market who were members of the most historically subordinate racial group was less than their percentage in the overall working age population, then the answer to the following indicator is “yes” instead of “not applicable” – in order not to cause an imbalance in the number of indicators applied to different governments as well as to reward well-performing governments.]

RDO 122 **If, five years ago, the percentage of workers participating in the labor market who were members of the most historically subordinate racial group was less than their percentage in the overall working age population, has the rate of increase in the last five years in the percentage of workers participating in the labor market who are members of the most historically subordinate racial group (measured by the percentage increase from the absolute percentage of five years ago) exceeded the average among countries in the same quintile of real income per capita?**

[ANNOTATION: If, five years ago, the percentage of workers participating in the labor market who were members of the most historically subordinate racial group was less than their percentage in the overall working age population, then the answer to the following indicator is “yes” instead of “not applicable” – in order not to cause an imbalance in the number of indicators applied to different governments as well as to reward well-performing government.]

RDO 123 **Has the government convincingly and verifiably demonstrated that if, five years ago, the percentage of workers participating in the labor market who were members of the most historically subordinate racial group was less than their percentage in the overall working age population, the rate of increase in the last five years in the percentage of workers participating in the labor market who are members of the most historically subordinate racial group (measured by the percentage increase from the absolute percentage of five years ago) exceeded the average among countries in the same quintile of real income per capita?**

RDO 124 Does the percentage of working age members of the most historically subordinate racial group who work in salaried jobs exceed the average among countries in the same quintile of real income per capita?

RDO 125 Has the government convincingly and verifiably demonstrated that the percentage of working age members of the most historically subordinate racial group who work in salaried jobs exceeds the average among countries in the same quintile of real income per capita?

[ANNOTATION: If, five years ago, the percentage of salaried workers who were members of the most historically subordinate racial group was less than their percentage in the overall working age population, then the answer to the following indicator is “yes” instead of “not applicable” – in order not to cause an imbalance in the number of indicators applied to different governments as well as to reward well-performing governments.]

RDO 126 If, five years ago, the percentage of salaried workers who were members of the most historically subordinate racial group was less than their percentage in the overall working age population, has the rate of increase in the last five years in the percentage of salaried workers who are members of the most historically subordinate racial group (measured by the percentage increase from the absolute percentage of five years ago) exceeded the average among countries in the same quintile of real income per capita?

[ANNOTATION: If, five years ago, the percentage of salaried workers who were members of the most historically subordinate racial group was less than their percentage in the overall working age population, then the answer to the following indicator is “yes” instead of “not applicable” – in order not to cause an imbalance in the number of indicators applied to different governments as well as to reward well-performing governments.]

RDO 127 Has the government convincingly and verifiably demonstrated that if, five years ago, the percentage of salaried workers who were members of the most historically subordinate racial group was less than their percentage in the overall working age population, the rate of increase in the last five years in the percentage of salaried

workers who are members of the most historically subordinate racial group (measured by the percentage increase from the absolute percentage of five years ago) exceeded the average among countries in the same quintile of real income per capita?

RDO 128 Does the percentage of working age members of the most historically subordinate national origin or ethnic group who participate in the labor market exceed the average among countries in the same quintile of real income per capita?

RDO 129 Has the government convincingly and verifiably demonstrated that the percentage of working age members of the most historically subordinate national origin or ethnic group who participate in the labor market exceeds the average among countries in the same quintile of real income per capita?

[ANNOTATION: If, five years ago, the percentage of workers who were members of the most historically subordinate national origin or ethnic groups was less than their percentage in the overall working age population, then the answer to the following indicator is “yes” instead of “not applicable” – in order not to cause an imbalance in the number of indicators applied to different governments as well as to reward well-performing governments.]

RDO 130 If, five years ago, the percentage of workers who were members of the most historically subordinate national origin or ethnic group was less than their percentage in the overall working age population, has the rate of increase in the last five years in the percentage of workers who are members of the most historically subordinate national origin or ethnic group (measured by the percentage increase from the absolute percentage of five years ago) exceeded the average among countries in the same quintile of real income per capita?

[ANNOTATION: If, five years ago, the percentage of workers in the who were members of the most historically subordinate national origin or ethnic groups was less than their percentage in the overall working age population, then the answer to the following indicator is “yes” instead of “not applicable” – in order not to cause an imbalance in the number of

indicators applied to different governments as well as to reward well-performing governments.]

RDO 131 Has the government convincingly and verifiably demonstrated that if, five years ago, the percentage of workers who were members of the most historically subordinate national origin or ethnic group was less than their percentage in the overall working age population, the rate of increase in the last five years in the percentage of workers who are members of the most historically subordinate national origin or ethnic group (measured by the percentage increase from the absolute percentage of five years ago) exceeded the average among countries in the same quintile of real income per capita?

RDO 132 Does the percentage of working age members of the most historically subordinate national origin or ethnic group who work in salaried jobs exceed the average among countries in the same quintile of real income per capita?

RDO 133 Has the government convincingly and verifiably demonstrated that the working age members of the most historically subordinate national origin or ethnic group who work in salaried jobs exceeds the average among countries in the same quintile of real income per capita?

[ANNOTATION: If, five years ago, the percentage of salaried workers who were members of the most historically subordinate national origin or ethnic groups was less than their percentage in the overall working age population, then the answer to the following indicator is “yes” instead of “not applicable” – in order not to cause an imbalance in the number of indicators applied to different governments as well as to reward well-performing governments.]

RDO 134 If, five years ago, the percentage of salaried workers who were members of the most historically subordinate national origin or ethnic group was less than their percentage in the overall working age population, has the rate of increase in the last five years in the percentage of salaried workers who are members of the most historically subordinate national origin or ethnic group (measured by the percentage increase from the absolute percentage of five years

ago) exceeded the average among countries in the same quintile of real income per capita?

[ANNOTATION: If, five years ago, the percentage of salaried workers who were members of the most historically subordinate national origin or ethnic groups was less than their percentage in the overall working age population, then the answer to the following indicator is “yes” instead of “not applicable” – in order not to cause an imbalance in the number of indicators applied to different governments as well as to reward well-performing governments.]

RDO 135 **Has the government convincingly and verifiably demonstrated that if, five years ago, the percentage of salaried workers who were members of the most historically subordinate national origin or ethnic group was less than their percentage in the overall working age population, in the last five years the rate of increase in the percentage of salaried workers who are members of the most historically subordinate national origin or ethnic group (measured by the percentage increase from the absolute percentage of five years ago) exceeded the average among countries in the same quintile of real income per capita?**

RDO 136 **Does the percentage of working age non-citizens who participate in the labor market exceed the average among countries in the same quintile of real income per capita?**

RDO 137 **Has the government convincingly and verifiably demonstrated that the percentage of non-citizens who participate in the labor market exceeds the average among countries in the same quintile of real income per capita?**

[ANNOTATION: If, five years ago, the percentage of workers participating in the labor market who were non-citizens was less than their percentage in the overall working age population, then the answer to the following indicator is “yes” instead of “not applicable” – in order not to cause an imbalance in the number of indicators applied to different governments as well as to reward well-performing governments.]

RDO 138 **If, five years ago, the percentage of workers who were non-citizens was less than their percentage in the overall working age population,**

has the rate of increase in the last five years in the percentage of workers who are non-citizens (measured by the percentage increase from the absolute percentage of five years ago) exceeded the average among countries in the same quintile of real income per capita?

[ANNOTATION: If, five years ago, the percentage of workers in the who were non-citizens was less than their percentage in the overall working age population, then the answer to the following indicator is “yes” instead of “not applicable” – in order not to cause an imbalance in the number of indicators applied to different governments as well as to reward well-performing governments.]

RDO 139 **Has the government convincingly and verifiably demonstrated that if, five years ago, the percentage of workers who were non-citizens was less than their percentage in the overall working age population, the rate of increase in the last five years in the percentage of workers who are non-citizens (measured by the percentage increase from the absolute percentage of five years ago) exceeded the average among countries in the same quintile of real income per capita?**

RDO 140 **Does the percentage of working age non-citizens who are salaried workers exceed the average among countries in the same quintile of real income per capita?**

RDO 141 **Has the government convincingly and verifiably demonstrated that the percentage of working age non-citizens who are salaried workers exceeds the average among countries in the same quintile of real income per capita?**

[ANNOTATION: If, five years ago, the percentage of salaried workers who were non-citizens was less than their percentage in the overall working age population, then the answer to the following indicator is “yes” instead of “not applicable” – in order not to cause an imbalance in the number of indicators applied to different governments as well as to reward well-performing governments.]

RDO 142 **If, five years ago, the percentage of salaried workers who were non-citizens was less than their percentage in the overall working age**

population, has the rate of increase in the last five years in the percentage of salaried workers who are non-citizens (measured by the percentage increase from the absolute percentage of five years ago) exceeded the average among countries in the same quintile of real income per capita?

[ANNOTATION: If, five years ago, the percentage of salaried workers who were non-citizens was less than their percentage in the overall working age population, then the answer to the following indicator is “yes” instead of “not applicable” – in order not to cause an imbalance in the number of indicators applied to different governments as well as to reward well-performing governments.]

RDO 143 Has the government convincingly and verifiably demonstrated that if, five years ago, the percentage of salaried workers who were non-citizens was less than their percentage in the overall working age population, in the last five years the rate of increase in the percentage of salaried workers in the export sector who are non-citizens (measured by the percentage increase from the absolute percentage of five years ago) exceeded the average among countries in the same quintile of real income per capita?

2.4.8. Sectoral Segregation of Subordinate Groups

NAS Indicator C-6: distribution of women and other potentially vulnerable groups by sector

[ANNOTATION: NAS Indicator C-6 does not easily fit the matrix structure. It asks for a range of descriptive data, without giving guidance to the analyst about the normative implications of the data. Even as to the descriptive inquiry, it fails to provide guidance to the analyst about the level of detail in defining the sectors in question. In addition, to take the example of gender, it is unclear whether the analyst should look for data on the percentage of employed women who are employed in various sectors, or instead the percentage of workers in various sectors who are women. In any event, neither strategy may tell us much about occupational segregation. In countries where a relatively small percentage of women work outside the domestic sector, the percentage of employed women working in most non-domestic sectors will be small, and

the percentage of workers in most non-domestic sectors who are women will also be small. The Indicators below overcome these problems by measuring the percentage of employed women who are employed in sectors that are disproportionately female. The Indicators provide a measure of sectoral segregation that intrinsically directs the analyst to specific sectors. That is, the sectors need not be defined in advance.]

- RDO 144** Are less than 66 percent of employed women employed in sectors with workforces comprised by more than 200 x Z percent female workers, where Z = percentage of females in the overall workforce?
- RDO 145** Has the government convincingly and verifiably demonstrated that less than 66 percent of employed women are employed in sectors with workforces comprised by more than 200 x Z percent female workers, where Z = percentage of females in the overall workforce?
- RDO 146** If, five years ago, more than 66 percent of employed women employed in sectors with workforces comprised by more than 200 x Z percent female workers, where Z = percentage of females in the overall workforce, has the rate of decrease in the percentage of women so employed (measured by the percentage decrease from the absolute percentage of five years ago) exceeded the average among countries in the same quintile of real income per capita?
- RDO 147** Has the government convincingly and verifiably demonstrated that if, five years ago, more than 66 percent of employed women employed in sectors with workforces comprised by more than 200 x Z percent female workers, where Z = percentage of females in the overall workforce, the rate of decrease in the percentage of women so employed (measured by the percentage decrease from the absolute percentage of five years ago) exceeded the average among countries in the same quintile of real income per capita?
- RDO 148** Are less than 66 percent of employees among the historically most subordinate racial group employed in sectors with workforces comprised by more than 200 x Z percent of that racial group, where Z = percentage of that racial group in the overall workforce?
- RDO 149** Has the government convincingly and verifiably demonstrated that less than 66 percent of employees among the historically most

subordinate racial group are employed in sectors with workforces comprised by more than 200 x Z percent of that racial group, where Z = percentage of that racial group in the overall workforce?

- RDO 150** If, five years ago, more than 66 percent of employed members of the most historically subordinate racial group were employed in sectors with workforces comprised by more than 200 x Z percent of workers who were members of that racial group, where Z = percentage of that racial group in the overall workforce, has the rate of decrease in the percentage of that racial group so employed (measured by the percentage decrease from the absolute percentage of five years ago) exceeded the average among countries in the same quintile of real income per capita?
- RDO 151** Has the government convincingly and verifiably demonstrated that if, five years ago, more than 66 percent of employed members of the historically most subordinate racial group employed in sectors with workforces comprised by more than 200 x Z percent of workers who were members of that racial group, where Z = percentage of that racial group in the overall workforce, the rate of decrease in the percentage of that racial group so employed (measured by the percentage decrease from the absolute percentage of five years ago) exceeded the average among countries in the same quintile of real income per capita?
- RDO 152** Are less than 66 percent of employees among the historically most subordinate national origin or ethnic group employed in sectors with workforces comprised by more than 200 x Z percent of that ethnic group, where Z = percentage of that national origin or ethnic group in the overall workforce?
- RDO 153** Has the government convincingly and verifiably demonstrated that less than 66 percent of employees among the historically most subordinate national origin or ethnic group are employed in sectors with workforces comprised by more than 200 x Z percent of that ethnic group, where Z = percentage of that national origin or ethnic group in the overall workforce?
- RDO 154** If, five years ago, more than 66 percent of employed members of the most historically subordinate national origin or ethnic group were

employed in sectors with workforces comprised by more than 200 x Z percent of workers who were members of that group, where Z = percentage of that group in the overall workforce, has the rate of decrease in the percentage of that group so employed (measured by the percentage decrease from the absolute percentage of five years ago) exceeded the average among countries in the same quintile of real income per capita?

RDO 155 Has the government convincingly and verifiably demonstrated that if, five years ago, more than 66 percent of employed members of the historically most subordinate national origin or ethnic group employed in sectors with workforces comprised by more than 200 x Z percent of workers who were members of that group, where Z = percentage of that group in the overall workforce, the rate of decrease in the percentage of that group so employed (measured by the percentage decrease from the absolute percentage of five years ago) exceeded the average among countries in the same quintile of real income per capita?

RDO 156 Are less than 66 percent of employees who are non-citizens employed in sectors with workforces comprised by more than 200 x Z percent non-citizens, where Z = percentage of non-citizens in overall workforce?

RDO 157 Has the government convincingly and verifiably demonstrated that less than 66 percent of employees who are non-citizens are employed in sectors with workforces comprised by more than 200 x Z percent non-citizens, where Z = percentage of non-citizens in overall workforce?

RDO 158 If, five years ago, more than 66 percent of employed non-citizens employed in sectors with workforces comprised by more than 200 x Z percent non-citizen workers, where Z = percentage of non-citizens in the overall workforce, has the rate of decrease in the percentage of non-citizens so employed (measured by the percentage decrease from the absolute percentage of five years ago) exceeded the average among countries in the same quintile of real income per capita?

RDO 159 Has the government convincingly and verifiably demonstrated that if, **five years ago**, **more than 66 percent** of employed non-citizens employed in sectors with workforces comprised by more than **200 x Z percent non-citizen workers**, where Z = percentage of females in the overall workforce, the **rate of decrease** in the percentage of non-citizens so employed (measured by the percentage decrease from the absolute percentage of five years ago) exceeded the **average among countries** in the same quintile of real income per capita?

2.4.9. Occupational Segregation of Subordinate Groups

RDO 160 Are **less than 66 percent** of employed women employed in occupations with workforces comprised by more than **200 x Z percent female workers**, where Z = percentage of females in the overall workforce?

RDO 161 Has the government convincingly and verifiably demonstrated that **less than 66 percent** of employed women are employed in occupations with workforces comprised by more than **200 x Z percent female workers**, where Z = percentage of females in the overall workforce?

RDO 162 If, **five years ago**, **more than 66 percent** of employed women employed in occupations with workforces comprised by more than **200 x Z percent female workers**, where Z = percentage of females in the overall workforce, has the **rate of decrease** in the percentage of women so employed (measured by the percentage decrease from the absolute percentage of five years ago) exceeded the **average among countries** in the same quintile of real income per capita?

RDO 163 Has the government convincingly and verifiably demonstrated that if, **five years ago**, **more than 66 percent** of employed women employed in occupations with workforces comprised by more than **200 x Z percent female workers**, where Z = percentage of females in the overall workforce, the **rate of decrease** in the percentage of women so employed (measured by the percentage decrease from the absolute percentage of five years ago) exceeded the **average among countries** in the same quintile of real income per capita?

- RDO 164** Are less than 66 percent of employees among the historically most subordinate racial group employed in occupations with workforces comprised by more than 200 x Z percent of that racial group, where Z = percentage of that racial group in the overall workforce?
- RDO 165** Has the government convincingly and verifiably demonstrated that less than 66 percent of employees among the historically most subordinate racial group are employed in occupations with workforces comprised by more than 200 x Z percent of that racial group, where Z = percentage of that racial group in the overall workforce?
- RDO 166** If, five years ago, more than 66 percent of employed members of the most historically subordinate racial group were employed in occupations with workforces comprised by more than 200 x Z percent of workers who were members of that racial group, where Z = percentage of that racial group in the overall workforce, has the rate of decrease in the percentage of that racial group so employed (measured by the percentage decrease from the absolute percentage of five years ago) exceeded the average among countries in the same quintile of real income per capita?
- RDO 167** Has the government convincingly and verifiably demonstrated that if, five years ago, more than 66 percent of employed members of the historically most subordinate racial group employed in occupations with workforces comprised by more than 200 x Z percent of workers who were members of that racial group, where Z = percentage of that racial group in the overall workforce, the rate of decrease in the percentage of that racial group so employed (measured by the percentage decrease from the absolute percentage of five years ago) exceeded the average among countries in the same quintile of real income per capita?
- RDO 168** Are less than 66 percent of employees among the historically most subordinate national origin or ethnic group employed in occupations with workforces comprised by more than 200 x Z percent of that ethnic group, where Z = percentage of that national origin or ethnic group in the overall workforce?

- RDO 169** Has the government convincingly and verifiably demonstrated that less than 66 percent of employees among the historically most subordinate national origin or ethnic group are employed in occupations with workforces comprised by more than 200 x Z percent of that ethnic group, where Z = percentage of that national origin or ethnic group in the overall workforce?
- RDO 170** If, five years ago, more than 66 percent of employed members of the most historically subordinate national origin or ethnic group were employed in occupations with workforces comprised by more than 200 x Z percent of workers who were members of that group, where Z = percentage of that group in the overall workforce, has the rate of decrease in the percentage of that group so employed (measured by the percentage decrease from the absolute percentage of five years ago) exceeded the average among countries in the same quintile of real income per capita?
- RDO 171** Has the government convincingly and verifiably demonstrated that if, five years ago, more than 66 percent of employed members of the historically most subordinate national origin or ethnic group employed in occupations with workforces comprised by more than 200 x Z percent of workers who were members of that group, where Z = percentage of that group in the overall workforce, the rate of decrease in the percentage of that group so employed (measured by the percentage decrease from the absolute percentage of five years ago) exceeded the average among countries in the same quintile of real income per capita?
- RDO 172** Are less than 66 percent of employees who are non-citizens employed in occupations with workforces comprised by more than 200 x Z percent non-citizens, where Z = percentage of non-citizens in overall workforce?
- RDO 173** Has the government convincingly and verifiably demonstrated that less than 66 percent of employees who are non-citizens are employed in occupations with workforces comprised by more than 200 x Z percent non-citizens, where Z = percentage of non-citizens in overall workforce?

RDO 174 If, five years ago, more than 66 percent of employed non-citizens employed in occupations with workforces comprised by more than 200 x Z percent non-citizen workers, where Z = percentage of non-citizens in the overall workforce, has the rate of decrease in the percentage of non-citizens so employed (measured by the percentage decrease from the absolute percentage of five years ago) exceeded the average among countries in the same quintile of real income per capita?

RDO 175 Has the government convincingly and verifiably demonstrated that if, five years ago, more than 66 percent of employed non-citizens employed in occupations with workforces comprised by more than 200 x Z percent non-citizen workers, where Z = percentage of females in the overall workforce, the rate of decrease in the percentage of non-citizens so employed (measured by the percentage decrease from the absolute percentage of five years ago) exceeded the average among countries in the same quintile of real income per capita?

2.4.10. Informal Sector Employment

NAS Indicator C-7: distribution of employment in the urban informal sector

[ANNOTATION: NAS Indicator C-7 is ambiguous and open-ended. It is unclear whether it refers to the absolute numbers of informal sector workers, the ratio of formal to informal sector workers, or the transversal “distribution” of informal sector workers across (unspecified) categories, such as gender, race, occupation, and so on. The language of Indicator C-7 suggests the latter – that is, disaggregation of categories of workers “in” the informal sector. One strategy is to combine the inquiry into formal/informal ratios with occupational groupings. For example, we might consider, as a conceptually meaningful Indicator, the percentage of women, subordinate racial and ethnic groups, and non-citizens who work in the sex industry – since that component of the informal sector is strongly indicative of disproportionate vulnerability, exploitation, and degradation. In this light, the following Indicators begin with overall ratios of formal/informal workers, then ask the same question disaggregated by gender, race, and ethnicity, and then ask the latter question limited to sex workers in the informal sector.]

- RDO 176** Is the ratio of workers employed in the informal sector to workers in the overall workforce below the average among countries in the same quintile of real income per capita?
- RDO 177** Has the government convincingly and verifiably demonstrated that the ratio of workers employed in the informal sector to workers in the overall workforce is below the average among countries in the same quintile of real income per capita?
- RDO 178** In the last five years, was the rate of decrease in the ratio of workers employed in the informal sector to workers in the overall workforce (with an increase treated as a negative decrease) below the average among countries in the same quintile of real income per capita?
- RDO 179** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of decrease in the ratio of workers employed in the informal sector to workers in the overall workforce (with an increase treated as a negative decrease) was below the average among countries in the same quintile of real income per capita?
- RDO 180** Is the percentage of employed women who are employed in the informal sector no greater than the percentage of employed women who are employed in the overall workforce?
- RDO 181** Has the government convincingly and verifiably demonstrated that the percentage of employed women who are employed in the informal sector is no greater than the percentage of employed women who are employed in the overall workforce?
- RDO 182** If, five years ago, the percentage of employed women who were employed in the informal sector exceeded the percentage of employed women in the overall workforce, did the rate of decrease in the percentage of employed women who were employed in the informal sector (measured by the percentage decrease from the absolute percentage of five years ago, and treating an increase as a negative decrease) exceed the average among countries in the same quintile of real income per capita?

- RDO 183** Has the government convincingly and verifiably demonstrated that if, five years ago, the percentage of employed women who were employed in the informal sector exceeded the percentage of employed women in the overall workforce, the rate of decrease in the percentage of employed women who were employed in the informal sector (measured by the percentage decrease from the absolute percentage of five years ago, and treating an increase as a negative decrease) exceeded the average among countries in the same quintile of real income per capita?
- RDO 184** Is the percentage of women who are employed as sex workers below the average among countries in the same quintile of real income per capita?
- RDO 185** Has the government convincingly and verifiably demonstrated that the percentage of women who are employed as sex workers is below the average among countries in the same quintile of real income per capita?
- RDO 186** Is the percentage of employed members of the historically most subordinate racial group who are employed in the informal sector no greater than the percentage of that group that is employed in the overall workforce?
- RDO 187** Has the government convincingly and verifiably demonstrated that the percentage of employed members of the historically most subordinate racial group who are employed in the informal sector is no greater than the percentage of employed members of that group in the overall workforce?
- RDO 188** If, five years ago, the percentage of employed members of the historically most subordinate racial group who were employed in the informal sector exceeded the percentage of employed members of that group in the overall workforce, did the rate of decrease in the percentage of employed members of that group in the overall workforce who were employed in the informal sector (measured by the percentage decrease from the absolute percentage of five years ago, and treating an increase as a negative decrease) exceed the average among countries in the same quintile of real income per capita?

- RDO 189** Has the government convincingly and verifiably demonstrated that if, five years ago, the percentage of employed members of the historically most subordinate racial group who were employed in the informal sector exceeded the percentage of employed members of that group in the overall workforce, the rate of decrease in the percentage of employed members of that group in the overall workforce who were employed in the informal sector (measured by the percentage decrease from the absolute percentage of five years ago, and treating an increase as a negative decrease) exceeded the average among countries in the same quintile of real income per capita?
- RDO 190** Is the percentage of the most historically subordinated racial group who are employed as sex workers below the average among countries in the same quintile of real income per capita?
- RDO 191** Has the government convincingly and reliably verified that the percentage of the most historically subordinated racial group who are employed as sex workers is below the average among countries in the same quintile of real income per capita?
- RDO 192** Is the percentage of employed members of the historically most subordinate national origin or ethnic group who are employed in the informal sector no greater than the percentage of that group that is employed in the overall workforce?
- RDO 193** Has the government convincingly and verifiably demonstrated that the percentage of employed members of the historically most subordinate national origin or ethnic group who are employed in the informal sector is no greater than the percentage of employed members of that group in the overall workforce?
- RDO 194** If, five years ago, the percentage of employed members of the historically most subordinate national origin or ethnic group who were employed in the informal sector exceeded the percentage of employed members of that group in the overall workforce, did the rate of decrease in the percentage of employed members of that group in the overall workforce who were employed in the informal sector (measured by the percentage decrease from the absolute

percentage of five years ago, and treating an increase as a negative decrease) exceed the average among countries in the same quintile of real income per capita?

- RDO 195** Has the government convincingly and verifiably demonstrated that if, five years ago, the percentage of employed members of the historically most subordinate national origin or ethnic group who were employed in the informal sector exceeded the percentage of employed members of that group in the overall workforce, the rate of decrease in the percentage of employed members of that group in the overall workforce who were employed in the informal sector (measured by the percentage decrease from the absolute percentage of five years ago, and treating an increase as a negative decrease) exceeded the average among countries in the same quintile of real income per capita?
- RDO 196** Is the percentage of the most historically subordinated national origin or ethnic group who are employed as sex workers below the average among countries in the same quintile of real income per capita?
- RDO 197** Has the government convincingly and verifiably demonstrated that the percentage of the most historically subordinated national origin or ethnic group who are employed as sex workers is below the average among countries in the same quintile of real income per capita?
- RDO 198** Is the percentage of employed non-citizens who are employed in the informal sector no greater than the percentage of employed non-citizens in the overall workforce?
- RDO 199** Has the government convincingly and verifiably demonstrated that the percentage of employed non-citizens who are employed in the informal sector is no greater than the percentage of employed women in the overall workforce?
- RDO 200** If, five years ago, the percentage of employed non-citizens who were employed in the informal sector exceeded the percentage of employed non-citizens in the overall workforce, did the rate of decrease in the percentage of employed non-citizens who were

- employed in the informal sector (measured by the percentage decrease from the absolute percentage of five years ago, and treating an increase as a negative decrease) exceed the average among countries in the same quintile of real income per capita?**
- RDO 201** Has the government convincingly and verifiably demonstrated that if, five years ago, the percentage of employed non-citizens who were employed in the informal sector exceeded the percentage of employed non-citizens in the overall workforce, the rate of decrease in the percentage of employed non-citizens who were employed in the informal sector (measured by the percentage decrease from the absolute percentage of five years ago, and treating an increase as a negative decrease) exceeded the average among countries in the same quintile of real income per capita?
- RDO 202** Is the percentage of non-citizens who are employed as sex workers below the average among countries in the same quintile of real income per capita?
- RDO 203** Has the government convincingly and verifiably demonstrated that the percentage of non-citizens who are employed as sex workers is below the average among countries in the same quintile of real income per capita?

NAS Indicator C-8: distribution of women and other potentially vulnerable groups by occupation within sectors, including in administrative and management positions

[ANNOTATION: The defects in NAS Indicator C-8 are analogous to those in Indicator C-6. Indicators of occupational segregation are placed above, immediately following the Indicators of sectoral segregation.]

2.4.11. Relative Unemployment Rates of Subordinate Groups

NAS Indicator C-9: relative unemployment rates, especially changes over time and during adjustments

[ANNOTATION: NAS Indicator C-9 does not provide guidance to the analyst about which groups are to be compared in determining “relative”

unemployment rates. Nor does it define the concept of “adjustments.” Moreover, by using the qualifier “especially,” the Indicator creates confusion with the coding of the matrix itself. Since the latter (along one axis) asks for direction of improvement, it is redundant to ask the analyst to judge the severity of the problem (along the second axis) by the direction of change over time. The following Indicators seek to resolve these problems. Note that these revised Indicators do not ask for data about absolute levels of within-group unemployment rates or changes over time in within-group unemployment rates – since those variables are highly dependent on the business cycle or economic crises.]

- RDO 204** **Is the ratio of the unemployment rate of female workers to the unemployment rate of male workers no greater than the average among countries in the same quintile of real income per capita?**
- RDO 205** **Has the government convincingly and verifiably demonstrated that the ratio of the unemployment rate of female workers to the unemployment rate of male workers in the (with an increase in the gap treated as a negative decline) no greater than the average among countries in the same quintile of real income per capita?**
- RDO 206** **In the last five years, has the rate of decline in the ratio of the unemployment rate of female workers to the unemployment rate of male workers in the export sector (with an increase in the gap treated as a negative decline) exceeded the average among countries in the same quintile of real income per capita?**
- RDO 207** **Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of decline in the ratio of the unemployment rate of female workers to the unemployment rate of male workers in the export sector (with an increase in the gap treated as a negative decline) exceeded the average among countries in the same quintile of real income per capita?**
- RDO 208** **Is the ratio of the unemployment rate of the most historically subordinate racial group to the unemployment rate of dominant racial group no greater than the average among countries in the same quintile of real income per capita?**

- RDO 209** Has the government convincingly and verifiably demonstrated that the ratio of the unemployment rate of the most historically subordinate racial group to the unemployment rate of dominant racial group (with an increase in the gap treated as a negative decline) no greater than the average among countries in the same quintile of real income per capita?
- RDO 210** In the last five years, has the rate of decline in the ratio of the unemployment rate of the most historically subordinate racial group to the unemployment rate of dominant racial group in the export sector (with an increase in the gap treated as a negative decline) exceeded the average among countries in the same quintile of real income per capita?
- RDO 211** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of decline in the ratio of the unemployment rate of the most historically subordinate racial group of workers to the unemployment rate of the dominant racial group in the export sector (with an increase in the gap treated as a negative decline) exceeded the average among countries in the same quintile of real income per capita?
- RDO 212** Is the ratio of the unemployment rate of the most historically subordinate national origin or ethnic group to the unemployment rate of the dominant national origin or ethnic group no greater than the average among countries in the same quintile of real income per capita?
- RDO 213** Has the government convincingly and verifiably demonstrated that the ratio of the unemployment rate of the most historically subordinate national origin or ethnic group to the unemployment rate of dominant national origin or ethnic group (with an increase in the gap treated as a negative decline) no greater than the average among countries in the same quintile of real income per capita?
- RDO 214** In the last five years, has the rate of decline in the ratio of the unemployment rate of the most historically subordinate national origin and ethnic group to the unemployment rate of dominant national origin or ethnic group (with an increase in the gap treated

as a negative decline) exceeded the average among countries in the same quintile of real income per capita?

- RDO 215** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of decline in the ratio of the unemployment rate of the most historically subordinate national origin and ethnic group to the unemployment rate of the dominant national origin or ethnic group (with an increase in the gap treated as a negative decline) exceeded the average among countries in the same quintile of real income per capita?
- RDO 216** Is the ratio of the unemployment rate of non-citizen workers to the unemployment rate of citizen workers no greater than the average among countries in the same quintile of real income per capita?
- RDO 217** Has the government convincingly and verifiably demonstrated that the ratio of the unemployment rate of non-citizen workers to the unemployment rate of citizen workers (with an increase in the gap treated as a negative decline) no greater than the average among countries in the same quintile of real income per capita?
- RDO 218** In the last five years, has the rate of decline in the ratio of the unemployment rate of non-citizen workers to the unemployment rate of citizen workers (with an increase in the gap treated as a negative decline) exceeded the average among countries in the same quintile of real income per capita?
- RDO 219** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of decline in the ratio of the unemployment rate of non-citizen workers to the unemployment rate of citizen workers (with an increase in the gap treated as a negative decline) exceeded the average among countries in the same quintile of real income per capita?

NAS Indicator C-10: relative wage data could be an indirect Indicators of occupational or sectoral discrimination that channels women and minorities into lower paid types of jobs, but they are not available for large numbers of countries or consistently over time.

[ANNOTATION: It is not clear whether NAS Indicator C-10 intends to put aside questions of relative wages in light of the data availability problems emphasized by this Indicator but mentioned in no other Indicators. As explained above, the legislative history of U.S. trade legislation indicates that raising wage levels is a major purpose of the labor rights provisions in those statutes. It is not clear that data will be less available for this question than for many others asked above. Indicators on relative wages of subordinate groups are placed in section 2.3.2.]

Associated Factors

[excerpted from the NAS Report]

There are four other Indicators that can be helpful in assessing a country's compliance to eliminate discrimination. One is a country's ranking on the U.N.'s human development index minus its ranking on the gender development index: large differences between the rankings on this index and the human development index could indicate a particular problem with gender discrimination issues. The second is fertility rates, which are highly correlated with higher illiteracy and lower primary and secondary school enrollment rates for females relative to males. This associated factor, however, is available for more countries than are data on illiteracy and school enrollment.

The third factor is the labor force participation rate by gender and by other relevant classifications: very low labor force participation rates by women or minorities could be a sign of restricted opportunities. For example, in some Middle Eastern countries, where gender segregation is strictly enforced it may be significant. However, high female labor force participation rates, for example in sub-Saharan Africa, where many women work in agriculture, are not necessarily an Indicator that discrimination does not exist. Low levels of female labor force participation may also be due to undercounting. These data should be used in conjunction with other Indicators (International Labour Organization, 1999). The fourth associated Indicator to consider is the distribution of part-time work. It is not clear why ethnic or other minorities would disproportionately choose part-time work, and large differences between these groups and others could be a sign of indirect or direct discrimination. Higher rates of part-time female workers could also be due to choices related to family responsibilities and thus are

more difficult to assess (International Labor Organization, 1999)

[ANNOTATION: The NAS’s “Associated Factors” should either be framed as outcome Indicators or should be dropped altogether – since they are of ultimate consequence only if treated as weighted Indicators. The strategy here is to convert them to revised Indicators.

The NAS excerpt suggests comparing the gender development components of the UN Human Development Index with the rest of the Index. The problems with the UN index have been debated at length.² It seems best not to import those controversies here.

As for the second “associated factor,” the NAS excerpt states that data on fertility rates is more readily available than the correlative rates of illiteracy and school enrollment. However, NAS Indicator C-1 above in fact included Indicators of school enrollment and literacy, together with twin indicators measuring the government’s capacity to provide verifiable data on those questions. And our new Indicators on Capacity-Building further measure the governments’ collection of data and setting of targets on equality issues. Such Indicators will provide a more direct incentive for governments to act on, and provide data on, education and literacy, than if we use the indirect measure of fertility. That is, a government is unlikely to take such indirect action – namely, action on education in order to reduce fertility rates – in order to satisfy a U.S. Indicator on fertility.

As for the third “associated factor,” the excerpt from the NAS Report above says that workforce participation rates for women and other social groups are problematic where women work in large numbers in segregated sectors like agriculture. But this problem has already been addressed, to some degree, above in the Indicators pertaining to occupational and sectoral segregation. The NAS excerpt warns that overall participation rates should be used in conjunction with other Indicators; but this is true of all Indicators, in light of the ultimate weighting and aggregation of Indicators. In any event, absolute, longitudinal, and comparative Indicators of participation rates are constructed in Indicators above.

As for the fourth “associated factor,” it may be true that the rate of female part-time work is difficult to assess, since women may voluntarily accept such work in order to care for children. But this can, at least in principle, be addressed by an Indicator that measures part-time work for women whose children are not preschool-aged. Moreover, there is no

² See Hoyland, et al. (2009).

reason to limit the question to women; if we are serious about women's equality, then we should ask the same question about male workers without preschool-aged children.]

2.4.12. Part-Time Work by Subordinate Groups

- RDO 220** Is the ratio of part-time work among women without preschool-age children to full-time work among women without preschool-age children less than the average rate among countries in the same quintile of real income per capita?
- RDO 221** Has the government convincingly and verifiably demonstrated that the ratio of part-time work among women without preschool-age children to full-time work among women without preschool-age children is less than the average rate among countries in the same quintile of real income per capita?
- RDO 222** In the last five years, has the rate of decrease in the ratio of part-time work among women without preschool-age children to full-time work among women without preschool-age children exceeded the average among countries in the same quintile of real income per capita?
- RDO 223** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of decrease in the ratio of part-time work among women without preschool-age children to full-time work among women without preschool-age children exceeded the average among countries in the same quintile of real income per capita?
- RDO 224** Is the ratio of part-time work among all workers without preschool-age children to full-time work among all workers without preschool-age children less than the average rate among countries in the same quintile of real income per capita?
- RDO 225** Has the government convincingly and verifiably demonstrated that the ratio of part-time work among all workers without preschool-age children to full-time work among all workers without preschool-age

children less than the average rate among countries in the same quintile of real income per capita?

RDO 226 In the last five years, has the rate of decrease in the ratio of part-time work among all workers without preschool-age children to full-time work among all workers without preschool-age children exceeded the average among countries in the same quintile of real income per capita?

RDO 227 Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of decrease in the ratio of part-time work among all workers without preschool-age children to full-time work among all workers without preschool-age children exceeded the average among countries in the same quintile of real income per capita?

RDO 228 Is the ratio of part-time work among employed members of the historically most subordinate racial group without preschool-age children to full-time work among employed members of the historically most subordinate racial group without preschool-age children less than the average rate among countries in the same quintile of real income per capita?

RDO 229 Has the government convincingly and verifiably demonstrated that the ratio of part-time work among employed members of the historically most subordinate racial group without preschool-age children to full-time work among employed members of the historically most subordinate racial group without preschool-age children less than the average rate among countries in the same quintile of real income per capita?


RDO 230 In the last five years, has the rate of decrease in the ratio of part-time work among employed members of the historically most subordinate racial group without preschool-age children to full-time work among employed members of the historically most subordinate racial group without preschool-age children exceeded the average among countries in the same quintile of real income per capita?

RDO 231 Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of decrease in the ratio of part-time

work among employed members of the historically most subordinate racial group without preschool-age children to full-time work among employed members of the historically most subordinate racial group without preschool-age children exceeded the average among countries in the same quintile of real income per capita?

- RDO 232** Is the ratio of part-time work among employed members of the historically most subordinate national origin or ethnic group without preschool-age children to full-time work among employed members of the historically most subordinate national origin or ethnic group without preschool-age children less than the average rate among countries in the same quintile of real income per capita?
- RDO 233** Has the government convincingly and verifiably demonstrated that the ratio of part-time work among employed members of the historically most subordinate national origin or ethnic group without preschool-age children to full-time work among employed members of the historically most subordinate national origin or ethnic group without preschool-age children less than the average rate among countries in the same quintile of real income per capita?
- RDO 234** In the last five years, has the rate of decrease in the ratio of part-time work among employed members of the historically most subordinate national origin or ethnic group without preschool-age children to full-time work among employed members of the historically most subordinate national origin or ethnic group without preschool-age children exceeded the average among countries in the same quintile of real income per capita?
- RDO 235** Has the government convincingly and verifiably demonstrated that, in the last five years, the rate of decrease in the ratio of part-time work among employed members of the historically most subordinate national origin or ethnic group without preschool-age children to full-time work among employed members of the historically most subordinate national origin or ethnic group without preschool-age children exceeded the average among countries in the same quintile of real income per capita?

3. ASSESSMENT INDICATORS ON ACCEPTABLE CONDITIONS OF WORK WITH RESPECT TO MINIMUM WAGES, HOURS OF WORK, AND OCCUPATIONAL SAFETY AND HEALTH



3.1. The Substantive Law of Minimum Wages, Hours of Work, and Occupational Safety and Health

3.1.1. The Substantive Law of Minimum Wages

3.1.1.1. Ratification and Reception of International Instrument on Wage Fixing Machinery

NAS Indicator A-1: ratification of ILO Convention No. 131 on minimum wage fixing machinery

[See ANNOTATION for RFL 1 above.]

RWL 1 Has ILO Convention no. 131 on Minimum Wage Fixing, 1970, been ratified and received into binding domestic law?

[See ANNOTATION for RFL 2 above.]

RWL 2 Regardless whether ILO Convention no. 131 has been received into domestic law, have the rights set forth in that Convention been defined more specifically in domestic legislation, administrative regulations, collective bargaining agreements, or other binding domestic legal instruments?

3.1.1.2. Constitutional, Statutory, and Administrative Laws on Minimum Wages

NAS Indicator A-2: national constitution or law establishing one or more minimum wages

[ANNOTATION: By referencing only constitutional or legislative provisions, Indicator A-2 is too limited. In some countries (consistent with ILO law), minimum wages are set by administrative machinery or collective bargaining agreements that have binding legal effect. The following Indicators correct this defect. However, a government deserves extra credit for entrenching the minimum wage in some combination of constitutional and statutory provisions (even if those instruments stipulate only a general entitlement to minimum wages and do not specify the level of the minimum wage), as distinguished from setting more readily rescinded minimum wages via administrative machinery or collective bargaining agreements.]

RWL 3 Does the constitution provide an entitlement to minimum wages for all non-managerial, non-supervisory workers in establishments of 20 or more workers, except for categories of non-managerial, non-supervisory workers encompassing only trivial numbers of workers?

RWL 4 Does the constitution establish a wage-fixing mechanism that is constitutionally required to set a minimum wage or minimum wages covering all non-managerial, non-supervisory workers in establishments of 20 or more workers, except for categories of non-managerial, non-supervisory workers encompassing only trivial numbers of workers?

RWL 5 Do the constitution and legislation together set a minimum wage or minimum wages covering all non-managerial, non-supervisory workers in establishments of 20 or more workers, except for categories of non-managerial, non-supervisory workers encompassing only trivial numbers of workers?

[ANNOTATION: If the answer to the preceding Indicator is “yes,” then the answer to the following Indicator is “yes.” That is, the following Indicator should not penalize governments that comprehensively set minimum wages by constitutional or statutory rules and not by other wage-fixing mechanisms.]

RWL 6 If constitutional or legislative provisions do not together or separately set a minimum wage or minimum wages covering all non-managerial, non-supervisory workers in establishments of 20 or more workers except for categories of non-managerial, non-

supervisory workers encompassing only trivial numbers of workers, does the law establish minimum wage-fixing machinery with responsibility to set and periodically revise a minimum wage or minimum wages having the binding force of law and covering all non-managerial, non-supervisory workers in establishments of 20 or more workers not covered by the constitution and legislation except for categories of workers encompassing only trivial numbers of workers?

[ANNOTATION: If the answer to the preceding Indicator is “yes,” then the answer to the following Indicator is “yes.” That is, the following Indicator should not penalize governments that comprehensively set minimum wages by constitutional, statutory and administrative rules.]

RWL 7 **If constitutional and legislative provisions and administrative wage-fixing machinery do not together or separately set a minimum wage or minimum wages covering all non-managerial, non-supervisory workers in establishments of 20 or more workers except for categories of non-managerial, non-supervisory workers encompassing only trivial numbers of workers, are minimum wage or minimum wages set by collective bargaining agreements having the binding effect of law set and covering all non-managerial, non-supervisory workers in establishments of 20 or more workers not covered by the constitution, legislation and administrative wage-fixing machinery except for categories of workers encompassing only trivial numbers of workers?**

RWL 8 **Do binding legal instruments (constitutional, legislative, administrative, or collectively bargained) require that minimum wages increase at regular intervals in tandem with inflation rates or other measures of increases in the cost of living?**

3.1.1.3. Multiple Minimum Wages

NAS Indicator A-3: application of the minimum wage law or laws (to whom do the minimum wage law/laws apply? Do the legal minimums vary by geographic region, economic sector,

and/or by establishment size?)

[ANNOTATION: NAS Indicator A-3 is double-barreled. The first question in the Indicator is sufficiently covered by Indicators above, which ask whether there are categories comprising non-trivial numbers of non-managerial, non-supervisory workers in the export sector who are excluded from the coverage of the minimum wage. Even taken alone, the second question in Indicator A-3 is also double-barreled or at best ambiguous, since it asks both a disjunctive question and a conjunctive question, making ambiguous use of the “and/or” form. That is, if the analyst uses the disjunctive (“or”), the answer to the second question would be “yes” if the legal minimum varied by one or two of the enumerated categories; but if the analyst uses the conjunctive (“yes”), the answer to the second question would be “no” if the legal minimum varied by less than all three of the enumerated categories. In addition, the normative implication of the second question is not well-specified. It does not tell us what degree of variance (if any) is problematic, and does not tell us whether variance by any of the three different categories (region, sector, establishment size) is more important than variance by the other(s). The following Indicators correct these defects.]

[ANNOTATION: If the government or other wage-fixing machinery sets one minimum wage for all non-managerial workers in the export sector, then the answer to the following Indicators is “yes.” That is, a government should not be penalized by setting a single minimum wage.]

RWL 9 **If the law or other authorized wage-fixing machinery sets different minimum wage rates by region, do all of the respective ratios of the minimum wage for non-managerial, non-supervisory workers for each region to the average wage for non-managerial, non-supervisory workers for that region fall within a band that ranges from 10 percent below the average ratio for all regions and 10 percent above the average ratio for all regions?**

[ANNOTATION: If the government or other wage-fixing machinery sets one minimum wage for all non-managerial workers in the export sector, then the answer to the following Indicators is “yes.” That is, a government should not be penalized by setting a single minimum wage.]

RWL 10 **If the law or other authorized wage-fixing machinery sets different minimum wage rates by sector, do all of the respective ratios of the minimum wage for non-managerial, non-supervisory workers for each sector to the average wage for non-managerial, non-supervisory workers for that sector fall within a band that ranges from 10 percent below the average ratio for all regions and 10 percent above the average ratio for all regions?**

[ANNOTATION: If the government or other wage-fixing machinery sets one minimum wage for all non-managerial workers in the export sector, then the answer to the following Indicators is “yes.” That is, a government should not be penalized by setting a single minimum wage.]

RWL 11 **If the law or other authorized wage-fixing machinery sets different minimum wage rates by establishment size, do all of the respective ratios of the minimum wage for non-managerial, non-supervisory workers for each size category to the average wage for non-managerial, non-supervisory workers for that size category fall within a band that ranges from 10 percent below the average ratio for all regions and 10 percent above the average ratio for all regions?**

3.1.1.4. Minimum Wage Levels

NAS Indicator A-4: minimum wage level(s) specified in the law (in local currency and in U.S. dollars and, if possible, adjusted using the World Bank’s Purchasing Power Parity exchange rate for the local currency)

[ANNOTATION: NAS Indicator A-4 is descriptive, providing no guidance to analysts how to determine whether the level of the minimum wage (or wages) is normatively problematic, or how to determine whether the level is showing improvement. Indicator A-4 also gives no guidance to analysts how to treat multiple minimum wages. The following Indicators resolve these problems.]

[ANNOTATION: Among both developing and developed countries, the average ratio of minimum wages to average wages is 40 percent. The regional high is in Latin America, where the average ratio is approximately

- 50 percent. (ILO, 2008e, p. 36).The three following Indicators give countries credit for exceeding the average performance.]
- RWL 12** Does the minimum wage applicable to non-managerial, non-supervisory workers (or, where the minimum wage varies among different categories or locations of non-managerial, non-supervisory workers, the average of minimum wages scaled to the number of workers to whom a particular minimum wage is applicable) exceed 40 percent of the average wage among non-managerial, non-supervisory workers?
- RWL 13** Does the minimum wage applicable to non-managerial, non-supervisory workers (or, where the minimum wage varies among different categories or locations of non-managerial, non-supervisory workers, the average of minimum wages scaled to the number of workers to whom a particular minimum wage is applicable) exceed 60 percent of the average wage among non-managerial, non-supervisory workers?
- RWL 14** Does the ratio of the minimum wage applicable to non-managerial, non-supervisory workers (or, where the minimum wage varies among different categories or locations of non-managerial, non-supervisory workers, the average of minimum wages scaled to the number of workers to whom a particular minimum wage is applicable) to average wages of non-managerial, non-supervisory workers exceed the average ratio among countries in the same quintile of real income per capita?
- RWL 15** Does the minimum wage applicable to non-managerial, non-supervisory workers (or, where the minimum wage varies among different categories or locations of non-managerial, non-supervisory workers, the average of minimum wages scaled to the number of workers to whom a particular minimum wage is applicable) multiplied by the average hours worked per month by non-managerial, non-supervisory workers in the export sector exceed 133 percent of the country's monthly poverty income level for a family of 3?
- RWL 16** Does the real minimum wage applicable to non-managerial, non-supervisory workers (or, where the minimum wage varies among

different categories or locations of non-managerial, non-supervisory workers, the average of real minimum wages scaled to the number of workers to whom a particular minimum wage is applicable) exceed the average among countries in the same decile of income per capita?

RWL 17 In the last five years, has the rate of increase in the real minimum wage applicable to non-managerial, non-supervisory workers (or, where the minimum wage varies among different categories or locations of non-managerial, non-supervisory workers, the average of real minimum wages scaled to the number of workers to whom a particular minimum wage is applicable) exceeded the average among countries in the same decile of real income per capita?

RWL 18 In the last five years, has the rate of increase in the real minimum wage applicable to non-managerial, non-supervisory workers (or, where the minimum wage varies among different categories or locations of non-managerial, supervisory workers, the average of minimum wages scaled to the number of workers to whom a particular minimum wage is applicable) exceeded 133 percent of the sum of the rate of increase in the cost of living and the rate of increase in real national income per capita?

3.1.2. The Substantive Law of Hours of Work

3.1.2.1. Ratification and Reception of International Instruments on Hours of Work

NAS Indicator A-5: ratification of ILO Conventions No. 1, 30, or 47, limiting the regular workweek to 48 hours or less

[See ANNOTATION for RFL 1 above.]

RWL 19 Has ILO Convention no. 1 on Hours of Work (Industry), 1919, been ratified and received into binding domestic law?

[See ANNOTATION for RFL 2 above.]

RWL 20 **Regardless whether ILO Convention no. 1 has been received into domestic law, have the rights set forth in that Convention been defined more specifically in domestic legislation, administrative regulations, or other binding domestic legal instruments?**

[See ANNOTATION for RFL 1 above.]

RWL 21 **Has ILO Convention no. 30 on Hours of Work (Commerce and Offices), 1930, been ratified and received into binding domestic law?**

[See ANNOTATION for RFL 2 above.]

RWL 22 **Regardless whether ILO Convention no. 30 has been received into domestic law, have the rights set forth in that Convention been defined more specifically in domestic legislation, administrative regulations, or other binding domestic legal instruments?**

[See ANNOTATION for RFL 1 above.]

RWL 23 **Has ILO Convention no. 47 on Forty-Hour Week, 1935, been ratified and received into binding domestic law?**

[See ANNOTATION for RFL 2 above.]

RWL 24 **Regardless whether ILO Convention no. 47 has been received into domestic law, have the rights set forth in that Convention been defined more specifically in domestic legislation, administrative regulations, or other binding domestic legal instrument?**

3.1.2.2. Substantive Law on Hours of Work

NAS Indicator A-6: national constitutional or legal provision for a regular workweek of 48 hours or less

[ANNOTATION: NAS Indicator A-6 incorrectly treats “constitutional” and “legal” as disjunctive categories, as explained above.]

RWL 25 **Does the law stipulate that a regular workweek shall not exceed 48 hours, for non-managerial, non-supervisory workers in**

- establishments of 20 or more workers in the export sector, except for categories of non-managerial, non-supervisory workers accounting for only trivial numbers of workers?**
- RWL 26** Does the law stipulate that a regular workweek shall not exceed 40 hours, for non-managerial, non-supervisory workers in establishments of 20 or more workers in the export sector, except for categories of non-managerial, non-supervisory workers accounting for only trivial numbers of workers?
- RWL 27** Does the law stipulate that a regular workday shall not exceed 10 hours, for non-managerial, non-supervisory workers in establishments of 20 or more workers in the export sector, except for categories of non-managerial, non-supervisory workers accounting for only trivial numbers of workers?
- RWL 28** Does the law stipulate that a regular workday shall not exceed 8 hours, for non-managerial, non-supervisory workers in establishments of 20 or more workers in the export sector, except for categories of non-managerial, non-supervisory workers accounting for only trivial numbers of workers?

NAS Indicator A-7: the coverage of laws limiting the regular workweek (e.g., only establishments of a certain size, only those in certain industrial sectors or regions)

[ANNOTATION: NAS Indicator A-7 is open-ended and provides no normative guidance to analysts. The Indicators above and below capture the relevant concept.]

3.1.2.3. Substantive Law on Overtime Work and Overtime Pay

NAS Indicator A-8: provision in national laws or regulations for overtime beyond the regular workweek

[ANNOTATION: NAS Indicator A-8 is defective in treating “laws” and “regulations” as disjunctive categories, as explained above. Indicator A-8 also fails to guide analysts to any particular aspects of overtime law, and

gives no guidance about how to determine whether the overtime provisions raise “some problems,” “more extensive problems,” or “severe problems.” The following Indicators correct these problems, again using the binary form.]

- RWL 29** Does the law require employers to gain the voluntary consent of non-managerial, non-supervisory workers for work of more than 8 hours per day, except for categories of non-managerial, non-supervisory workers encompassing only trivial numbers of workers?
- RWL 30** Does the law require employers to gain the voluntary consent of non-managerial, non-supervisory workers for work of more than 10 hours per day, except for categories of non-managerial, non-supervisory workers encompassing only trivial numbers of workers?
- RWL 31** Does the law require employers to gain the voluntary consent of non-managerial, non-supervisory workers for work of more than 40 hours per week, except for categories of non-managerial, non-supervisory workers encompassing only trivial numbers of workers?
- RWL 32** Does the law require employers to gain the voluntary consent of non-managerial, non-supervisory workers for work of more than 48 hours per week, except for categories of non-managerial, non-supervisory workers encompassing only trivial numbers of workers?
- RWL 33** Does the law require payment of at least 125 percent of the regular hourly wage for hours worked in excess of 8 hours per day, for non-managerial, non-supervisory workers, except for categories of non-managerial, non-supervisory workers accounting for only trivial numbers of workers?

[ANNOTATION: Note that when the law provides for overtime payment of at least 150 percent of the regular wage, the government will receive an answer of “yes” for the previous Indicator and an answer of “yes” for the following Indicator. This is not double-counting, but rather gives the government extra credit for establishing a higher overtime wage.]

- RWL 34** Does the law require payment of at least 150 percent of the regular hourly wage for hours worked in excess of 8 hours per day, for non-

managerial, non-supervisory workers, except for categories of non-managerial workers accounting for only trivial numbers of workers?

[ANNOTATION: Note that when the law provides for overtime payment of at least 125 or 150 percent of the regular wage for hours worked in excess of 8 hours per day, the government will receive an answer of “yes” for the previous Indicator(s) and an answer of “yes” for the following Indicator. This is not double-counting, but rather gives the government extra credit for establishing a higher overtime wage.]

RWL 35 Does the law require payment of at least 125 percent of the regular hourly wage for hours worked in excess of 10 hours per day, for non-managerial, non-supervisory workers, except for categories of non-managerial, non-supervisory workers accounting for only trivial numbers of workers?

[ANNOTATION: Note that when the law provides for overtime payment of at least 150 percent of the regular wage, the government will receive an answer of “yes” for the previous Indicator and an answer of “yes” for the following Indicator. This is not double-counting, but rather gives the government extra credit for establishing a higher overtime wage.]

RWL 36 Does the law require payment of at least 150 percent of the regular hourly wage for hours worked in excess of 10 hours per day, for non-managerial, non-supervisory workers, except for categories of non-managerial workers accounting for only trivial numbers of workers?

RWL 37 Does the law require payment of at least 125 percent of the regular hourly wage for hours worked in excess of 48 hours per week, for non-managerial, non-supervisory workers, except for categories of non-managerial, non-supervisory workers accounting for only trivial numbers of workers?

[ANNOTATION: Note that when the law provides for overtime payment of at least 150 percent of the regular wage, the government will receive an answer of “yes” for the previous Indicator and an answer of “yes” for the following Indicator. This is not double-counting, but rather gives the government extra credit for establishing a higher overtime wage.]

RWL 38 Does the law require payment of at least 150 percent of the regular hourly wage for hours worked in excess of 48 hours per week, for non-managerial, non-supervisory workers, except for categories of non-managerial, non-supervisory workers accounting for only trivial numbers of workers?

RWL 39 Does the law require payment of at least 125 percent of the regular hourly wage for hours worked in excess of 40 hours per week, for non-managerial, non-supervisory workers, except for categories of non-managerial, non-supervisory workers accounting for only trivial numbers of workers?

[ANNOTATION: Note that when the law provides for overtime payment of at least 150 percent of the regular wage, the government will receive an answer of “yes” for the previous Indicator and an answer of “yes” for the following Indicator. This is not double-counting, but rather gives the government extra credit for establishing a higher overtime wage.]

RWL 40 Does the law require payment of at least 150 percent of the regular hourly wage for hours worked in excess of 40 hours per week, for non-managerial, non-supervisory workers in the export sector, except for categories of non-managerial, non-supervisory workers accounting for only trivial numbers of workers?

RWL 41 Does the law provide the same minimum wage entitlements to agricultural workers as to non-agricultural workers?

RWL 42 Does the law provide the same overtime wage entitlements to agricultural workers as to non-agricultural workers?

RWL 43 Does the law provide the same maximum hour entitlements to agricultural workers as to non-agricultural workers?

RWL 44 Does the law provide the same annual paid holiday entitlements to agricultural workers as to non-agricultural workers?

3.1.2.4. Ratification and Reception of International Instrument on Weekly Day of Rest

NAS Indicator A-9: ratification of ILO Convention No. 14, providing a weekly day of rest

[See ANNOTATION for RFL 1 above.]

RWL 45 Has ILO Convention no. 14 on Weekly Rest (Industry), 1921, been ratified and received into binding domestic law?

[See ANNOTATION for RFL 2 above.]

RWL 46 Regardless whether ILO Convention no. 14 has been received into domestic law, have the rights set forth in that Convention been defined more specifically in domestic legislation, administrative regulations, or other binding domestic legal instruments?

3.1.2.5. Substantive Law on Weekly Day of Rest

NAS Indicator A-10: provision in the national constitution or law for a weekly day of rest

[ANNOTATION: “Constitution” and “law” are not disjunctive categories.]

RWL 47 Does the law require all employers to provide a weekly day of rest to all non-managerial, non-supervisory workers, except for categories of non-managerial, non-supervisory workers encompassing only trivial numbers of workers?

3.1.2.6. Ratification and Reception of International Instruments on Holidays for Agricultural Workers

NAS Indicator A-11: ratification of ILO Convention No. 101, providing paid holidays for workers in agriculture

[See ANNOTATION for RFL 1 above.]

RWL 48 Has ILO Convention no. 101 on Holidays with Pay (Agriculture), 1952, been ratified and received into binding domestic law?

[See ANNOTATION for RFL 2 above.]

RWL 49 **Regardless whether ILO Convention no. 101 has been received into domestic law, have the rights set forth in that Convention been defined more specifically in domestic legislation, administrative regulations, or other binding domestic legal instruments.**

3.1.2.7. Ratification and Reception of Instrumental Instruments on Paid Holidays

NAS Indicator A-12: provision in the national constitution or laws for paid holidays for agricultural workers

[ANNOTATION: Indicator A-12 incorrectly treats “constitution” and “laws” as disjunctive categories, as explained above. Also, the principle of nondiscrimination requires that agricultural workers be treated equally with non-agricultural workers. Hence, agricultural workers must receive the same annual paid holiday of at least 3 weeks as is afforded other workers by ILO Convention no. 132, referenced below, notwithstanding that ILO Convention no. 101 does not explicitly stipulate that the minimum duration of annual paid vacation to which agricultural workers are entitled is 3 weeks.]

NAS Indicator A-13: ratification of ILO Convention No. 52, providing for an annual paid holiday of at least 6 days

[ANNOTATION: As NAS Indicator A-14 points out, ILO Convention no. 52 has been superseded. Indicator A-13 should therefore be deleted.]

NAS Indicator A-14: ratification of ILO Convention No. 132, providing for an annual paid holiday of at least 3 weeks (supersedes C. 52)

[See ANNOTATION for RFL 1 above.]

RWL 50 **Has ILO Convention no. 132 on Holidays with Pay (Revised), 1970, been ratified and received into binding domestic law?**

[See ANNOTATION for RFL 2 above.]

RWL 51 **Regardless whether ILO Convention no. 132 has been received into domestic law, have the rights set forth in that Convention been defined more specifically in domestic legislation, administrative regulations, or other binding domestic legal instruments.**

3.1.2.8. Substantive Law on Paid Holidays

NAS Indicator A-15: provision in national laws/constitution for a specified number of paid holidays for employed workers

[ANNOTATION: Indicator A-15 does not capture the international standard set forth in ILO Convention no. 132. The following Indicator gives the government credit for establishing a specified number of paid holidays, and the next two Indicators give the government credit for meeting the international standard and for meeting the average standard among countries at similar levels of income per capita.]

RWL 52 **Does the law require employers to provide a specified number of paid holidays per year to non-managerial, non-supervisory workers after one year of employment, except for categories of non-managerial, non-supervisory workers encompassing only trivial numbers of workers?**

RWL 53 **Does the law require employers to provide at least 3 weeks of paid vacation per year to non-managerial, non-supervisory workers (after one year of employment) except for categories of non-managerial, non-supervisory workers encompassing only trivial numbers of workers?**

RWL 54 **Does the law require employers to provide a number of paid holidays to non-managerial, non-supervisory workers (after one year of employment, and except for categories of non-managerial, non-supervisory workers encompassing only trivial numbers of workers) that exceeds the average number required by countries in the same quintile of real income per capita?**

NAS Indicator A-16: ratification of ILO Convention No. 81 on labor inspection

[ANNOTATION: Since the institutional apparatus for enforcement is a matter of effective enforcement rather than substantive standards, Indicators pertaining to labor inspection are included in the enforcement Indicators.]

NAS Indicator A-17: provision in national laws for inspection of workplaces

[ANNOTATION : Since the institutional apparatus for enforcement is a matter of effective enforcement rather than substantive standards, Indicators pertaining to labor inspection are included in the enforcement Indicators.]

NAS Indicator A-18: ratification of ILO Convention No. 155 on a mechanism to provide health and safety

[ANNOTATION: Since the institutional apparatus for enforcement is a matter of effective enforcement rather than substantive standards, Indicators pertaining to safety and health agencies are included in the enforcement Indicators.]

3.1.3. The Substantive Law of Occupational Safety and Health

NAS Indicator A-19: provision in the national constitution or laws for workplace health and safety

[ANNOTATION: Indicator A-19 incorrectly treats “constitutional” and “legal” as disjunctive categories, as explained above. More important, this Indicator lacks substantive content. The question is: *What* are workers’ entitlements respecting occupational safety and health? That is, what are the *contents* of the required legal provisions? The Indicators below provide such content, based on ILO Conventions, ILO *Codes of Practice*, and ILO *International Chemical Safety Cards*, and ILO *Hazards Datasheets for Occupations*. These ILO instruments, taken together, are explicit codifications of international standards set by the recognized competent international bodies and therefore constitute the best statement of “internationally recognized standards” on occupational safety and health.]

- RWL 55** Does the law require the employer to undertake, at least annually, comprehensive risk assessments for hazards in the workplace?
- RWL 56** Does the law require the employer to disclose to workers all information pertaining to the process and outcome of any risk assessments undertaken by the employer?
- RWL 57** Does the law require employers to eliminate the risk of workplace hazards at their source, whenever feasible?
- RWL 58** Does the law require the employer, where it is unfeasible to eliminate the risk of workplace hazards at their source, to fully protect workers against the risk by preventive measures or personal preventive equipment?

[ANNOTATION: Article 19(f) of Convention no. 155 on Occupational Safety and Health entitles workers to cease work when they reasonably believe there is an imminent threat to their safety or health.]

- RWL 59** Does the law entitle workers to cease work when they reasonably believe there is an imminent threat to their safety or health?

[ANNOTATION: Article 5(e) of ILO Convention no. 155 on Occupational Safety and Health, 1981, and Article 3(a)(4) of Protocol no. 155 of 2002 to the Occupational Safety and Health Convention, 1981, require governments to protect workers against retaliation for taking any action to prevent, minimize, or report workplace injuries and illnesses.]

- RWL 60** Does the law ensure that workers who cease work when they reasonably believe there is an imminent threat to their safety or health are not subject to adverse action by the employer or government?

- RWL 61** Does the law prohibit the employer from taking adverse action against a worker in response to the worker's report of any hazard that the worker believes is present in the workplace?

- RWL 62** Does the law prohibit the employer from taking adverse action against a worker in response to the worker's report of any accident that the worker believes has occurred in the workplace?

RWL 63 Does the law prohibit the employer from taking adverse action against a worker in response to the worker's report of any potentially unhealthy exposure to substances that the worker believes has occurred in the workplace?

[ANNOTATION: Protocol no. 155 of 2002 to the Occupational Safety and Health Convention, 1981, sets out requirements for employer recording and notification of workplace-related accidents and illnesses. The Indicator below covers notification to workers. The requirements of recording and reporting to government agencies are covered by Enforcement Indicators and Capacity-Building Indicators below.]

RWL 64 Does the law require the employer to promptly inform all workers of all non-trivial, workplace-related accidents, illnesses, and dangerous occurrences, while maintaining the confidentiality of the personal and medical information of victims of the accident or illness?

RWL 65 Does the law require employers to comply with safety and health requirements pertaining to the agricultural sector at least as rigorous and comprehensive as the key requirements (as set forth in Appendix A to the Literature Review for this Paper) contained in ILO Convention no. 184 – Safety and Health in Agriculture Convention, 2001?

RWL 66 Does the law require employers to comply with safety and health requirements pertaining to the mining sector at least as rigorous and comprehensive as the key requirements (as set forth in Appendix A to the Literature Review for this Paper) contained in ILO Convention no. 176 – Safety and Health in the Mines Convention, 1995?

RWL 67 Does the law require employers to comply with safety and health requirements pertaining to major industrial accidents at least as rigorous and comprehensive as the key requirements (as set forth in Appendix A to the Literature Review for this Paper) contained in ILO Convention no. 174 – Prevention of Major Industrial Accidents Convention, 1993?

RWL 68 Does the law require employers to comply with safety and health requirements pertaining to chemicals at least as rigorous and

- comprehensive as the key requirements (as set forth in Appendix A to the Literature Review for this Paper) contained in ILO Convention no. 170 – Chemicals Convention, 1990?**
- RWL 69 Does the law require employers to comply with safety and health requirements pertaining to construction at least as rigorous and comprehensive as the key requirements (as set forth in Appendix A to the Literature Review for this Paper) contained in ILO Convention no. 167 – Safety and Health in Construction Convention, 1988?**
- RWL 70 Does the law require employers to comply with safety and health requirements pertaining to the asbestos at least as rigorous and comprehensive as the key requirements (as set forth in Appendix A to the Literature Review for this Paper) contained in ILO Convention no. 162 – Asbestos Convention, 1986?**
- RWL 71 Does the law require employers to comply with safety and health requirements pertaining to air pollution, noise and vibration at least as rigorous and comprehensive as the key requirements (as set forth in Appendix A to the Literature Review for this Paper) contained in ILO Convention no. 148 – Working Environment (Air Pollution, Noise and Vibration) Convention, 1977?**
- RWL 72 Does the law require employers to comply with safety and health requirements pertaining to occupational cancer at least as rigorous and comprehensive as the key requirements (as set forth in Appendix A to the Literature Review for this Paper) contained in ILO Convention no. 139 – Occupational Cancer Convention, 1974?**
- RWL 73 Does the law require employers to comply with safety and health requirements pertaining to benzene at least as rigorous and comprehensive as the key requirements (as set forth in Appendix A to the Literature Review for this Paper) contained in ILO Convention no. 136 – Benzene Convention, 1971?**
- RWL 74 Does the law require employers to comply with safety and health requirements pertaining to hygiene in commerce and offices at least as rigorous and comprehensive as the key requirements (as set forth in Appendix A to the Literature Review for this Paper)**

contained in ILO Convention no. 120 – Hygiene (Commerce and Offices) Convention, 1963?

- RWL 75** Does the law require employers to comply with safety and health requirements pertaining to the guarding of machinery at least as rigorous and comprehensive as the key requirements (as set forth in Appendix A to the Literature Review for this Paper) contained in ILO Convention no. 119 – Guarding of Machinery Convention, 1963?
- RWL 76** Does the law require employers to comply with safety and health requirements pertaining to ionizing radiation at least as rigorous and comprehensive as the key requirements (as set forth in Appendix A to the Literature Review for this Paper) contained in ILO Convention no. 115 – Radiation Protection Convention, 1960?
- RWL 77** Does the law require employers to comply with safety and health requirements pertaining to building safety at least as rigorous and comprehensive as the key requirements (as set forth in Appendix A to the Literature Review for this Paper) contained in ILO Convention no. 62 – Safety Provisions (Building) Convention, 1937?
- RWL 78** Does the law require employers to comply with safety and health requirements pertaining to painting safety at least as rigorous and comprehensive as the key requirements (as set forth in Appendix A to the Literature Review for this Paper) contained in ILO Convention no. 13 – White Lead (Painting) Convention, 1921?
- RWL 79** Does the law require employers to comply with safety and health requirements pertaining to underground coal mines at least as rigorous as those set forth in the ILO Code of Practice on Safety and Health in Underground Coalmines (ILO, 2006g)?
- RWL 80** Does the law require employers to comply with safety and health requirements in the iron and steel industry at least as rigorous as those set forth in the ILO Code of Practice on Safety and Health in the Iron and Steel Industry (ILO, 2005e)?
- RWL 81** Does the law require employers to comply with safety and health requirements in the non-ferrous metals industries at least as

- rigorous as those set forth in the ILO Code of Practice on Safety and Health in the Non-Ferrous Metals Industries (ILO, 2003b)?**
- RWL 82** Does the law require employers to comply with safety and health requirements regarding ambient factors at least as rigorous as those set forth in the ILO Code of Practice on Ambient Factors in the Workplace (ILO, 2001)?
- RWL 83** Does the law require employers to comply with safety and health requirements in the use of synthetic vitreous fiber at least as rigorous as those set forth in the ILO Code of Practice on Safety in the Use of Synthetic Vitreous Fiber Insulation Wools (ILO, 2001c)?
- RWL 84** Does the law require employers to comply with safety and health requirements pertaining to HIV/AIDS at least as rigorous as those set forth in the ILO Code of Practice on HIV/AIDs and the World of Work (ILO, 2001d)?
- RWL 85** Does the law require employers to comply with safety and health requirements in forestry at least as rigorous as those set forth in the ILO Code of Practice on Safety and Health in Forestry Work (ILO, 1998c)?
- RWL 86** Does the law require employers to comply with safety and health requirements on the use of chemicals at least as rigorous as those set forth in the ILO Code of Practice on Safety in the Use of Chemicals at Work (ILO, 1993)?
- RWL 87** Does the law require employers to comply with safety and health requirements in construction at least as rigorous as those set forth in the ILO Code of Practice on Safety and Health in Construction (ILO, (1992)?
- RWL 88** Does the law require employers to comply with safety and health requirements pertaining to major industrial accidents at least as rigorous as those set forth in the ILO Code of Practice on Prevention of Major Industrial Accidents (ILO, (1991)?
- RWL 89** Does the law require employers to comply with safety and health requirements in opencast mines at least as rigorous as those set

- forth in the ILO Code of Practice on Safety and Health in Opencast Mines (ILO, 1991b)?
- RWL 90** Does the law require employers to comply with safety and health requirements on ionizing radiations at least as rigorous as those set forth in the ILO Code of Practice on Radiation Protection of Workers (Ionizing Radiations) (ILO, 1987)?
- RWL 91** Does the law require employers to comply with safety and health requirements in coal mines at least as rigorous as those set forth in the ILO Code of Practice on Safety and Health in Coal Mines (ILO, 1986)?
- RWL 92** Does the law require employers to comply with safety and health requirements on the use of asbestos at least as rigorous as those set forth in the ILO Code of Practice on Safety in the Use of Asbestos (ILO,1984)?
- RWL 93** Does the law require employers to comply with safety and health requirements on exposure to harmful airborne substances at least as rigorous as those set forth in the ILO Code of Practice on Occupational Exposure to Airborne Substances Harmful to Health (ILO, 1980)?
- RWL 94** Does the law require employers to comply with safety and health requirements in agriculture at least as rigorous as those set forth in the ILO Code of Practice Guide to Health and Hygiene in Agricultural Work (ILO,1979)?
- RWL 95** Does the law require employers to comply with safety and health requirements on noise and vibration at least as rigorous as those set forth in the ILO Code of Practice on Protection of Workers Against Noise and Vibration in the Working Environment (ILO, 1977)?
- RWL 96** Does the law require employers to comply with requirements safety and health requirements on shipbuilding and ship repairing at least as rigorous as those set forth in the ILO Code of Practice on Safety and Health in Shipbuilding and Ship Repairing (ILO, 1974)?

RWL 97 Does the law require employers to comply with safety and health standards at least as rigorous as those set forth in the ILO's Hazards Datasheets on Occupations (HDOs)?

[ANNOTATION: ILO *Convention no. 170 – Chemicals Convention, 1990*, requires employers to regularly distribute chemical safety cards to workers; provide training about preventive and responsive measures pertaining to each chemical present in the workplace; and ensure that all chemical containers are labeled with information about the hazards and preventive and responsive measures pertaining to the chemical.]

RWL 98 Does the law require employers to comply with safety and health standards at least as rigorous as those set forth in the ILO's International Chemical Safety Cards (ICSC)?

RWL 99 Does the law require employers to orally inform workers at least twice per year about the chemical hazards in the employers' workplace, and about the preventive and responsive measures for exposure to each chemical hazard?

RWL 100 Does the law require employers to provide each newly hired worker with copies of the ILO's International Chemical Safety Cards (ICSC) – or with written materials that contain, at a minimum, all the information in the ICSCs – for each hazardous chemical present in the employer's workplace?

RWL 101 Does the law require employers to provide each incumbent worker, at least annually, with a new copy of the ILO's International Chemical Safety Cards (ICSC) – or with written materials that contain, at a minimum, all the information in the ICSCs – for each hazardous chemical present in the employer's workplace?

[ANNOTATION: If the law does not require employers to distribute the ILO's International Chemical Safety Cards (ICSC) – or with written materials that contain, at a minimum, all the information in the ICSCs – to each new worker and, at least annually, to each incumbent worker for each chemical present in the employer's workplace, the answer to the following Indicator is "no."]

RWL 102 **If the law requires employers to provide the ILO’s *International Chemical Safety Cards (ICSC)* – or with written materials that contain, at a minimum, all the information in the *ICSCs* – to each new worker and, at least annually, to each incumbent worker for each chemical present in the employer’s workplace, does the law require the employer either to train each worker in all the preventive and responsive measures called for by the *Cards* each time the employer so distributes the *Cards* or to ensure that competent third parties, such as worker organizations, industrial hygienists, or government safety and health agencies provide such training?**

3.2. Enforcement of Minimum Wages, Hours of Work, and Occupational Safety and Health

NAS Indicator B-1: a mechanism for fixing minimum wages

[ANNOTATION: NAS Indicator B-1 duplicates questions addressed in Indicators above. It refers to a mechanism for setting the substantive standard, not for enforcement, and therefore does not belong in this category.]

NAS Indicator B-2: an agency to promote and enforce laws governing hours of work

[ANNOTATION: It is unclear to what sort of agency NAS Indicator B-2 refers, other than the wage-fixing machinery, labor inspectorate, and labor tribunals covered by other Indicators above and below.]

NAS Indicator B-3: an agency to promote and enforce laws protecting occupational safety and health

[ANNOTATION: For consistency of presentation, the Indicators in Section 3.2.1 below cover the enforcement machinery and activities applicable to all three conditions of work – minimum wages, hours of work, and occupational safety and health. Then, the Indicators in Section 3.2.2 cover the additional, specialized enforcement machinery and activities applicable to occupational safety and health.]

[ANNOTATION: NAS Indicator B-3 is inadequate as a measure of actual capacity and effort to enforce occupational safety and health – since the mere existence of an occupational safety and health agency is a measure of minimal commitment. The Indicators in 3.2.2 therefore ask a series of questions about the most significant components of such an agency, based on ILO standards and international best-practice, coupled with Indicators about the performance of those components in practice.]

3.2.1. Labor Administration and Labor Inspectorate Devoted to Enforcing Minimum Wages, Hours of Work, and Occupational Safety and Health

NAS Indicator B-4: a labor inspectorate

[ANNOTATION: NAS Indicator B-4 presumably asks merely whether a labor inspectorate exists. The existence of a labor inspectorate is a measure of minimal commitment. Moreover, Indicator B-4 does not specify which matters are within the purview of the labor inspectorate, but it presumably refers to inspection of wages, hours, and safety and health. The following revised Indicators track those above pertaining to the performance of the inspectorate devoted to enforcing freedom of association and employment discrimination. The Indicators below treat the inspectorate's enforcement of wages, hours, and health and safety together. In many countries, three separate agencies enforce (a) freedom of association, (b) employment discrimination, and (c) acceptable conditions of wages, hours, and health and safety. Not all countries use a single inspectorate for wages, hours, and health and safety, but many do. For countries, such as the U.S., with separate inspectorates for wages and hours, on the one hand, and health and safety, on the other, the following Indicators require analysts to cumulate the resources and staff for enforcing all those standards. It seems more efficient to fashion Indicators in this way, rather than separating wages and hours from health and safety, so that analysts need not artificially pro-rate resources and staff devoted to enforcement of all three conditions of work, for the many countries that in fact combine the enforcement of all three.]

3.2.1.1. Ratification and Reception of International Instruments on Labor Administration and Labor Inspection for Minimum Wages, Hours of Work, and Occupational Safety and Health

[See ANNOTATION for RFL 1 above.]

RWE 1 **Has ILO Convention no. 150 on Labor Administration, 1978, been ratified and received into binding domestic law?**

[See ANNOTATION for RFL 2 above.]

RWE 2 **Regardless whether ILO Convention no. 150 has been received into domestic law, have the rights set forth in that Convention been defined more specifically in domestic legislation, administrative regulations, or other binding domestic legal instruments.**

[See ANNOTATION for RFL 1 above.]

RWE 3 **Has ILO Convention no. 81 on Labor Inspection, 1947, been ratified and received into binding domestic law?**

[See ANNOTATION for RFL 2 above.]

RWE 4 **Regardless whether ILO Convention no. 81 has been received into domestic law, have the rights set forth in that Convention been defined more specifically in domestic legislation, administrative regulations, or other binding domestic legal instruments.**

[See ANNOTATION for RFL 1 above.]

RWE 5 **Has ILO Convention no. 129 on Labor Inspection in Agriculture, 1969, been ratified and received into binding domestic law?**

[See ANNOTATION for RFL 2 above.]

RWE 6 **Regardless whether ILO Convention no. 129 has been received into domestic law, have the rights set forth in that Convention been defined more specifically in domestic legislation, administrative regulations, or other binding domestic legal instruments.**

3.2.1.2. Resources, Personnel, and Functioning of Labor Administration Bodies (including Labor Inspectorate) Devoted to Minimum Wages, Hours of Work, and Occupational Safety and Health

RWE 7 Does real government expenditure of all labor administration bodies devoted to enforcement of workers' entitlements respecting wages, hours, and occupational safety and health per non-managerial, non-supervisory worker exceed the average for countries in the same quintile of real income per capita?

RWE 8 Has the government convincingly and verifiably demonstrated that real government expenditure of all labor administration bodies devoted to enforcement of workers' entitlements respecting wages, hours, and occupational safety and health per non-managerial, non-supervisory worker exceeds the average for countries in the same quintile of real income per capita?

RWE 9 In the preceding five years, did the rate of growth of real government expenditure of all labor administration bodies devoted to enforcement of workers' entitlements respecting wages, hours, and occupational safety and health per non-managerial, non-supervisory worker exceed 133 percent of the rate of growth in real income per capita?

RWE 10 Has the government convincingly and verifiably demonstrated that, in the preceding five years, the rate of growth of real government expenditure of all labor administration bodies devoted to enforcement of workers' entitlements respecting wages, hours, and occupational safety and health per non-managerial worker exceeded 133 percent of the rate of growth in real income per capita?

RWE 11 Does the number of labor inspectors devoted to enforcement of workers' entitlements respecting wages, hours, and occupational safety and health per non-managerial worker exceed the average for countries in the same quintile of real income per capita?

RWE 12 Has the government convincingly and verifiably demonstrated that the number of labor inspectors devoted to enforcement of workers' entitlements respecting wages, hours, and occupational safety and

health per non-managerial worker exceeds the average for countries in the same quintile of real income per capita?

- RWE 13** In the preceding five years, did the rate of growth in the number of labor inspectors devoted to enforcement of workers' entitlements respecting wages, hours, and occupational safety and health per non-managerial, non-supervisory worker exceed 133 percent of the rate of growth in real income per capita?
- RWE 14** Has the government convincingly and verifiably demonstrated that, in the preceding five years, the rate of growth in the number of labor inspectors devoted to enforcement of workers' entitlements respecting wages, hours, and occupational safety and health per non-managerial, non-supervisory worker exceeded 133 percent of the rate of growth in real income per capita?
- RWE 15** Do the average real monthly earnings of labor inspectors devoted to enforcement of workers' entitlements respecting wages, hours, and occupational safety and health exceed the average among countries in the same quintile of real income per capita?
- RWE 16** Has the government convincingly and verifiably demonstrated that the average real monthly earnings of labor inspectors devoted to enforcement of workers' entitlements respecting wages, hours, and occupational safety and health exceeds the average among countries in the same quintile of real income per capita?
- RWE 17** In the preceding five years, did the rate of growth in the average real monthly earnings of labor inspectors devoted to enforcement of workers' entitlements respecting wages, hours, and occupational safety and health exceed 133 percent of the rate of growth in real income per capita?
- RWE 18** Has the government convincingly and verifiably demonstrated that, in the preceding five years, the rate of growth in the average real monthly earnings of labor inspectors devoted to enforcement of workers' entitlements respecting wages, hours, and occupational safety and health exceeded 133 percent of the rate of growth in real income per capita?

- RWE 19** In the preceding year, did the labor inspectorate conduct trainings for both new and incumbent inspectors respecting workers' entitlements respecting wages, hours, and occupational safety and health?
- RWE 20** Has the government convincingly and verifiably demonstrated that, in the preceding year, the labor inspectorate conducted trainings for both new and incumbent inspectors respecting workers' entitlements respecting wages, hours, and occupational safety and health?
- RWE 21** In the preceding year, did the labor inspectorate produce a strategic plan identifying categories of workplaces that were priority targets for inspection for matters of workers' entitlements respecting wages, hours, and occupational safety and health?
- RWE 22** Has the government convincingly and verifiably demonstrated that, in the preceding year, the labor inspectorate produced a strategic plan identifying categories of workplaces that were priority targets for inspection for matters of workers' entitlements respecting wages, hours, and occupational safety and health?
- RWE 23** In the preceding year, did the labor inspectorate convene meetings among frontline inspectors, labor inspectorate managers, and political officials charged with overseeing the inspectorate, to deliberate about the performance of the inspectorate in matters of workers' entitlements respecting wages, hours, and occupational safety and health, including about the inspectorate's strategic plan for the following year?
- RWE 24** Has the government convincingly and verifiably demonstrated that, in the preceding year, the labor inspectorate convened meetings among frontline inspectors, labor inspectorate managers, and political officials charged with overseeing the inspectorate, to deliberate about the performance of the inspectorate in matters of workers' entitlements respecting wages, hours, and occupational safety and health, including about the inspectorate's strategic plan for the following year?

- RWE 25** In the preceding year, did the labor inspectorate refer the case to the competent body for filing complaints, in all but a trivial number of cases in which any violation of workers' entitlements respecting wages, hours, and occupational safety and health found by the inspectorate were not promptly remedied short of a complaint?
- RWE 26** Has the government convincingly and verifiably demonstrated that, in the preceding year, the labor inspectorate referred the case to the competent body for filing complaints, in all but a trivial number of cases in which any violation of workers' entitlements respecting wages, hours, and occupational safety and health found by the inspectorate were not promptly remedied short of a complaint?
- RWE 27** In the preceding year, did the competent body for filing complaints after a finding of any violation of workers' entitlements respecting wages, hours, and occupational safety and health by the labor inspectorate do so for all but a trivial number of cases received by that body upon referral by the inspectorate?
- RWE 28** Has the government convincingly and verifiably demonstrated that, in the preceding year, the competent body for filing complaints after a finding of any violation of workers' entitlements respecting wages, hours, and occupational safety and health by the labor inspectorate did so for all but a trivial number of cases received by that body upon referral by the inspectorate?
- RWE 29** In the preceding year, did the labor inspectorate use an information technology (computerized) system enabling inspectorate managers, at a minimum, to track the workplaces inspected, the findings for each inspection, any workplace remedies achieved after each inspection finding any violation of workers' entitlements respecting wages, hours, and occupational safety and health without referral of the case for complaint-based enforcement, and the progress of any complaint-based cases stemming from each investigation?
- RWE 30** Has the government convincingly and verifiably demonstrated that, in the preceding year, the labor inspectorate used an information technology (computerized) system enabling inspectorate managers, at a minimum, to track the workplaces inspected, the findings for each inspection, any workplace remedies achieved after each

inspection finding any violation of workers' entitlements respecting wages, hours, and occupational safety and health without referral of the case for complaint-based enforcement, and the progress of any complaint-based cases stemming from each investigation?

NAS Indicator B-5: the breadth of labor inspections in the country (number and frequency of visits, geographic regions, or industry sectors inspected)

[ANNOTATION: Recent researchers conclude convincingly that the number and frequency of inspections is not a highly significant Indicator of the effectiveness of labor inspectorates. To the contrary, assessing labor inspectorates based on such crude quantitative Indicators may create a perverse incentive for inspectors to achieve high numbers without sustainable qualitative impact. (Schrank, 2009; Piore and Schrank, 2008; Piore and Schrank, 2007). The better Indicators, set out above, are instead the extent to which the inspectorate implements a strategic plan based on region- or sector-specific characteristics, encouraging both specialization and camaraderie among inspectors assigned to specific regions and sectors.]

NAS Indicator B-6: the level of resources (e.g., personnel, pay, or budget) devoted to the labor inspectorate

[ANNOTATION: NAS Indicator B-6 asks about resources devoted to the labor inspectorate. That question is addressed in Indicators above.]

NAS Indicator B-7: a labor inspectorate trained to and focused on wages, hours, and occupational safety and health standards

[ANNOTATION: NAS Indicator B-6 asks about the training and focus of the labor inspectorate on matters of wages, hours, and occupational safety and health. Those questions are addressed in Indicators above.]

NAS Indicator B-8: an administrative or judicial complaint mechanism

[ANNOTATION: Indicator B-8 appears to ask about the mere existence of a complaint mechanism. This is too weak a measure of either government commitment or actual enforcement effort. The only governments lacking a legal system for filing complaints are those wracked by civil war or other

catastrophic collapse. Even so-called “failed states” typically have complaint mechanisms of some sort. The revised Indicators for NAS Indicator B-9 (immediately below) point to features of the complaint mechanism that have stronger conceptual connection to effective enforcement.]

NAS Indicator B-9: effectiveness of the complaint mechanism (in such terms as number of complaints brought compared with number of complaints heard, number of prosecutions, fines, or arrests, and length of time for complaint resolution)

[ANNOTATION: Indicator B-9 has two major defects. First, it is not consistent with the analogous Indicators for freedom of association, rights to organize, and rights to bargain collectively (B-3) and for employment discrimination and equality (B-6 and B-7). Second, it is grossly overbroad. By asking about the overall “effectiveness” of the “complaint mechanism,” the Indicator essentially restates the overall project of measuring effective enforcement. Third, it does not guide the analyst to specific questions and data. The parenthetical suggests that the Indicator covers complaints filed by both private parties and by government inspectors (in the Labor Ministry, most likely) and attorneys (in the Justice Ministry in many cases). By speaking of prosecutions, the Indicator seems to cover both criminal and civil cases. The Indicators below disaggregate these questions into concise, specific Indicators, and track the analogous Indicators for freedom of association, collective bargaining, and employment discrimination.]

3.2.1.3. Process of Labor Tribunals Devoted to Minimum Wages, Hours of Work, and Occupational Safety and Health

RWE 31 In the preceding year, has the government ensured, in all but a trivial number of cases, that workers and worker organizations alleging violation of wages, hours, and occupational safety and health rights were able to file complaints, or have complaints filed on their behalf, with administrative or judicial tribunals empowered to enforce those rights?

RWE 32 Has the government convincingly and verifiably demonstrated that, in the preceding year, the government ensured, in all but a trivial

number of cases, that workers and worker organizations alleging violation of wages, hours, and occupational safety and health rights were able to file complaints, or have complaints filed on their behalf, with administrative or judicial tribunals empowered to enforce those rights?

- RWE 33** In the preceding year, has the government ensured in all but a trivial number of such cases in which workers and worker organizations alleged violation of wages, hours, and occupational safety and health rights, that where tribunals did not include representatives of workers and employers, the tribunal member or members were independent of workers and employers and of any government agency or official accused of wrongdoing?
- RWE 34** Has the government convincingly and verifiably demonstrated that, in the preceding year, the government ensured in all but a trivial number of cases in which workers and worker organizations alleged violation of wages, hours, and occupational safety and health rights, that where tribunals did not include representatives of workers and employers, the tribunal member or members were independent of workers and employers and of any government agency or official accused of wrongdoing?
- RWE 35** In the preceding year, has the government ensured in all but a trivial number of cases in which workers and worker organizations alleged violation of wages, hours, and occupational safety and health rights, that where tribunals included representatives of workers and employers, the number of worker representatives were equal to the number of employer representatives?
- RWE 36** Has the government convincingly and verifiably demonstrated that, in the preceding year, the government ensured in all but a trivial number of cases in which workers and worker organizations alleged violation of wages, hours, and occupational safety and health rights, that where tribunals included representatives of workers and employers, the number of worker representatives were equal to the number of employer representatives?
- RWE 37** In the preceding year, has the government ensured that in all but a trivial number of cases in which workers and worker organizations

alleged violation of wages, hours, and occupational safety and health right, that where representatives of workers and employer were seated on the tribunal, there was also at least one official seated on the relevant tribunal who is/are independent of worker and employer organizations?

RWE 38 Has the government convincingly and verifiably demonstrated that, in the preceding year, the government ensured that in all but a trivial number of cases in which workers and worker organizations alleged violation of wages, hours, and occupational safety and health rights, that where representatives of workers and employer were seated on the tribunal, there was also at least one official seated on the relevant tribunal who is/are independent of worker and employer organizations?

RWE 39 In the preceding year, has the government ensured, in all but a trivial number of cases in which workers and worker organizations alleged violation of wages, hours, and occupational safety and health rights, that workers who filed such complaints or for whom complaints were filed on their behalf, and any party filing such complaints on behalf of other workers, were effectively protected against retaliation for filing such complaints?

RWE 40 Has the government convincingly and verifiably demonstrated that, in the preceding year, the government ensured, in all but a trivial number of cases in which workers and worker organizations alleged violation of wages, hours, and occupational safety and health rights, that workers who filed such complaints or for whom complaints were filed on their behalf, and any party filing such complaints on behalf of other workers, were effectively protected against retaliation for filing such complaints?

[ANNOTATION: This Indicator asks whether the government, in practice, enforces the substantive right set out in Indicators above.]

RWE 41 In the preceding year, has the government ensured, in all but a trivial number of cases in which workers and worker organizations alleged violation of wages, hours, and occupational safety and health rights, that all non-trivial proceedings were open to the public?

- RWE 42** Has the government convincingly and verifiably demonstrated that, in the preceding year, the government ensured, in all but a trivial number of cases in which workers and worker organizations alleged violation of wages, hours, and occupational safety and health rights, that all non-trivial proceedings were open to the public?
- RWE 43** In the preceding year, has the government ensured, in all but a trivial number of cases in which workers and worker organizations alleged violation of wages, hours, and occupational safety and health rights, that the parties to such cases were able to present all material evidence to support or defend their respective positions?
- RWE 44** Has the government convincingly and verifiably demonstrated that, in the preceding year, the government ensured, in all but a trivial number of cases in which workers and worker organizations alleged violation of wages, hours, and occupational safety and health rights, that the parties to such cases were able to present all material evidence to support or defend their respective positions?
- RWE 45** In the preceding year, has the government ensured, in all but a trivial number of cases in which workers and worker organizations alleged violation of wages, hours, and occupational safety and health rights, that the parties to such cases were able to secure such material evidence through court-enforced subpoenas and depositions of witnesses taken under pain of perjury?
- RWE 46** Has the government convincingly and verifiably demonstrated that, in the preceding year, the government ensured, in all but a trivial number of cases in which workers and worker organizations alleged violation of wages, hours, and occupational safety and health rights, that the parties to such cases were able to secure such material evidence through court-enforced subpoenas and depositions of witnesses taken under pain of perjury?
- RWE 47** In the preceding year, has the government ensured, in all but a trivial number of cases in which workers and worker organizations alleged violation of wages, hours, and occupational safety and health rights, that the parties to such cases were able to cross-examine witnesses?

- RWE 48** Has the government convincingly and verifiably demonstrated that, in the preceding year, the government ensured, in all but a trivial number of cases in which workers and worker organizations alleged violation of wages, hours, and occupational safety and health rights, that the parties to such cases were able to cross-examine witnesses?
- RWE 49** In the preceding year, has the government ensured, in all but a trivial number of cases in which workers and worker organizations alleged violation of wages, hours, and occupational safety and health rights, that the parties to such cases were able to make oral and written arguments in support of their position and against the opposing party's evidence and arguments?
- RWE 50** Has the government convincingly and verifiably demonstrated that, in the preceding year, the government ensured, in all but a trivial number of cases in which workers and worker organizations alleged violation of wages, hours, and occupational safety and health rights, that the parties to such cases were able to make oral and written arguments in support of their position and against the opposing party's evidence and arguments?
- RWE 51** In the preceding year, has the government ensured, in all but a trivial number of cases in which workers and worker organizations alleged violation of wages, hours, and occupational safety and health rights, that all final decisions on the merits of the case were publicly issued in writing?
- RWE 52** Has the government convincingly and verifiably demonstrated that, in the preceding year, the government ensured, in all but a trivial number of cases in which workers and worker organizations alleged violation of wages, hours, and occupational safety and health rights, that all final decisions on the merits of the case were publicly issued in writing?
- RWE 53** In the preceding year, has the government ensured, in all but a trivial number of cases in which workers and worker organizations alleged violation of wages, hours, and occupational safety and health rights, that all such decisions stated the evidence and reasons on which they were based?

RWE 54 Has the government convincingly and verifiably demonstrated that, in the preceding year, the government ensured, in all but a trivial number of cases in which workers and worker organizations alleged violation of wages, hours, and occupational safety and health rights, that all such decisions stated the evidence and reasons on which they were based?

3.2.1.4. Remedies Ordered by Labor Tribunals Devoted to Minimum Wages, Hours of Work, and Occupational Safety and Health

RWE 55 In the preceding year, has the government ensured, in all but a trivial number of cases in which the tribunal found that an employer violated a workers' right to minimum wages, that the tribunal at a minimum ordered the employer to compensate the worker for her lost wages?

RWE 56 Has the government convincingly and verifiably demonstrated that, in the preceding year, the government ensured, in all but a trivial number of cases in which the tribunal found that an employer violated a workers' right to minimum wages, that the tribunal at a minimum ordered the employer to compensate the worker for her lost wages?

RWE 57 In the preceding year, has the government ensured, in all but a trivial number of cases in which the tribunal found that an employer violated a workers' right to minimum wages, that the tribunal ordered the employer to pay a punitive award of at least double the lost wages?

RWE 58 Has the government convincingly and verifiably demonstrated that, in the preceding year, the government ensured, in all but a trivial number of cases in which the tribunal found that an employer violated a workers' right to minimum wages, that the tribunal ordered the employer to pay a punitive award of at least double the lost wages?

RWE 59 In the preceding year, has the government ensured, in all but a trivial number of cases in which the tribunal found that an employer

violated a worker's right to overtime wages, that the tribunal at a minimum ordered the employer to compensate the worker for her lost wages?

- RWE 60** Has the government convincingly and verifiably demonstrated that, in the preceding year, the government ensured, in all but a trivial number of cases in which the tribunal found that an employer violated a worker's right to overtime wages, that the tribunal at a minimum ordered the employer to compensate the worker for her lost wages?
- RWE 61** In the preceding year, has the government ensured, in all but a trivial number of cases in which the tribunal found that an employer violated a worker's right to overtime wages, that the tribunal ordered the employer to pay a punitive award of at least double lost wages?
- RWE 62** Has the government convincingly and verifiably demonstrated that, in the preceding year, the government ensured, in all but a trivial number of cases in which the tribunal found that an employer violated a worker's right to overtime wages, that the tribunal at a minimum ordered the employer to pay a punitive award of at least double he lost wages?
- RWE 63** In the preceding year, has the government ensured, in all but a trivial number of cases in which the tribunal found that an employer violated a worker's right to safety and health, that the tribunal at a minimum ordered the employer to immediately cease the violation and to compensate the worker for all monetary damages suffered as a consequence of the violation?
- RWE 64** Has the government convincingly and verifiably demonstrated that, in the preceding year, the government ensured, in all but a trivial number of cases in which the tribunal found that an employer violated a worker's right to safety and health, that the tribunal at a minimum ordered the employer to immediately cease the violation and to compensate the worker for all monetary damages suffered as a consequence of the violation?
- RWE 65** In the preceding year, has the government ensured, in all but a trivial number of cases in which the tribunal found that an employer

violated a worker's right to safety and health, that ordered the employer to fully compensate the worker for all pain and suffering suffered as a consequence of the violation?

- RWE 66** Has the government convincingly and verifiably demonstrated that, in the preceding year, the government ensured, in all but a trivial number of cases in which the tribunal found that an employer violated a worker's right to safety and health, that the tribunal at a minimum ordered the employer to fully compensate the worker for all pain and suffering suffered as a consequence of the violation?
- RWE 67** In the preceding year, has the government ensured, in all but a trivial number of cases in which the tribunal found that an employer violated a worker's right to safety and health, that the tribunal order the employer to pay a punitive award to the worker or the government equal to at least double the award of compensatory damages to the worker?
- RWE 68** Has the government convincingly and verifiably demonstrated that, in the preceding year, the government ensured, in all but a trivial number of cases in which the tribunal found that an employer violated a worker's right to safety and health, that the tribunal at a minimum ordered the employer to pay a punitive award to the worker or the government equal to at least double the award of compensatory damages to the worker?
- RWE 69** In the preceding year, has the government ensured, in all but a trivial number of cases in which the tribunal found that a worker was discharged for asserting her wages, hours, or safety and health rights that the tribunal at a minimum ordered the employer to reinstate the worker with back-pay.
- RWE 70** Has the government convincingly and verifiably demonstrated that, in the preceding year, the government ensured, in all but a trivial number of cases in which the tribunal found that a worker was discharged for asserting her wages, hours, or safety and health rights that the tribunal at a minimum ordered the employer to reinstate the worker with back-pay.

- RWE 71** In the preceding year, has the government ensured, in all but a trivial number of cases in which the tribunal found that adverse action other than discharge was taken against a worker for asserting her wages, hours, or safety and health rights, that the tribunal at a minimum ordered the employer to cease the adverse action and to compensate the worker fully for all damages suffered as a result of the adverse action?
- RWE 72** Has the government convincingly and verifiably demonstrated that, in the preceding year, the government ensured, in all but a trivial number of cases in which the tribunal found that adverse action other than discharge was taken against a worker for asserting her wages, hours, or safety and health rights, that the tribunal at a minimum ordered the employer to cease the adverse action and to compensate the worker fully for all damages suffered as a result of the adverse action?
- RWE 73** In the preceding year, has the government ensured, in all but a trivial number of cases in which an employer has violated a tribunal's order enforcing workers' wages, hours, or safety and health rights, that the tribunal imposed punitive sanctions against the employer?
- RWE 74** Has the government convincingly and verifiably demonstrated that, in the preceding year, the government ensured, in all but a trivial number of cases in which an employer has violated a tribunal's order enforcing workers' wages, hours, or safety and health rights, that the tribunal imposed punitive sanctions against the employer?
- RWE 75** In the previous two years, in cases finding violations of workers' wages, hours, or safety and health rights, did the aggregate fines and penalties imposed and monetary damages awarded per worker exceed the average for countries in the same quintile of real income per capita?
- RWE 76** Has the government convincingly and verifiably demonstrated that, in the previous two years, in cases finding violations of workers' wages, hours, or safety and health rights, the aggregate fines and penalties imposed and monetary damages awarded per worker exceeded the average for countries in the same quintile of real income per capita?

RWE 77 In the previous five years, in cases finding violations of workers' wages, hours, or safety and health rights, did the rate of increase in annual aggregate fines and penalties imposed and monetary damages awarded per worker exceed the average for countries in the same quintile of real income per capita?

RWE 78 Has the government convincingly and verifiably demonstrated that, in the previous five years, in cases finding violations of workers' wages, hours, or safety and health rights, the annual rate of increase in annual aggregate fines and penalties imposed and monetary damages awarded per worker exceeded the average for countries in the same quintile of real income per capita?

NAS Indicator B-10: government programs to combat problems in the areas of wages, hours, and occupational safety and health

[ANNOTATION: Indicator B-10 is too generalized and misdirected to salvage. The concept of “combat[ting] problems” is not defined in ILO or domestic law. In any event, that concept is excessively broad and overlaps with the more specific Indicators (above and below) pertaining to labor inspection, complaint-processing, and educational programs.]

NAS Indicator B-11: government-sponsored education programs focusing on wages, hours, and occupational safety and health

3.2.1.5. Government Programs to Educate the Public About Minimum Wages, Hours of Work, and Occupational Safety and Health

RWE 79 In the preceding year, did the government's real budget per non-managerial, non-supervisory worker for all public programs to educate workers about their rights respecting wages, hours, and vacation entitlements exceed the average for countries in the same quintile of real income per capita?

RWE 80 Has the government convincingly and verifiably demonstrated that in the preceding year the government's real budget per non-managerial, non-supervisory worker for all public programs to educate workers about their rights respecting wages, hours, and

vacation entitlements exceeded the average for countries in the same quintile of real income per capita?

- RWE 81** In the preceding five years, did the rate of growth of the government's real budget per non-managerial, non-supervisory worker for all programs to educate workers about their rights respecting wages, hours, and vacation entitlements exceed 133 percent of the rate of growth in real income per capita?
- RWE 82** Has the government convincingly and verifiably demonstrated that in the preceding five years the rate of growth of the government's real budget per non-managerial, non-supervisory worker for all public programs to educate workers about their rights respecting wages, hours, and vacation entitlements exceeded 133 percent of the rate of growth in real income per capita?
- RWE 83** In the preceding five years did the rate of growth in the government's real budget per non-managerial, non-supervisory worker for all public programs to educate workers about their rights respecting wages, hours, and vacation entitlements exceed the average for countries in the same quintile of real income per capita?
- RWE 84** Has the government convincingly and verifiably demonstrated that in the preceding five years the rate of growth in the government's real budget per non-managerial, non-supervisory worker for all public programs to educate workers about their rights respecting wages, hours, and vacation entitlements exceeded the average for countries in the same quintile of real income per capita?
- RWE 85** In the preceding year, did the government's real budget per non-managerial worker for all public programs to educate workers about their rights respecting occupational safety and health exceed the average for countries in the same quintile of real income per capita?
- RWE 86** Has the government convincingly and verifiably demonstrated that in the preceding year, the government's real budget per non-managerial worker for all public programs to educate workers about their rights respecting occupational safety and health exceeded the average for countries in the same quintile of real income per capita?

- RWE 87** **In the preceding five years, did the rate of growth of the government’s real budget per non-managerial worker for all programs to educate workers about their rights respecting occupational safety and health exceed 133 percent of the rate of growth in real income per capita?**
- RWE 88** **Has the government convincingly and verifiably demonstrated that in the preceding five years the rate of growth of the government’s real budget per non-managerial worker for all public programs to educate workers about their rights respecting occupational safety and health exceeded 133 percent of the rate of growth in real income per capita?**
- RWE 89** **In the preceding five years did the rate of growth in the government’s real budget per non-managerial worker for all public programs to educate workers about their rights respecting occupational safety and health exceed the average for countries in the same quintile of real income per capita?**
- RWE 90** **Has the government convincingly and verifiably demonstrated that in the preceding five years the rate of growth in the government’s real budget per non-managerial worker for all public programs to educate workers about their rights respecting occupational safety and health exceeded the average for countries in the same quintile of real income per capita?**

3.2.1.6. International Technical Assistance on Minimum Wages, Hours of Work, and Occupational Safety and Health

NAS Indicator B-12: government receipt of international technical assistance in the areas of wages, hours, and occupational safety and health

[ANNOTATION: NAS Indicator B-12 is conceptually problematic, if not properly modified. It is true that a government’s receipt of international assistance may be a (weak) sign of the government’s commitment to comply with labor rights. However, it may instead be a sign of the government’s unwillingness to devote sustainable domestic resources to compliance. In light of this conceptual ambiguity, it is best to frame the

Indicator in terms of the aid-providers' assessment of the government's cooperation and success in the use of the assistance. The answer to the two following Indicators will be "no" either if the government received a negative evaluation by the aid-providing government or if the government received no technical assistance.]

RWE 91 **If in the preceding two years the government received international assistance in the areas of wage and hour enforcement, and if the provider of assistance published an assessment of the government's cooperation and success in the use of the assistance, was the assessment positive?**

RWE 92 **If in the preceding two years the government received international assistance in the area of safety and health enforcement, and if the provider of assistance published an assessment of the government's cooperation and success in the use of the assistance, was the assessment positive?**

NAS Indicator B-13: government support for NGO activities designed to improve compliance with wage, hour, and occupational safety and health laws

[ANNOTATION: NAS Indicator B-13 is problematic, since it may be difficult for analysts to determine whether a government is providing "support" for NGO activities. In addition, in some contexts the government's "support" for NGO activities may amount to illegitimate government control of an ostensibly non-governmental organization. An Indicator that asks instead whether the government has taken actions that impede the activities of NGOs provides greater normative clarity and less ambiguity.]

3.2.1.7. Government Impedance of Private Monitoring and Advocacy on Minimum Wages, Hours of Work, and Occupational Safety and Health

RWE 93 **Has a public agency or private actor reliably documented that the government has, in the preceding two years, impeded the lawful activities of an NGO devoted to monitoring wages, hours, or safety**

and health or to advocacy on behalf of workers' rights in any of those fields?

RWE 94 Has the government convincingly and verifiably demonstrated that the government has not, in the preceding two years, impeded the lawful activities of an NGO devoted to monitoring wages, hours, or safety and health or to advocacy on behalf of workers' rights in any of those fields?

3.2.2. Additional, Specialized Enforcement Machinery and Activities Devoted to Occupational Safety and Health

3.2.2.1 Ratification and Reception of International Instruments on Enforcement Machinery for Occupational Safety and Health

[See ANNOTATION for RFL 1 above.]

RWE 95 Has ILO Convention no. 187 on Promotional Framework of Occupational Safety and Health, 2006, been ratified and received into binding domestic law?

[See ANNOTATION for RFL 2 above.]

RWE 96 Regardless whether ILO Convention no. 187 has been received into domestic law, have the rights set forth in that Convention been defined more specifically in domestic legislation, administrative regulations, or other binding domestic legal instruments?

[See ANNOTATION for RFL 1 above.]

RWE 97 Has ILO Protocol no. 155 of 2002 to the Occupational Safety and Health Convention, 1981, been ratified and received into binding domestic law?

[See ANNOTATION for RFL 2 above.]

RWE 98 Regardless whether ILO Protocol no. 155 has been received into domestic law, have the rights set forth in that Protocol been defined

more specifically in domestic legislation, administrative regulations, or other binding domestic legal instruments?

[See ANNOTATION for RFL 1 above.]

RWE 99 Has ILO Convention no. 161 on Occupational Health Services, 1985, been ratified and received into binding domestic law?

[See ANNOTATION for RFL 2 above.]

RWE 100 Regardless whether ILO Convention no. 161 has been received into domestic law, have the rights set forth in that Convention been defined more specifically in domestic legislation, administrative regulations, or other binding domestic legal instruments?

[See ANNOTATION for RFL 1 above.]

RWE 101 Has ILO Convention no. 155 on Occupational Safety and Health, 1981, been ratified and received into binding domestic law?

[See ANNOTATION for RFL 2 above.]

RWE 102 Regardless whether ILO Convention no. 155 has been received into domestic law, have the rights set forth in that Convention been defined more specifically in domestic legislation, administrative regulations, or other binding domestic legal instruments?

3.2.2.2 Government Bodies and Personnel to Enforce Occupational Safety and Health

RWE 103 Is there a government body (or are there government bodies) to promote and enforce laws protecting occupational safety and health?

[ANNOTATION: For clarity, the following Indicators are written in the conditional. That is, they begin with the phrase: “If there is such a body....” If there is no such body, the Indicator should be answered “no.” Otherwise, governments that have “such a body” but do not otherwise

satisfy the Indicator would be penalized relative to those that have no such body.]

[ANNOTATION: Article 9 of ILO Convention no. 81 on Labor Inspection, 1947, requires governments to ensure that institutions for enforcement of occupational safety and health have qualified technical experts in medicine, engineering, electricity, and chemistry. Article 14 of ILO Convention no. 155 on Occupational Safety and Health, 1981, requires governments to ensure that occupational safety and health training is provided in higher technical, medical, and professional education as a constitutive component of the national policy to prevent and minimize workplace injury and illness at the national and enterprise levels.]

RWE 104 **If there is such a body (or there are such bodies), does the body (or do the bodies) have occupational physicians on staff?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicators is also “no.”]

RWE 105 **If there is such a body (or there are such bodies), does the body (or do the bodies) have on staff a greater number of occupational physicians per non-managerial, non-supervisory worker than the average among countries in the same quintile of real income per capita?**

[ANNOTATION: If the government does not have a body or bodies with occupational physicians on staff, the answer to the following Indicator is “no.”.]

RWE 106 **If there is such a body (or there are such bodies), has the government convincingly and verifiably demonstrated that the body (or bodies) have on staff a greater number of occupational physicians per non-managerial, non-supervisory worker than the average among countries in the same quintile of real income per capita?**

[ANNOTATION: If the government does not have a body or bodies devoted to occupational safety and health, the answer to the following Indicator is “no.”]

RWE 107 **If there is such a body (or there are such bodies), does the body (or do the bodies) have certified toxicologists on staff?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicators is also “no.”]

RWE 108 **If there is such a body (or there are such bodies), does the body (or do the bodies) have on staff a greater number of certified toxicologists per non-managerial, non-supervisory worker than the average among countries in the same quintile of real income per capita?**

[ANNOTATION: If the government does not have a body or bodies with certified toxicologists on staff, the answer to the following Indicator is “no.”]

RWE 109 **If there is such a body (or there are such bodies), has the government convincingly and verifiably demonstrated that the body (or bodies) have on staff a greater number of certified toxicologists per non-managerial, non-supervisory worker than the average among countries in the same quintile of real income per capita?**

[ANNOTATION: If the government does not have a body or bodies devoted to occupational safety and health, the answer to the following Indicator is “no.”]

RWE 110 **If there is such a body (or there are such bodies), does the body (or do the bodies) have certified epidemiologists on staff?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicators is also “no.”]

RWE 111 **If there is such a body (or there are such bodies), does the body (or do the bodies) have on staff a greater number of certified epidemiologists per non-managerial, non-supervisory worker than the average among countries in the same quintile of real income per capita?**

[ANNOTATION: If the government does not have a body or bodies with certified epidemiologists on staff, the answer to the following Indicator is “no.”]

RWE 112 If there is such a body (or there are such bodies), has the government convincingly and verifiably demonstrated that the body (or bodies) have on staff a greater number of certified epidemiologists per non-managerial, non-supervisory worker than the average among countries in the same quintile of real income per capita?

[ANNOTATION: If the government does not have a body or bodies devoted to occupational safety and health, the answer to the following Indicator is “no.”]

RWE 113 If there is such a body (or there are such bodies), does the body (or do the bodies) have certified occupational nurses on staff?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicators is also “no.”]

RWE 114 If there is such a body (or there are such bodies), does the body (or do the bodies) have on staff a greater number of certified occupational nurses per non-managerial, non-supervisory worker than the average among countries in the same quintile of real income per capita?

[ANNOTATION: If the government does not have a body or bodies with certified occupational nurses on staff, the answer to the following Indicator is “no.”]

RWE 115 If there is such a body (or there are such bodies), has the government convincingly and verifiably demonstrated that the body (or bodies) have on staff a greater number of certified occupational nurses per non-managerial, non-supervisory worker than the average among countries in the same quintile of real income per capita?

[ANNOTATION: If the government does not have a body or bodies devoted to occupational safety and health, the answer to the following Indicator is “no.”]

RWE 116 **If there is such a body (or there are such bodies), does the body (or do the bodies) have research unit(s) devoted to identifying workplace hazards?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicators is also “no.”]

RWE 117 **If there is such a body (or there are such bodies), are the budgetary resources of the research unit(s) devoted to identifying workplace hazards per non-managerial, non-supervisory worker greater than the average among countries in the same quintile of real income per capita**

[ANNOTATION: If the government does not have a body or bodies with a research unit devoted to identifying workplace hazards, the answer to the following Indicator is “no.”]

RWE 118 **If there is such a body (or there are such bodies), has the government convincingly and verifiably demonstrated that the budgetary resources of the research unit(s) devoted to identifying workplace hazards per non-managerial, non-supervisory worker are greater than the average among countries in the same quintile of real income per capita?**

[ANNOTATION: If the government does not have a body or bodies devoted to occupational safety and health, the answer to the following Indicator is “no.”]

RWE 119 **If there is such a body (or there are such bodies), does the body (or do the bodies) have standard-setting unit(s) devoted to proposing to the competent law-making body new or revised standards for occupational safety and health?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicators is also “no.”]

RWE 120 **If there is such a body (or there are such bodies), are the budgetary resources of the standard-setting unit(s) devoted to proposing to the competent law-making body new or revised standards for occupational safety and health per non-managerial, non-supervisory**

**worker greater than the average among countries in the same
quintile of real income per capita**

[ANNOTATION: If the government does not have a body or bodies with standard-setting unit(s) devoted to proposing to the competent law-making body new or revised standards for occupational safety and health, the answer to the following Indicator is “no.”]

RWE 121 **If there is such a body (or there are such bodies), has the government convincingly and verifiably demonstrated that the budgetary resources of standard-setting unit(s) devoted to proposing to the competent law-making body new or revised standards for occupational safety and health per non-managerial, non-supervisory worker are greater than the average among countries in the same quintile of real income per capita?**

RWE 122 **Is there is a government body (or are there government bodies) to promote and enforce laws on occupational safety and health in agriculture?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicators is also “no.”]

RWE 123 **If there is a government body (or are there government bodies) to promote and enforce laws on occupational safety and health in agriculture, are the budgetary resources of the body or bodies per non-managerial, non-supervisory worker greater than the average among countries in the same quintile of real income per capita?**

[ANNOTATION: If the government does not have a body or bodies to promote and enforce laws on occupational safety and health in agriculture, the answer to the following Indicator is “no.”]

RWE 124 **If there is a government body (or there are government bodies) to promote and enforce laws on occupational safety and health in agriculture, has the government convincingly and verifiably demonstrated that the budgetary resources of the body or bodies per non-managerial, non-supervisory worker are greater than the average among countries in the same quintile of real income per capita?**

[ANNOTATION: Articles 2 and 3 of Protocol no. 155 to the Occupational Safety and Health Convention, 1981, requires governments to ensure that employers record accidents, diseases, and dangerous occurrences; report such accidents, diseases and dangerous occurrences to the government; and notify workers of such accidents, diseases, and dangerous occurrences. The issue of notification of workers is covered by Indicators above.]

RWE 125 In the preceding two years, has the government ensured that employers record every instance of workplace accident, illness, and dangerous occurrences, except for trivial instances?

RWE 126 Has the government convincingly and verifiably demonstrated that in the preceding two years the government ensured that employers recorded every instance of workplace accident, illness, or dangerous occurrences, except for trivial instances?

RWE 127 In the preceding two years, has the government ensured that employers report every instance of workplace accident, illness, and dangerous occurrences, except for trivial instances?

RWE 128 Has the government convincingly and verifiably demonstrated that in the preceding two years the government ensured that employers reported every instance of workplace accident, illness, or dangerous occurrences, except for trivial instances?

3.2.2.3 Employee Committees Devoted to Occupational Safety and Health

[ANNOTATION: ILO Recommendation no. 197 – Promotional Framework for Occupational Safety and Health Recommendation, 2006 calls for the establishment of safety and health committees at the workplace level, to carry out education, prevention, and monitoring activities.]

RWE 129 Does the law require that each workplace with 20 or more workers have an employee committee devoted to worker training in occupational safety and health?

- RWE 130** Has the government convincingly and verifiably demonstrated that all but a trivial number of workplaces with 20 or more workers in fact have an employee committee devoted to worker training in occupational safety and health?
- RWE 131** Has the government convincingly and verifiably demonstrated that the percentage of workplaces with 20 or more workers with an employee committee devoted to worker training in occupational safety and health exceeds the average among countries in the same quintile of real income per capita?
- RWE 132** Has the government convincingly and verifiably demonstrated that the rate of increase in percentage of workplaces with 20 or more workers with an employee committee devoted to worker training in occupational safety and health exceeds the average among countries in the same quintile of real income per capita?
- RWE 133** Does the law require that each workplace with 20 or more workers have an employee committee that participates in preventative activity in occupational safety and health?
- RWE 134** Has the government convincingly and verifiably demonstrated that all but a trivial number of workplaces with 20 or more workers in fact have an employee committee that participates in preventative activity in occupational safety and health?
- RWE 135** Has the government convincingly and verifiably demonstrated that the percentage of workplaces with 20 or more workers with an employee committee that participates in preventative activity in occupational safety and health exceeds the average among countries in the same quintile of real income per capita?
- RWE 136** Has the government convincingly and verifiably demonstrated that the rate of increase in percentage of workplaces with 20 or more workers with an employee committee that participates in preventative activity in occupational safety and health exceeds the average among countries in the same quintile of real income per capita?

- RWE 137** Does the law require that each workplace with 20 or more workers have an employee committee with the right to inspect the workplace for compliance with occupational safety and health standards?
- RWE 138** Has the government convincingly and verifiably demonstrated that all but a trivial number of workplaces with 20 or more workers in fact have an employee committee with the right to inspect the workplace for compliance with occupational safety and health?
- RWE 139** Has the government convincingly and verifiably demonstrated that the percentage of workplaces with 20 or more workers with an employee committee with the right to inspect the workplace for compliance with occupational safety and health exceeds the average among countries in the same quintile of real income per capita?
- RWE 140** Has the government convincingly and verifiably demonstrated that the rate of increase in percentage of workplaces with 20 or more workers with an employee committee with the right to inspect the workplace for compliance with occupational safety and health exceeds the average among countries in the same quintile of real income per capita?
- RWE 141** Does the law require that each workplace with 20 or more workers have an employee committee that participates in formulating occupational safety and health standards for their workplace, without derogating from legal standards?
- RWE 142** Has the government convincingly and verifiably demonstrated that all but a trivial number of workplaces with 20 or more workers in fact have an employee committee that participates in formulating occupational safety and health standards for their workplace, without derogating from legal standards?
- RWE 143** Has the government convincingly and verifiably demonstrated that the percentage of workplaces with 20 or more workers with an employee committee that participates in formulating occupational safety and health standards for their workplace, without derogating from legal standards exceeds the average among countries in the same quintile of real income per capita?

RWE 144 Has the government convincingly and verifiably demonstrated that the rate of increase in the previous five years in percentage of workplaces with 20 or more workers with an employee committee that participates in formulating occupational safety and health standards for their workplace, without derogating from legal standards exceeds the average among countries in the same quintile of real income per capita?

[ANNOTATION: ILO *Recommendation no. 197 – Promotional Framework for Occupational Safety and Health Recommendation, 2006* calls for the government to provide training to workers, managers, and supervisors in occupational safety and health.]

3.2.2.4. Training in Occupational Safety and Health

RWE 145 Does the law require the government to ensure that workers are trained in occupational safety and health?

RWE 146 In the preceding two years, has the government ensured that all but a trivial number of workers in workplaces with 20 or more workers were trained in occupational safety and health?

RWE 147 Has the government convincingly and verifiably demonstrated that in the preceding two years all but a trivial number of workers in workplaces with 20 or more workers were trained in occupational safety and health?

RWE 148 In the preceding two years, did the percentage of workers in workplaces with 20 or more workers who were trained in occupational safety and health exceed the average among countries in the same quintile of real income per capita?

RWE 149 Has the government convincingly and verifiably demonstrated that in the preceding two years the percentage of workers in workplaces with 20 or more workers who were trained in occupational safety and health exceeded the average among countries in the same quintile of real income per capita?

- RWE 150** In the preceding five years, did the rate of increase in the percentage of workers in workplaces with 20 or more workers who were trained in occupational safety and health exceed the average among countries in the same quintile of real income per capita?
- RWE 151** Has the government convincingly and verifiably demonstrated that in the preceding five years the rate of increase in the percentage of workers in workplaces with 20 or more workers who were trained in occupational safety and health exceeded the average among countries in the same quintile of real income per capita?
- RWE 152** Does the law require the government to ensure that supervisors are trained in occupational safety and health?
- RWE 153** In the preceding two years, has the government ensured that all but a trivial number of supervisors in workplaces with 20 or more workers were trained in occupational safety and health?
- RWE 154** Has the government convincingly and verifiably demonstrated that in the preceding two years all but a trivial number of supervisors in workplaces with 20 or more workers were trained in occupational safety and health?
- RWE 155** In the preceding two years, did the percentage of supervisors in workplaces with 20 or more workers who were trained in occupational safety and health exceed the average among countries in the same quintile of real income per capita?
- RWE 156** Has the government convincingly and verifiably demonstrated that in the preceding two years the percentage of supervisors in workplaces with 20 or more workers who were trained in occupational safety and health exceeded the average among countries in the same quintile of real income per capita?
- RWE 157** In the preceding five years, did the rate of increase in the percentage of supervisors in workplaces with 20 or more workers who were trained in occupational safety and health exceed the average among countries in the same quintile of real income per capita?

- RWE 158** Has the government convincingly and verifiably demonstrated that in the preceding five years the rate of increase in the percentage of supervisors in workplaces with 20 or more workers who were trained in occupational safety and health exceeded the average among countries in the same quintile of real income per capita?
- RWE 159** Does the law require the government to ensure that managers are trained in occupational safety and health?
- RWE 160** In the preceding two years, has the government ensured that all but a trivial number of managers in workplaces with 20 or more workers were trained in occupational safety and health?
- RWE 161** Has the government convincingly and verifiably demonstrated that in the preceding two years all but a trivial number of managers in workplaces with 20 or more workers were trained in occupational safety and health?
- RWE 162** In the preceding two years, did the percentage of managers in workplaces with 20 or more workers who were trained in occupational safety and health exceed the average among countries in the same quintile of real income per capita?
- RWE 163** Has the government convincingly and verifiably demonstrated that in the preceding two years the percentage of managers in workplaces with 20 or more workers who were trained in occupational safety and health exceeded the average among countries in the same quintile of real income per capita?
- RWE 164** In the preceding five years, did the rate of increase in the percentage of managers in workplaces with 20 or more workers who were trained in occupational safety and health exceed the average among countries in the same quintile of real income per capita?
- RWE 165** Has the government convincingly and verifiably demonstrated that in the preceding five years the rate of increase in the percentage of managers in workplaces with 20 or more workers who were trained in occupational safety and health exceeded the average among countries in the same quintile of real income per capita?

3.3. Capacity-Building on Compliance with Acceptable Conditions of Minimum Wages, Hours of Work, and Occupational Safety and Health

[ANNOTATION: ILO Conventions and UN Conventions require governments to collect comprehensive, accurate data on wages, hours, and occupational safety and health. See ILO *Convention no. 160 on Labor Statistics, 1985*. Article 2 of Convention no. 160 requires governments, when collecting, compiling, and publishing labor statistics, to use “concepts, definitions and methodology” that “take into consideration the latest standards and guidelines established under the auspices of the International Labor Organization.” The most formal ILO standards are announced in Resolutions of the ILO International Conference of Labor Statisticians. ILO standards are also found in the ILO *Yearbook of Labor Statistics* (ILO, 2010c); *Key Indicators of the Labor Market* (ILO, 2010b); and other ILO documents.

On wage statistics, the ILO *Global Wage Database: A Methodological Note* represents the ILO’s state of the art. (ILO, 2009q). The protocols of the *Methodological Note* are followed in the ILO’s *Global Wage Reports*. (ILO, 2009h; ILO, 2008e).

On protocols for data collection on work hours, the ILO International Conference on Labor Statisticians released a 2008 *Report* entitled *Measurement of Working Time* (ILO, 2008f), and adopted a Resolution on December 5, 2008, codifying the definitions of working hours contained in that *Report*. (ILO, 2008l). Additional explanation of the concepts in the Report and Resolution are found in the April 2008 *Report of the Meeting of Experts on Labor Statistics*. (ILO, 2008k). These two *Reports* and *Resolution* are the most authoritative internationally recognized standards on working hour concepts and definitions.

Articles 1, 9 -13 of Convention no. 160 require governments to collect comprehensive data on wages and hours. Article 9(1) requires that data on average earnings and hours actually worked “cover[] all important categories of employees and all important branches of economic activity, and in such a way as to be representative of the country as a whole.” Article 9(2) imposes the obligation to collect data on wage rates and normal hours of work in “important occupations or groups of occupations in important branches of economic activity, and in such as way as to be representative of the country as a whole.” Article 10 requires the collection of statistics on wage structure and distribution for employees “in important branches of economic activity.” Article 11 requires the collection

of statistics on labor costs “in important branches of economic activity.” Article 12 requires the computation of consumer price indices covering consumption patterns of “significant population groups or the total population.”

On governments’ obligation to collect data on specific variables pertaining to wages and hours, see ILO *Convention no. 1 on Hours of Work (Industry), 1919; Convention no. 14 on Weekly Rest (Industry), 1921; Convention no. 30 on Hours of Work (Commerce and Offices), 1930; Convention no. 47 on Forty-Hour Week, 1935; Convention no. 101 on Holidays with Pay (Agriculture), 1952; Convention no. 131 on Minimum Wage Fixing, 1970; and Convention no. 132 on Holidays with Pay (Revised), 1970.*

Article 14(2) of Convention no. 160 requires governments to compile statistics on occupational diseases covering “all branches of economic activity. Article 14(1) requires the compilation of statistics on occupational injuries “in such a way as to be representative of the country as a whole, covering, where possible, all branches of economic activity.”

ILO *Convention no. 187 on Promotional Framework for Occupational Safety and Health, 2006; Protocol no. 155 of 2002 to the Occupational Safety and Health Convention, 1981; Convention no. 155 on Occupational Safety and Health, 1981; and Convention no. 161 on Occupational Health Services, 1985,* require governments to collect, analyze, and annually publish data on workplace hazards, injuries, diseases, and dangerous occurrences – again, “taking into account relevant ILO instruments.” See Article 4(3)(f) of Convention No. 187; Article 11(e) of Convention no. 155. Article 6 of Protocol no. 155 imposes essentially the same obligation, with the additional requirement that the statistics follow classification schemes established by the ILO or other competent international organizations. As to occupational accidents, the most authoritative classification scheme is found in the Annex to the *Resolution Concerning Statistics of Occupational Injuries (Resulting from Occupational Accidents)*, adopted by the 16th International Conference of Labor Statisticians. (ILO, 1998d).

More specific data-collection requirements pertaining to safety and health are found in the ILO’s various industry-by-industry *Codes of Practice*, which are referenced in Indicators above, and in the following ILO Conventions: *Convention no. 184 on Safety and Health in Agriculture, 2001; Convention no. 176 on Safety and Health in the Mines, 1995; Convention no. 174 on Prevention of Major Industrial Accidents, 1993; Convention no. 170 on Chemicals, 1990; Convention no. 167 on Safety*

and Health in Construction, 1988; Convention no. 162 on Asbestos, 1986; Convention no. 148 on Working Environment (Air Pollution, Noise and Vibration), 1977; Convention no. 139 on Occupational Cancer, 1974; Convention no. 136 on Benzene, 1971; Convention no. 120 on Hygiene (Commerce and Offices), 1963; Convention no. 119 on Guarding of Machinery, 1963; Convention no. 115 on Radiation Protection, 1960; Convention no. 62 on Safety Provisions (Building), 1937; Convention no. 13 on White Lead (Painting), 1921.

The core ILO Conventions pertaining to labor administration and labor inspection also contain data-collection requirements. See *Convention no. 81 on Labor Inspection, 1947; Convention no. 129 on Labor Inspection in Agriculture, 1969; and Convention no. 150 on Labor Administration, 1978.*

This section includes both absolute and comparative Indicators. The absolute Indicators ask whether the government's data collection meets internationally recognized standards of comprehensiveness and accuracy codified by the ILO's International Conference of Labor Statisticians and other authoritative international bodies of statisticians. The comparative Indicators ask whether the government's protocols for data-collection exceed the standards for comprehensiveness and accuracy implemented by other countries in the same quintile of real income per capita. (The following section formulates longitudinal Indicators, measuring the government's use of its own indicators and numerical targets to improve its data-collection capacities.)

The conditional phrase that begins each of the following Indicators ("If the government does collect data...") is merely for clarity. If a government does not collect data on employment discrimination at all, it receives a negative score on the Indicator. The government does not get a free pass on the ground that the Indicator does not apply to a government that does not collect such data. Otherwise, governments that do collect data on employment discrimination but do not collect comprehensive data would be unfairly penalized relative to governments that do not collect such data at all.]

[ANNOTATION: If the government does not collect data on wages, then the answer to the following Indicator is "no."]

3.3.1. Capacity-Building: Data Collection on Wages, Hours, and Safety and Health

[ANNOTATION: If the government does not collect data on wages, then the answer to the following Indicator is “no.”]

RWC 1 **If the government does collect data on wages, is the data comprehensive, in the sense that the government has convincingly and verifiably demonstrated that the standards for comprehensiveness in the government’s protocols for collection and verification of data on wages for non-managerial, non-supervisory workers meet the standards set by the ILO’s International Conference of Labor Statisticians?**

[ANNOTATION: If the government does not collect data on wages, then the answer to the following Indicator is “no.”]

RWC 2 **If the government does collect data on wages, is the data comprehensive, in the sense that the government has convincingly and verifiably demonstrated that the standards for comprehensiveness in the government’s protocols for collection and verification of data on wages for non-managerial, non-supervisory workers exceed the average standard of comprehensiveness among governments in the same quintile of real income per capita?**

[ANNOTATION: If the government does not collect data on wages, then the answer to the following Indicator is “no.”]

RWC 3 **If the government does collect data on wages, is the data accurate, in the sense that the government has convincingly and verifiably demonstrated that the standards for the government’s protocols for collection and verification of data on wages for non-managerial, non-supervisory workers meet the standards set by the ILO’s International Conference of Labor Statisticians?**

[ANNOTATION: If the government does not collect data on wages, then the answer to the following Indicator is “no.”]

RWC 4 **If the government does collect data on wages, is the data accurate, in the sense that the government has convincingly and verifiably demonstrated that the standards for the government’s protocols for**

collection and verification of data on wages for non-managerial, non-supervisory workers exceed the average standard for accuracy among governments in the same quintile of real income per capita?

[ANNOTATION: If the government does not collect data on hours of work, then the answer to the following Indicator is “no.”]

RWC 5 **If the government does collect data on hours of work, is the data comprehensive, in the sense that the government has convincingly and verifiably demonstrated that the standards for comprehensiveness in the government’s protocols for collection and verification of data on hours of work for non-managerial, non-supervisory workers meet the standards set by the ILO’s International Conference of Labor Statisticians?**

[ANNOTATION: If the government does not collect data on hours of work, then the answer to the following Indicator is “no.”]

RWC 6 **If the government does collect data on hours of work, is the data comprehensive, in the sense that the government has convincingly and verifiably demonstrated that the standards for comprehensiveness in the government’s protocols for collection and verification of data on hours of work for non-managerial, non-supervisory workers exceed the average standard for comprehensiveness among governments in the same quintile of real income per capita?**

[ANNOTATION: If the government does not collect data on hours of work, then the answer to the following Indicator is “no.”]

RWC 7 **If the government does collect data on hours of work, is the data accurate, in the sense that the government has convincingly and verifiably demonstrated that the standards for the government’s protocols for collection and verification of data on hours of work for non-managerial, non-supervisory workers meet the standards set by the ILO’s International Conference of Labor Statisticians?**

[ANNOTATION: If the government does not collect data on hours of work, then the answer to the following Indicator is “no.”]

RWC 8 **If the government does collect data on hours of work, is the data accurate, in the sense that the government has convincingly and verifiably demonstrated that the standards for the government’s protocols for collection and verification of data on hours of work for non-managerial, non-supervisory workers exceed the average standard for accuracy among governments in the same quintile of real income per capita?**

RWC 9 **Does the government collect and analyze data on workplace fatalities?**

[ANNOTATION: If the answer to the preceding Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 10 **If the government does collect data on workplace fatalities, is the data comprehensive, in the sense that the government has convincingly and verifiably demonstrated that the standards for comprehensiveness in the government’s protocols for collection and verification of data on workplace fatalities for non-managerial, non-supervisory workers meet the standards set by the ILO’s International Conference of Labor Statisticians?**

[ANNOTATION: If the government does not collect data on workplace fatalities, then the answer to the following Indicator is “no.”]

RWC 11 **If the government does collect data on workplace fatalities, is the data comprehensive, in the sense that the government has convincingly and verifiably demonstrated that the standards for comprehensiveness in the government’s protocols for collection and verification of data on workplace fatalities for non-managerial, non-supervisory workers exceed the average standard for comprehensiveness among governments in the same quintile of real income per capita?**

[ANNOTATION: If the government does not collect data on workplace fatalities, then the answer to the following Indicator is “no.”]

RWC 12 **If the government does collect data on workplace fatalities, is the data accurate, in the sense that the government has convincingly and verifiably demonstrated that the standards for the government’s**

protocols for collection and verification of data on workplace fatalities for non-managerial, non-supervisory workers meet the standards set by the ILO’s International Conference of Labor Statisticians?

[ANNOTATION: If the government does not collect data on workplace fatalities, then the answer to the following Indicator is “no.”]

RWC 13 **If the government does collect data on workplace fatalities, is the data accurate, in the sense that the government has convincingly and verifiably demonstrated that the standards for the government’s protocols for collection and verification of data on workplace fatalities for non-managerial, non-supervisory workers exceed the average standard for accuracy among governments in the same quintile of real income per capita?**

RWC 14 **Does the government collect and analyze data on workplace injuries?**

[ANNOTATION: If the answer to the preceding Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 15 **If the government does collect data on workplace injuries, is the data comprehensive, in the sense that the government has convincingly and verifiably demonstrated that the standards for comprehensiveness in the government’s protocols for collection and verification of data on workplace injuries for non-managerial, non-supervisory workers meet the standards set by the ILO’s International Conference of Labor Statisticians?**

[ANNOTATION: If the government does not collect data on workplace injuries, then the answer to the following Indicator is “no.”]

RWC 16 **If the government does collect data on workplace injuries, is the data comprehensive, in the sense that the government has convincingly and verifiably demonstrated that the standards for comprehensiveness in the government’s protocols for collection and verification of data on workplace injuries for non-managerial, non-supervisory workers exceed the average standard for**

comprehensiveness among governments in the same quintile of real income per capita?

[ANNOTATION: If the government does not collect data on workplace injuries, then the answer to the following Indicator is “no.”]

RWC 17 **If the government does collect data on workplace injuries, is the data accurate, in the sense that the government has convincingly and verifiably demonstrated that the standards for accuracy in the government’s protocols for collection and verification of data on workplace injuries for non-managerial, non-supervisory workers meet the standards set by the ILO’s International Conference of Labor Statisticians?**

[ANNOTATION: If the government does not collect data on workplace injuries, then the answer to the following Indicator is “no.”]

RWC 18 **If the government does collect data on workplace injuries, is the data accurate, in the sense that the government has convincingly and verifiably demonstrated that the standards for accuracy in the government’s protocols for collection and verification of data on workplace injuries for non-managerial, non-supervisory workers exceed the average standard for accuracy among governments in the same quintile of real income per capita?**

RWC 19 **Does the government collect and analyze data on workplace illnesses?**

[ANNOTATION: If the government does not collect data on workplace illnesses, the answer to the following Indicator is “no.”]

RWC 20 **If the government does collect data on workplace illnesses, is the data comprehensive, in the sense that the government has convincingly and verifiably demonstrated that the standards for comprehensiveness in the government’s protocols for collection and verification of data on workplace injuries meet the standards set by the ILO’s International Conference of Labor Statisticians?**

[ANNOTATION: If the government does not collect data on workplace illnesses, the answer to the following Indicator is “no.”]

RWC 21 **If the government does collect data on workplace illnesses, is the data comprehensive, in the sense that the government has convincingly and verifiably demonstrated that the standards for comprehensiveness in the government’s protocols for collection and verification of data on workplace injuries exceed the average standard of comprehensiveness among governments in the same quintile of real income per capita?**

[ANNOTATION: If the government does not collect data on workplace illnesses, the answer to the following Indicator is “no.”]

RWC 22 **If the government does collect data on workplace illnesses, is the data accurate, in the sense that the government has convincingly and verifiably demonstrated that the standards for the government’s protocols for collection and verification of data on workplace injuries of non-managerial, non-supervisory workers meet the standards set by the ILO’s International Conference of Labor Statisticians?**

[ANNOTATION: If the government does not collect data on workplace illnesses, the answer to the following Indicator is “no.”]

RWC 23 **If the government does collect data on workplace illnesses, is the data accurate, in the sense that the government has convincingly and verifiably demonstrated that the standards for the government’s protocols for collection and verification of data on workplace injuries of non-managerial, non-supervisory workers exceed the average standard of accuracy among governments in the same quintile of real income per capita?**

RWC 24 **Does the government collect and analyze data on workplace hazards?**

[ANNOTATION: If the government does not collect data on workplace hazards, the answer to the following Indicator is “no.”]

RWC 25 **If the government does collect data on workplace hazards, is the data comprehensive, in the sense that the government has convincingly and verifiably demonstrated that the standards for comprehensiveness in the government’s protocols for collection**

and verification of data on workplace hazards for non-managerial, non-supervisory workers meet the standards set by the ILO's International Conference of Labor Statisticians?

[ANNOTATION: If the government does not collect data on workplace hazards, the answer to the following Indicator is “no.”]

RWC 26 If the government does collect data on workplace hazards, is the data comprehensive, in the sense that the government has convincingly and verifiably demonstrated that the standards for comprehensiveness in the government's protocols for collection and verification of data on workplace hazards for non-managerial, non-supervisory workers exceed the average standard of comprehensiveness among governments in the same quintile of real income per capita?

[ANNOTATION: If the government does not collect data on workplace hazards, the answer to the following Indicator is “no.”]

RWC 27 If the government does collect data on workplace hazards, is the data accurate, in the sense that the government has convincingly and verifiably demonstrated that the standards for the government's protocols for collection and verification of data on workplace hazards meet the standards set by the ILO's International Conference of Labor Statisticians?

[ANNOTATION: If the government does not collect data on workplace hazards, the answer to the following Indicator is “no.”]

RWC 28 If the government does collect data on workplace hazards, is the data accurate, in the sense that the government has convincingly and verifiably demonstrated that the standards for the government's protocols for collection and verification of data on workplace hazards exceed those of the average standard of comprehensiveness among governments in the same quintile of real income per capita?

RWC 29 Does the government collect and analyze data on dangerous workplace occurrences (as defined in ILO Protocol no. 155 of 2002 – to the Occupational Safety and Health Convention, 1981)?

[ANNOTATION: If the answer to the preceding Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 30 **If the government does collect data on dangerous occurrences (as defined in ILO Protocol no. 155 of 2002 – to the Occupational Safety and Health Convention, 1981), is the data comprehensive, in the sense that the government has convincingly and verifiably demonstrated that the standards for comprehensiveness in the government’s protocols for collection and verification of data on dangerous occurrences for non-managerial, non-supervisory workers meet the standards set by the ILO’s International Conference of Labor Statisticians?**

[ANNOTATION: If the government does not collect data on dangerous occurrences, then the answer to the following Indicator is “no.”]

RWC 31 **If the government does collect data on dangerous occurrences (as defined in ILO Protocol no. 155 of 2002 – to the Occupational Safety and Health Convention, 1981), is the data comprehensive, in the sense that the government has convincingly and verifiably demonstrated that the standards for comprehensiveness in the government’s protocols for collection and verification of data on dangerous occurrences for non-managerial, non-supervisory workers exceed the average standard of comprehensiveness among governments in the same quintile of real income per capita?**

[ANNOTATION: If the government does not collect data on dangerous occurrences, then the answer to the following Indicator is “no.”]

RWC 32 **If the government does collect data on dangerous occurrences in the workplace (as defined in ILO Protocol no. 155 of 2002 – to the Occupational Safety and Health Convention, 1981) is the data accurate, in the sense that the government has convincingly and verifiably demonstrated that the standards for accuracy in the government’s protocols for collection and verification of data on dangerous occurrences for non-managerial, non-supervisory workers meet the standards set by the ILO’s International Conference of Labor Statisticians?**

[ANNOTATION: If the government does not collect data on dangerous occurrences, then the answer to the following Indicator is “no.”]

- RWC 33** **If the government does collect data on dangerous occurrences in the workplace (as defined in ILO Protocol no. 155 of 2002 – to the Occupational Safety and Health Convention, 1981) is the data accurate, in the sense that the government has convincingly and verifiably demonstrated that the standards for accuracy in the government’s protocols for collection and verification of data on dangerous occurrences for non-managerial, non-supervisory workers exceed the average standard for accuracy among governments in the same quintile of real income per capita?**
- RWC 34** **If the government does collect data on occupational safety and health, does the government publish the data on websites open to free, public viewing?**
- RWC 35** **If the government does collect data on occupational safety and health, does the government publish the data in hard copies that are available to workers and worker organizations at no charge?**
- RWC 36** **If the government does collect data on occupational safety and health, does the government require employers to provide copies of the data to workers at no charge?**

3.3.2. Capacity-Building: The Government’s Use of its Own Indicators and Numerical Targets on Compliance with Acceptable Conditions of Minimum Wages, Hours of Work, and Occupational Safety and Health

3.3.2.1. Capacity-Building: Government Indicators and Targets on Improved Data Collection on Wages, Hours, and Occupational Safety and Health

- RWC 37** **Has the government, in the preceding two years, applied its own Indicators of and numerical targets for improved collection of data on wages?**

[ANNOTATION: If the answer to the preceding Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 38 **If the government, in the preceding two years, applied targets for improved collection of data on wages, has the government convincingly and verifiably demonstrated that the percentage improvement required by the targets exceeded the average percentage improvement targeted by countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to the preceding Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 39 **If the answer to the previous Indicator is “yes,” has the government convincingly and verifiably demonstrated that it met its targets?**

RWC 40 **Has the government, in the preceding two years, applied its own Indicators of and numerical targets for improved collection of data on hours of work?**

[ANNOTATION: If the answer to the preceding Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 41 **If the government, in the preceding two years, applied targets for improved collection of data on hours of work, has the government convincingly and verifiably demonstrated that the percentage improvement required by the targets exceeded the average percentage improvement targeted by countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to the preceding Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 42 **If the answer to the previous Indicator is “yes,” has the government convincingly and verifiably demonstrated that it met its targets?**

RWC 43 **Has the government, in the preceding two years, applied its own Indicators of and numerical targets for improved collection of data on workplace fatalities?**

[ANNOTATION: If the answer to the preceding Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 44 **If the government, in the preceding two years, applied targets for improved collection of data on workplace fatalities, has the government convincingly and verifiably demonstrated that the percentage improvement required by the targets exceeded the average percentage improvement targeted by countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to the preceding Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 45 **If the answer to the previous Indicator is “yes,” has the government convincingly and verifiably demonstrated that it met its targets?**

RWC 46 **Has the government, in the preceding two years, applied its own Indicators of and numerical targets for improved collection of data on workplace injuries?**

[ANNOTATION: If the answer to the preceding Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 47 **If the government, in the preceding two years, applied targets for improved collection of data on workplace injuries, has the government convincingly and verifiably demonstrated that the percentage improvement required by the targets exceeded the average percentage improvement targeted by countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to the preceding Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 48 **If the answer to the previous Indicator is “yes,” has the government convincingly and verifiably demonstrated that it met its targets?**

RWC 49 **Has the government, in the preceding two years, applied its own Indicators of and numerical targets for improved collection of data on workplace illnesses?**

[ANNOTATION: If the answer to the preceding Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 50 **If the government, in the preceding two years, applied targets for improved collection of data on workplace illnesses, has the government convincingly and verifiably demonstrated that the percentage improvement required by the targets exceeded the average percentage improvement targeted by countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to the preceding Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 51 **If the answer to the previous Indicator is “yes,” has the government convincingly and verifiably demonstrated that it met its targets?**

RWC 52 **Has the government, in the preceding two years, applied its own Indicators of and numerical targets for improved collection of data on workplace hazards?**

[ANNOTATION: If the answer to the preceding Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 53 **If the government, in the preceding two years, applied targets for improved collection of data on workplace hazards, has the government convincingly and verifiably demonstrated that the percentage improvement required by the targets exceeded the average percentage improvement targeted by countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to the preceding Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 54 **If the answer to the previous Indicator is “yes,” has the government convincingly and verifiably demonstrated that it met its targets?**

3.3.2.2. Capacity-Building: Government Indicators and Targets on Compliance with Acceptable Conditions of Minimum Wages

RWC 55 **Has the government, in the preceding two years, applied its own Indicators and numerical targets at least annually to measure its compliance with domestic laws on minimum wages?**

[ANNOTATION: If the answer the preceding Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 56 **If the government, in the preceding two years, has applied its own Indicators and numerical targets to measure its compliance with domestic laws on minimum wages, have the Indicators and targets included Indicators and targets of increases in legally stipulated minimum wages?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 57 **If the government has, in the preceding two years, applied numerical targets for the increases in legally stipulated minimum wages, has the government convincingly and verifiably demonstrated that the percentage degree of increases during the previous five years required by the targets exceeded the average actual annual percentage degree of increases during the previous five years by the countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 58 **If the answer to the previous Indicator is “yes,” has the government convincingly and verifiably demonstrated that it met its targets?**

[ANNOTATION: If the government has not, in the previous two years, applied its own Indicators and targets to measure its compliance with domestic laws on minimum wages, then the answer to the following Indicator is “no.”]

RWC 59 **In the preceding two years, if the government has applied its own Indicators and numerical targets to measure its compliance with domestic laws on minimum wages, have the Indicators and targets included Indicators and targets of improvement in efforts to enforce minimum wages?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 60 **If the government has, in the preceding two years, applied numerical targets for the adequacy of efforts to enforce minimum wages, has the government convincingly and verifiably demonstrated that the percentage degree of improvement during the previous five years required by the targets exceeded the average actual annual percentage degree of improvement during the previous five years by the countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 61 **If the answer to the previous Indicator is “yes,” has the government convincingly and verifiably demonstrated that it met its targets?**

[ANNOTATION: If the government has not, in the previous two years, applied its own Indicators and targets to measure its compliance with domestic laws on minimum wages, then the answer to the following Indicator is “no.”]

RWC 62 **If the government has, in the preceding two years, applied its own Indicators and numerical targets to measure its compliance with domestic laws on minimum wages, have the Indicators and targets included Indicators and targets of improved outcomes in the enforcement of minimum wages?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 63 **If the government has, in the preceding two years, applied numerical targets for improved outcomes in the enforcement of minimum wages, has the government convincingly and verifiably demonstrated that the percentage degree of improvement during the previous five years required by the targets exceeded the average actual annual percentage degree of improvement during the previous five years by the countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 64 **If the answer to the previous Indicator is “yes,” has the government convincingly and verifiably demonstrated that it met its targets?**

3.3.2.3. Capacity-Building: Government Indicators and Targets on Improved Compliance with Acceptable Conditions of Hours of Work

RWC 65 **In the preceding two years, has the government applied its own Indicators and numerical targets at least annually to measure its compliance with domestic laws on maximum hours?**

[ANNOTATION: If the answer the preceding Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 66 **In the preceding two years, if the government has applied its own Indicators and numerical targets to measure its compliance with domestic laws on maximum hours, have the Indicators and targets included Indicators and targets of improvement in the substantive definition of maximum hours?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 67 **If the government has, in the preceding two years, applied numerical targets for improved substantive standards for maximum hours, has the government convincingly and verifiably demonstrated that the percentage degree of improvement during the previous five years required by the targets exceeded the average actual annual percentage degree of improvement during the previous five years by the countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 68 **If the answer to the previous Indicator is “yes,” has the government convincingly and verifiably demonstrated that it met its targets?**

[ANNOTATION: If the government has not in the previous two years applied its own Indicators and targets to measure improvements in its efforts to enforce maximum hours, then the answer to the following Indicator is “no.”]

RWC 69 **In the preceding two years, if the government has applied its own Indicators and numerical targets to measure its compliance with maximum hours, have the Indicators and targets included Indicators and targets of improvement in the government’s effort to enforce maximum hours?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 70 **If the government has, in the preceding two years, applied numerical targets for improvements in the government’s effort to enforce maximum hours, has the government convincingly and verifiably demonstrated that the percentage degree of improvement during the previous five years required by the targets exceeded the average actual annual percentage degree of improvement during the previous five years by the countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 71 **If the answer to the previous Indicator is “yes,” has the government convincingly and verifiably demonstrated that it met its targets?**

[ANNOTATION: If the government has not in the previous two years applied its own Indicators and targets to measure improvement in the outcomes of the government’s effort to enforce maximum hours, then the answer to the following Indicator is “no.”]

RWC 72 **In the preceding two years, if the government has applied its own Indicators and numerical targets to measure its compliance with maximum hours, have the Indicators and targets included Indicators**

and targets of improvement in the outcomes of the government's effort to enforce maximum hours?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 73 If the government has, in the preceding two years, applied numerical targets for improvement in the outcomes of the government's effort to enforce maximum hours, has the government convincingly and verifiably demonstrated that the percentage degree of improvement during the previous five years required by the targets exceeded the average actual annual percentage degree of improvement during the previous five years by the countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 74 If the answer to the previous Indicator is “yes,” has the government convincingly and verifiably demonstrated that it met its targets?

3.3.2.4. Capacity-Building: Government Indicators and Targets on Improved Compliance with Acceptable Conditions of Occupational Safety and Health

RWC 75 If the government has, in the preceding two years, applied its own Indicators and numerical targets at least annually to compliance with occupational safety and health standards, have the Indicators and targets included Indicators of and targets for the improvement of substantive standards for occupational safety and health?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 76 If the government has, in the preceding two years, applied numerical targets for the improvement of substantive standards for occupational safety and health, has the government convincingly and verifiably demonstrated that the percentage degree of

improvement during the previous five years required by the targets exceeded the average actual annual percentage degree of improvement during the previous five years among the countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 77 If the answer to the previous Indicator is “yes,” has the government convincingly and verifiably demonstrated that it met its targets?

[ANNOTATION: If the government has not in the preceding two years applied numerical targets for an increase in the number of specialist personnel for occupational safety and health, then the answer to the following Indicator is “no.”]

RWC 78 If the government has, in the preceding two years, applied numerical targets for an increased number of specialist personnel for occupational safety and health (such as industrial hygienists, occupational physicians, toxicologists, epidemiologists, and occupational nurses) has the government convincingly and verifiably demonstrated that the average percentage increase required by the targets exceeded the average percentage increase targeted by the average country in the same quintile of real income per capita?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 79 If the answer to the previous Indicator is “yes,” has the government convincingly and verifiably demonstrated that it met its targets?

[ANNOTATION: If the government in the preceding two years has not applied its own Indicators and numerical targets to occupational safety and health, then the answer to the following Indicator is “no.”]

RWC 80 If the government has, in the preceding two years, applied its own Indicators and numerical targets to occupational safety and health, have the Indicators and targets included Indicators of and targets for

the budgetary resources devoted to research on occupational safety and health?

[ANNOTATION: If the answer to the preceding Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 81 **If the government has, in the preceding two years, applied numerical targets for the budgetary resources devoted to government research on occupational safety and health, has the government convincingly and verifiably demonstrated that the percentage improvement required by the targets exceeded the average percentage improvement targeted by countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 82 **If the answer to the previous Indicator is “yes,” has the government convincingly and verifiably demonstrated that it met its targets?**

[ANNOTATION: If the government in the preceding two years has not applied its own Indicators and numerical targets to occupational safety and health, then the answer to the following Indicator is “no.”]

RWC 83 **If the government has, in the preceding two years, applied its own Indicators and numerical targets to occupational safety and health, have the Indicators and targets included Indicators of and targets for the budgetary resources devoted to proposing new or revised standards on occupational safety and health?**

[ANNOTATION: If the answer to the preceding Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 84 **If the government has, in the preceding two years, applied numerical targets for the budgetary resources devoted to proposing new or revised standards on occupational safety and health, has the government convincingly and verifiably demonstrated that the percentage increase required by the targets exceeded the average percentage increase targeted by countries in the same quintile of income per capita?**

[ANNOTATION: If the answer to the preceding Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 85 **If the answer to the previous Indicator is “yes,” has the government convincingly and verifiably demonstrated that it met its targets?**

[ANNOTATION: If the government in the preceding two years has not applied its own Indicators and numerical targets to occupational safety and health, then the answer to the following Indicator is “no.”]

RWC 86 **If the government has, in the preceding two years, applied its own Indicators and numerical targets to occupational safety and health standards, have the Indicators and targets included Indicators of and targets for reduction of workplace fatalities?**

[ANNOTATION: If the answer to the preceding Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 87 **If the government has, in the preceding two years, applied numerical targets for reduction in workplace fatalities, has the government convincingly and verifiably demonstrated that the percentage reduction required by the targets exceeded the average percentage reduction targeted by countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to the preceding Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 88 **If the answer to the previous Indicator is “yes,” has the government convincingly and verifiably demonstrated that it met its targets?**

[ANNOTATION: If the government in the preceding two years has not applied its own Indicators and numerical targets to occupational safety and health, then the answer to the following Indicator is “no.”]

RWC 89 **If the government has, in the preceding two years, applied its own Indicators and numerical targets to workplace injuries, have the Indicators and targets included Indicators of and targets for reduction of workplace injuries?**

[ANNOTATION: If the answer to the preceding Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 90 **If the government has, in the preceding two years, applied targets for reduction in workplace injuries, has the government convincingly and verifiably demonstrated that the percentage reduction required by the targets exceeded the average percentage reduction targeted by countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to the preceding Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 91 **If the answer to the previous Indicators is “yes,” has the government convincingly and verifiably demonstrated that it met its targets?**

[ANNOTATION: If the government in the preceding two years has not applied its own Indicators and numerical targets to occupational safety and health, then the answer to the following Indicator is “no.”]

RWC 92 **If the government has, in the preceding two years, applied its own Indicators and numerical targets to workplace illnesses, have the Indicators and targets included Indicators of and targets for reduction of workplace illnesses?**

[ANNOTATION: If the answer to the preceding Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 93 **If the government has, in the preceding two years, applied targets for reduction in workplace illnesses, has the government convincingly and verifiably demonstrated that the percentage reduction required by the targets exceeded the average percentage reduction targeted by countries in the same quintile of income per capita?**

[ANNOTATION: If the answer to the preceding Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 94 **If the answer to the previous Indicator is “yes,” has the government convincingly and verifiably demonstrated that it met its targets?**

3.3.2.5. Capacity-Building: Sufficient Specification of Government Indicators and Targets on Minimum Wages, Hours of Work, and Occupational Safety and Health

[ANNOTATION: If the government has not applied Indicators and targets to minimum wages, hours of work, and occupational safety and health, then the answer to the following six Indicators is “no.”]

RWC 95 In the preceding two years, if the government has applied its own Indicators and numerical targets to minimum wages, hours of work, and occupational safety and health, has the government specified the Indicators sufficiently to enable analysts to accurately and readily apply more than 80 percent of the Indicators contained in this body of Indicators pertaining to the substantive definition of minimum wages, hours of work, and occupational safety and health?

RWC 96 In the preceding two years, if the government has applied its own Indicators and numerical targets to minimum wages, hours of work, and occupational safety and health, has the government specified the Indicators sufficiently to enable analysts to accurately and readily apply a greater percentage of the Indicators contained in this body of Indicators pertaining to the substantive definition of minimum wages, hours of work, and occupational safety and health than the average number that can accurately and readily be applied based on the specification of Indicators of other countries in the same quintile of real income per capita?

RWC 97 In the preceding two years, if the government has applied its own Indicators and numerical targets to minimum wages, hours of work, and occupational safety and health, has the government specified the Indicators sufficiently to enable analysts to accurately and readily apply more than 80 percent of the Indicators contained in this body of Indicators pertaining to the enforcement of minimum wages, hours of work, and occupational safety and health?

RWC 98 In the preceding two years, if the government has applied its own Indicators and numerical targets to minimum wages, hours of work, and occupational safety and health, has the government specified

the Indicators sufficiently to enable analysts to accurately and readily apply a greater percentage of the Indicators contained in this body of Indicators pertaining to the enforcement of minimum wages, hours of work, and occupational safety and health than the average number that can accurately and readily be applied based on the specification of Indicators of other countries in the same quintile of real income per capita?

RWC 99 In the preceding two years, if the government has applied its own Indicators and numerical targets to minimum wages, hours of work, and occupational safety and health, has the government specified the Indicators sufficiently to enable analysts to accurately and readily apply more than 80 percent of the Indicators contained in this body of Indicators pertaining to the outcome of enforcement of minimum wages, hours of work, and occupational safety and health?

RWC 100 In the preceding two years, if the government has applied its own Indicators and numerical targets to minimum wages, hours of work, and occupational safety and health, has the government specified the Indicators sufficiently to enable analysts to accurately and readily apply a greater percentage of the Indicators contained in this body of Indicators pertaining to the outcome of enforcement of minimum wages, hours of work, and occupational safety and health than the average number that can accurately and readily be applied based on the specification of Indicators of other countries in the same quintile of real income per capita?

3.3.2.6. Capacity-Building: Government Indicators and Targets on Budgets of Labor Administration Bodies (excluding Labor Inspectorate) and Tribunals Devoted to Enforcement of Minimum Wages, Hours of Work, and Occupational Safety and Health

RWC 101 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increases in the budgetary resources for the labor administrative bodies (excluding the labor inspectorate and tribunals) devoted to enforcing minimum wages, hours of work, and occupational safety and health?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RWC 102 **If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for increases in the budgetary resources for the labor administrative bodies (excluding the labor inspectorate and tribunals) devoted to enforcing minimum wages, hours of work, and occupational safety and health, has the government convincingly and verifiably demonstrated that the targeted improvements exceed the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 103 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increased budgetary resources for the labor administration bodies (excluding the labor inspectorate and tribunals) devoted to enforcing minimum wages, hours of work, and occupational safety and health?**

RWC 104 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increases in the budgetary resources for the labor tribunals devoted to processing and deciding cases on rights of minimum wages, hours of work, and occupational safety and health?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RWC 105 **If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for increases in the budgetary resources for the labor tribunals devoted to processing and deciding cases on minimum wages, hours of work, and occupational safety and health, has the government convincingly and verifiably demonstrated that the targeted increases exceed the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 106 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increased budgetary resources for the labor tribunals devoted to processing and deciding cases on minimum wages, hours of work, and occupational safety and health?

RWC 107 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increases in the number of judges and administrators devoted to processing and deciding cases on minimum wages, hours of work, and occupational safety and health?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RWC 108 If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for increases in the number of judges and administrators devoted to processing and deciding cases on minimum wages, hours of work, and occupational safety and health, has the government convincingly and verifiably demonstrated that the targeted increases exceeded the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 109 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the number of judges and administrators devoted to processing and deciding cases on rights of minimum wages, hours of work, and occupational safety and health?

RWC 110 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increases in the salary of judges and administrators devoted to processing and

deciding cases on minimum wages, hours of work, and occupational safety and health?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RWC 111 **If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for increases in the salary of judges and administrators devoted to processing and deciding cases on minimum wages, hours of work, and occupational safety and health, has the government convincingly and verifiably demonstrated that the targeted increases exceeded the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 112 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the salary of judges and administrators devoted to processing and deciding cases on minimum wages, hours of work, and occupational safety and health?**

RWC 113 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for improvement in the training of judges and administrators devoted to processing and deciding cases on minimum wages, hours of work, and occupational safety and health?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RWC 114 **If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for improvement in the training of judges and administrators devoted to processing and deciding cases on minimum wages, hours of work, and occupational safety and health, has the government convincingly and verifiably demonstrated that the targeted improvements exceed the average**

actual rate of improvement during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 115 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for improvement in the training of judges and administrators devoted to processing and deciding cases on minimum wages, hours of work, and occupational safety and health?**

3.3.2.7. Capacity-Building: Government Indicators and Targets on Lapse of Time in Processing Complaints on Minimum Wages, Hours of Work, and Occupational Safety and Health

RWC 116 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for decreasing the lapse of time between workers bringing allegations to the government’s attention (pertaining to workers’ rights of wages, hours, and safety and health) and the filing of a complaint by government attorneys or other government officials, in all cases in which domestic law stipulates that the worker’s or worker organization’s civil case can be initiated by such a complaint?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RWC 117 **If in the preceding two years the government has at least annually applied such Indicators and numerical targets, has the government convincingly and verifiably demonstrated that the targeted decrease in the lapse of time exceeds the average actual rate of decrease during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 118 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for decreasing the lapse of time between workers bringing allegations to the government’s attention (pertaining to rights of minimum wages, hours of work, and occupational safety and health) and the filing of a complaint by government attorneys or other government officials, in all cases in which domestic law stipulates that the worker’s or worker organization’s civil case can be initiated by such a complaint?

3.3.2.8. Capacity-Building: Government Indicators and Targets on Information Technology Used by Tribunals Devoted to Minimum Wages, Hours of Work, and Occupational Safety and Health

RWC 119 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for improving the information technology applied to case processing by the labor tribunal devoted to processing and deciding cases on minimum wages, hours of work, and occupational safety and health?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RWC 120 If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for improving the information technology applied to case processing by the labor tribunal devoted to processing and deciding cases on minimum wages, hours of work, and occupational safety and health, has the government convincingly and verifiably demonstrated that the targeted improvements exceed the average actual rate of improvement during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 121 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for improving the information technology applied to case processing by the labor

tribunal devoted to processing and deciding cases on minimum wages, hours of work, and occupational safety and health?

RWC 122 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which workers alleging violation of their rights of minimum wages, hours of work, and occupational safety and health were able to file complaints, or have complaints or indictments filed on their behalf, with administrative or judicial tribunals empowered to enforce those rights?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RWC 123 If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for increasing the rate at which workers alleging violation of their rights of minimum wages, hours of work, and occupational safety and health were able to file complaints, or have complaints or indictments filed on their behalf, with administrative or judicial tribunals empowered to enforce those rights, has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of improvement during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

3.3.2.9. Capacity-Building: Government Indicators and Targets on Filing Complaints on Minimum Wages, Hours of Work, and Occupational Safety and Health

RWC 124 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which workers alleging violation of their rights of minimum wages, hours of work, and occupational safety and health were able to file complaints, or have complaints or indictments filed on their behalf, with administrative or judicial tribunals empowered to enforce those rights?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RWC 125 **If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for increasing the rate at which workers alleging violation of their rights of minimum wages, hours of work, and occupational safety and health were able to file complaints, or have complaints or indictments filed on their behalf, with administrative or judicial tribunals empowered to enforce those rights, has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of improvement during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 126 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the rate at which workers alleging violation of their rights of minimum wages, hours of work, and occupational safety and health were able to file complaints, or have complaints or indictments filed on their behalf, with administrative or judicial tribunals empowered to enforce those rights?**

3.3.2.10 Capacity-Building: Government Indicators and Targets on Independence of Tribunals Devoted to Minimum Wages, Hours of Work, and Occupational Safety and Health

RWC 127 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which members of tribunals (deciding cases of alleged violations of rights of minimum wages, hours of work, and occupational safety and health) were independent of complaining workers, of complained-against employers, and of complained-against government agencies or officials – except for the employee and employer members of a tribunal explicitly composed of one or**

more neutral member(s) together with equal numbers of employer and employee representatives?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RWC 128 **If in the preceding two years the government has at least annually applied such Indicators and numerical targets, has the government convincingly and verifiably demonstrated that the targeted increase in the rate at which members of tribunals (deciding cases of alleged violations of rights of minimum wages, maximum hours, and occupational safety and health) were independent of complaining workers, of complained-against employers, and of complained-against government agencies or officials (except for the employee and employer members of a tribunal explicitly composed of one or more neutral member(s) together with equal numbers of employer and employee representatives) exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 129 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the rate at which tribunals (deciding cases of alleged violations of rights of minimum wages, hours of work, and occupational safety and health) were independent of complaining workers, of complained-against employers, and of complained-against government agencies or officials -- except for the employee and employer members of a tribunal explicitly composed of one or more neutral member(s) together with equal numbers of employer and employee representatives?**

3.3.2.11. Capacity-Building: Government Indicators and Targets on Retaliation against Workers who File Complaints on Minimum Wages, Hours of Work, and Occupational Safety and Health

RWC 130 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which workers who filed with government officials complaints or allegations of violations of rights of minimum wages, hours of work, and occupational safety and health were effectively protected against retaliation for filing such complaints or allegations?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RWC 131 If in the preceding two years the government has at least annually applied such Indicators and numerical targets on protection against retaliation for filing complaints or allegations of violations of rights of minimum wages, hours of work, and occupational safety and health, has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 132 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the rate at which workers who filed with government officials complaints or allegations of violations of rights of minimum wages, hours of work, and occupational safety and health were effectively protected against retaliation for filing such complaints or allegations?

3.3.2.12. Capacity-Building: Government Indicators and Targets on Fair Process of Tribunals Devoted to Minimum Wages, Hours of Work, and Occupational Safety and Health

RWC 133 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which all non-trivial proceedings of tribunals hearing cases pertaining to rights of minimum wages, hours of work, and

occupational safety and health were open to the public, except where necessary to protect the anonymity of complaining workers?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RWC 134 **If in the preceding two years the government has at least annually applied such Indicators and numerical targets, has the government convincingly and verifiably demonstrated that the targeted increase in the rate at which all non-trivial proceedings of tribunals hearing cases pertaining to rights of minimum wages, hours of work, and occupational safety and health were open to the public exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 135 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the rate at which all non-trivial proceedings of tribunals hearing cases pertaining to rights of minimum wages, hours of work, and occupational safety and health were open to the public, except where necessary to protect the anonymity of complaining workers?**

RWC 136 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which the parties were able to present all material evidence to support or defend their respective positions in cases alleging violations of rights of minimum wages, hours of work, and occupational safety and health?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RWC 137 **If in the preceding two years the government has at least annually applied such Indicators and numerical targets for increasing the rate at which the parties were able to present all material evidence to support or defend their respective positions in cases alleging violations of rights of minimum wages, hours of work, and**

occupational safety and health, has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 138 **Has the government convincingly and verifiably demonstrated that in the previous two years it met its targets for increasing the rate at which the parties were able to present all material evidence to support or defend their respective positions in cases alleging violations of rights of minimum wages, hours of work, and occupational safety and health?**

RWC 139 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which tribunals’ final decisions pertaining to rights of minimum wages, hours of work, and occupational safety and health were written, reasoned, and published?**

[ANNOTATION 4: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RWC 140 **If in the preceding two years the government has at least annually applied such Indicators and numerical targets for increasing the rate at which tribunals’ final decisions pertaining to rights of minimum wages, hours of work, and occupational safety and health were written, reasoned, and published, has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 141 **Has the government convincingly and verifiably demonstrated that in the previous two years it met its targets for increasing the rate at which the tribunals’ final decisions pertaining to rights of minimum**

wages, hours of work, and occupational safety and health were written, reasoned, and published?

3.3.2.13. Capacity-Building: Government Indicators and Targets on Remedies for Violations of Minimum Wages, Hours of Work, and Occupational Safety and Health

RWC 142 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which tribunals at a minimum ordered the employer to pay back pay in cases in which tribunals found that a worker was not paid the legally stipulated minimum wages and overtime wages?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RWC 143 **If in the preceding two years the government has at least annually applied such Indicators and numerical targets (for increasing the rate at which tribunals at a minimum ordered the employer to pay back pay in cases in which tribunals found that a worker was not paid the legally stipulated minimum wages and overtime wages), has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 144 **Has the government convincingly and verifiably demonstrated that in the previous two years it met its targets for increasing the rate at which tribunals at a minimum ordered the employer to pay back pay in cases in which tribunals found that a worker was not paid the legally stipulated minimum wages and overtime wages?**

RWC 145 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which tribunals imposed punitive sanctions against the employer, equal at least to double the back pay owed for minimum**

wages and overtime wages, in all cases in which an employer has violated a tribunal's order enforcing workers' rights of minimum wages and hours of work?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RWC 146 **If in the preceding two years the government has at least annually applied such Indicators and numerical targets (for increasing the rate at which tribunals imposed punitive sanctions against the employer, equal at least to double the back pay owed for minimum wages and overtime wages, in all cases in which an employer has violated a tribunal's order enforcing workers' rights of minimum wages and hours of work), has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 147 **Has the government convincingly and verifiably demonstrated that in the previous two years it met its targets for increasing the rate at which tribunals imposed punitive sanctions against the employer, equal at least to double the back pay owed for minimum wages and overtime wages, in all cases in which an employer has violated a tribunal's order enforcing workers' rights of minimum wages and hours of work?**

RWC 148 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which tribunals at a minimum ordered the employer to cease the violation and to compensate the worker fully for all monetary damages suffered as a result of violations of occupational safety and health standards?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RWC 149 If in the preceding two years the government has at least annually applied such Indicators and numerical targets (for increasing the rate at which tribunals at a minimum ordered the employer to cease the violation and to compensate the worker fully for all monetary damages suffered as a result of violations of occupational safety and health standards), has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 150 Has the government convincingly and verifiably demonstrated that in the previous two years it met its targets for increasing the rate at which tribunals at a minimum the employer to cease the violation and to compensate the worker fully for all monetary damages suffered as a result of violations of occupational safety and health standards?

RWC 151 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which tribunals ordered the employer to compensate the worker fully for all damages due to pain and suffering suffered as a result of violations of occupational safety and health standards?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RWC 152 If in the preceding two years the government has at least annually applied such Indicators and numerical targets (for increasing the rate at which tribunals at a minimum ordered the employer to cease the violation and to compensate the worker fully for all monetary damages suffered as a result of violations of occupational safety and health standards), has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 153 Has the government convincingly and verifiably demonstrated that in the previous two years it met its targets for increasing the rate at which tribunals at a minimum the employer to compensate the worker fully for all damages due to pain and suffering suffered as a result of violations of occupational safety and health standards?

RWC 154 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the rate at which tribunals ordered the employer to pay a punitive award equal to at least double any compensatory award (including but not limited to compensation for lost earnings, medical expenses, and pain and suffering) for violation of occupational safety and health standards?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RWC 155 If in the preceding two years the government has at least annually applied such Indicators and numerical targets (for increasing the rate at which tribunals ordered the employer to pay a punitive award equal to at least double any compensatory award (including but not limited to compensation for lost earnings, medical expenses, and pain and suffering) for violation of occupational safety and health standards), has the government convincingly and verifiably demonstrated that the targeted increase exceeds the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 156 Has the government convincingly and verifiably demonstrated that in the previous two years it met its targets for increasing the rate at which tribunals ordered the employer to pay a punitive award equal to at least double any compensatory award (including but not limited to compensation for lost earnings, medical expenses, and pain and suffering) for violation of occupational safety and health standards?

[ANNOTATION: ILO *Convention no. 187 on Promotional Framework for Occupational Safety and Health, 2006*, requires governments to produce Indicators and targets as part of a program to eliminate workplace hazards.]

3.3.2.14. Capacity-Building: Government Indicators and Targets on Resources and Functions of Labor Inspectorate Devoted to Minimum Wages, Hours of Work, and Occupational Safety and Health

RWC 157 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increases in the number of labor inspectors devoted to enforcing minimum wages, hours of work, and occupational safety and health?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RWC 158 If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for increases in the number of labor inspectors devoted to enforcing minimum wages, hours of work, and occupational safety and health, has the government convincingly and verifiably demonstrated that the targeted increases exceeded the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 159 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the number of labor inspectors devoted to enforcing minimum wages, hours of work, and occupational safety and health?

RWC 160 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increases in the salary of labor inspectors devoted to enforcing minimum wages, hours of work, and occupational safety and health?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RWC 161 If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for increases in the salary of labor inspectors devoted to enforcing minimum wages, hours of work, and occupational safety and health, has the government convincingly and verifiably demonstrated that the targeted increases exceeded the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 162 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the salary of labor inspectors devoted to enforcing minimum wages, hours of work, and occupational safety and health?

[ANNOTATION: If in the previous two years the government has not at least annually applied its own Indicators and numerical targets for improvement in the training of labor inspectors devoted to enforcing minimum wages, maximum hours, and safety and health, then the answer to the following Indicator is “no.”]

RWC 163 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for improvement in the training of labor inspectors devoted to enforcing minimum wages, hours of work, and occupational safety and health?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RWC 164 If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for improvement in the training of labor inspectors devoted to enforcing minimum wages, hours of work, and occupational safety and health, has the government convincingly and verifiably demonstrated that the

targeted improvements exceed the average actual rate of improvement during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 165 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for improvement in the training of labor inspectors devoted to enforcing minimum wages, hours of work, and occupational safety and health?**

RWC 166 **In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for reducing the average lapse of time between the start of an inspection pertaining to minimum wages, hours of work, and occupational safety and health and the final disposition by the inspectorate (that is, a disposition finding either no violation; successful remediation of the complaint; or referral of the case for prosecution)?**

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RWC 167 **If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for reducing the average lapse of time between the start of an inspection pertaining to minimum wages, hours of work, and occupational safety and health and the final disposition by the inspectorate (that is, a disposition finding either no violation; successful remediation of the complaint; or referral of the case for prosecution), has the government convincingly and verifiably demonstrated that the targeted improvements exceed the average actual rate of reduction during the previous five years among countries in the same quintile of real income per capita?**

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 168 **In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets in reducing the**

average lapse of time between the start of an inspection pertaining to minimum wages, hours of work, and occupational safety and health and the final disposition by the inspectorate (that is, a disposition finding either no violation; successful remediation of the complaint; or referral of the case for prosecution)?

RWC 169 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for improving the information technology applied to case processing by the labor inspectorate on matters of minimum wages, hours of work, and occupational safety and health?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RWC 170 If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for improving the information technology applied to case processing by the labor inspectorate on matters of minimum wages, hours of work, and occupational safety and health, has the government convincingly and verifiably demonstrated that the targeted improvements exceed the average actual rate of improvement during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 171 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for improving the information technology applied to case processing by the labor inspectorate on matters of minimum wages, hours of work, and occupational safety and health?

3.3.2.15. Capacity-Building: Government Indicators and Targets on Public Education on Minimum Wages, Hours of Work, and Occupational Safety and Health

RWC 172 In the preceding two years, has the government at least annually applied its own Indicators and numerical targets for increasing the government’s budgetary resources per worker for all programs to educate workers about their rights of minimum wages, hours of work, and occupational safety and health?

[ANNOTATION: If the answer to the previous Indicator is “no,” the answer to the following Indicator is “no.”]

RWC 173 If in the preceding two years the government has at least annually applied its own Indicators and numerical targets for such an increase (in the government’s budgetary resources per worker for all programs to educate workers about their rights of minimum wages, hours of work, and occupational safety and health), has the government convincingly and verifiably demonstrated that the targeted increases exceed the average actual rate of increase during the previous five years among countries in the same quintile of real income per capita?

[ANNOTATION: If the answer to previous Indicator is “no,” the answer to the following Indicator is also “no.”]

RWC 174 In the preceding two years, has the government convincingly and verifiably demonstrated that it met its targets for increasing the government’s budgetary resources per worker for all programs to educate workers about their rights of minimum wages, hours of work, and occupational safety and health?

3.3.3. Capacity-Building: Participation and Transparency in the Enforcement of Minimum Wages, Hours of Work, and Occupational Safety and Health

3.3.3.1. Capacity-Building: Consultation with Worker, Employer, and Other Organizations on Improving Substantive Standards for Minimum Wages

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved substantive

standards of minimum wages, then the answer to the following Indicator is “no.”]

RWC 175 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved substantive standards of minimum wages, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?**

3.3.3.2. Capacity-Building: Written Statement and Opportunity for Response on Improving Substantive Standards of Minimum Wages

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved substantive standards of minimum wages or did not consult with the parties prior to applying such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 176 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets on substantive standards of minimum wages?**

3.3.3.3. Capacity-Building: Consultation with Worker, Employer, and Other Organizations on Evaluation of Success in Improving Substantive Standards of Minimum Wages

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets to evaluate its success in improving substantive standards of minimum wages, then the answer to the following Indicator is “no.”]

RWC 177 **If the government, in the preceding two years, applied its own Indicators of and numerical targets to evaluate its success in improving substantive standards of minimum wages, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to evaluating its success in meeting such Indicators and targets?**

3.3.3.4. Capacity-Building: Written Statement and Opportunity for Response on Evaluating Success in Improving Substantive Standards for Minimum Wages

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets to evaluate its success in improving substantive standards of minimum wages or did not consult with the parties prior to the formulation and application of such indicators and targets, then the answer to the following Indicator is “no.”]

RWC 178 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to evaluating its success in improving substantive standards of minimum wages?**

3.3.3.5. Capacity-Building: Consultation with Worker, Employer, and Other Groups on Improving Efforts to Enforce Minimum Wages

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved efforts to enforce minimum wages, then the answer to the following Indicator is “no.”]

RWC 179 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved efforts to enforce minimum wages, has the government convincingly and verifiably demonstrated that it consulted with worker representatives,**

employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?

3.3.3.6. Capacity-Building: Written Statement and Opportunity for Response Prior to Formulating and Applying Indicators and Numerical Targets on Improving Efforts to Enforce Minimum Wages

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved efforts to enforce minimum wages or did not consult with the parties prior to formulating and applying such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 180 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets on improving efforts to enforce minimum wages?**

3.3.3.7. Capacity-Building: Consultation with Worker, Employer, and Other Groups in Evaluating the Government’s Success in Improving Efforts to Enforce Minimum Wages

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improving its efforts to enforce minimum wages or did not evaluate its success in meeting such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 181 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improving efforts to enforce minimum wages, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to evaluating its success in meeting such Indicators and targets?**

3.3.3.8. Capacity-Building: Written Statement and Opportunity for Response on Evaluating Success in Improving Efforts to Enforce Minimum Wages

ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improving its efforts to enforce minimum wages, did not evaluate its success in meeting such Indicators and targets, or did not consult with the parties prior to evaluating its success, then the answer to the following Indicator is “no.”]

RWC 182 If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to evaluating its success in meeting Indicators and targets on improving efforts to enforce minimum wages?

3.3.3.9. Capacity-Building: Consultation with Worker, Employer, and Other Groups on Improving Outcomes from Efforts to Enforce Minimum Wages

ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved outcomes in enforcing minimum wages, then the answer to the following Indicator is “no.”]

RWC 183 If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved outcomes in enforcing minimum wages, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?

3.3.3.10. Capacity-Building: Written Statement and Opportunity for Response Prior to Formulating and Applying Indicators and Numerical Targets

for Improving Outcomes from Efforts to Enforce Minimum Wages

ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved outcomes in enforcing minimum wages or did not consult the parties prior to applying such indicators, then the answer to the following Indicator is “no.”]

RWC 184 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets on improving outcomes from efforts to enforce minimum wages?**

3.3.3.11. Capacity-Building: Consultation with Worker, Employer, and Other Groups in Evaluating the Government’s Success in Improving Outcomes from Efforts to Enforce Minimum Wages

ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improving outcome from its efforts to enforce minimum wages or did not evaluate its success in meeting such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 185 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improving outcomes from efforts to enforce minimum wages, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to evaluating its success in meeting such Indicators and targets?**

3.3.3.12. Capacity-Building: Written Statement and Opportunity for Response on Evaluating Success in Improving Outcomes from Efforts to Enforce Minimum Wages

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved outcomes in enforcing minimum wages, then the answer to the following Indicator is “no.”]

RWC 186 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to evaluating its success in meeting such Indicators and targets?**

3.3.3.13. Capacity-Building: Consultation with Worker, Employer, and Other Organizations on Improving Substantive Standards of Hours of Work

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved substantive standards of hours of work, then the answer to the following Indicator is “no.”]

RWC 187 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved substantive standards of hours of work, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?**

3.3.3.14. Capacity-Building: Written Statement and Opportunity for Response on Improving Substantive Standards of Hours of Work

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved substantive standards of hours of work or did not consult with the parties on that issue, then the answer to the following Indicator is “no.”]

RWC 188 If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets on improved substantive standards of hours of work?

3.3.3.15. Capacity-Building: Evaluation of Success in Improving Substantive Standards of Hours of Work

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improving substantive standards of hours work or did not evaluate its success in meeting such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 189 If the government, in the preceding two years, evaluating its success in meeting its won Indicators of and numerical targets for improving outcomes for improving substantive standards of hours of work, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to evaluating its success in meeting such Indicators and targets?

3.3.3.16. Capacity-Building: Written Statement and Opportunity for Response on Evaluating Success in Improving Substantive Standards of Hours of Work

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improving substantive standards of hours of work, did not evaluate its success in meeting such Indicators and targets, or did not consult the parties prior to evaluating its success, then the answer to the following Indicator is “no.”]

RWC 190 If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it

provided an opportunity for the parties to respond to the statement prior to evaluating its success in meeting such Indicators and targets?

3.3.3.17. Capacity-Building: Consultation with Worker, Employer, and Other Groups on Improving Efforts to Enforce Hours of Work

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved efforts to enforce hours of work, then the answer to the following Indicator is “no.”]

RWC 191 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved efforts to enforce hours of work, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?**

3.3.3.18. Capacity-Building: Written Statement and Opportunity for Response Prior to Formulating and Applying Indicators and Numerical Targets for Improving Efforts to Enforce Hours of Work

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved efforts to enforce hours of work or did not consult the parties prior to formulating and applying such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 192 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets on efforts to enforce hours of work?**

3.3.3.19. Capacity-Building: Consultation with Worker, Employer, and Other Groups in Evaluating the Government’s Success in Improving Efforts to Enforce Hours of Work

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improving its efforts to enforce hours of work or did not evaluate its success in meeting such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 193 If the government, in the preceding two years, applied its own Indicators of and numerical targets for improving efforts to enforce hours of work, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to evaluating its success in meeting such Indicators and targets?

3.3.3.20. Capacity-Building: Written Statement and Opportunity for Response on Evaluating Success in Improving Efforts to Enforce Hours of Work

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improving its efforts to enforce hours of work, did not evaluate its success in meeting such Indicators and targets, or did not consult with the parties on evaluating its success, then the answer to the following Indicator is “no.”]

RWC 194 If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to evaluating its success in meeting such Indicators and targets?

3.3.3.21. Capacity-Building: Consultation with Worker, Employer, and Other Groups on Improving Outcomes from Efforts to Enforce Hours of Work

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved outcomes in enforcing maximum hours, then the answer to the following Indicator is “no.”]

RWC 195 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved outcomes in enforcing maximum hours, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?**

3.3.3.22. Capacity-Building: Written Statement and Opportunity for Response Prior to Formulating and Applying Indicators and Numerical Targets for Improving Outcomes from Efforts to Enforce Hours of Work

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved outcomes in enforcing hours of work or did not consult the parties prior to applying such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 196 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets?**

3.3.3.23. Capacity-Building: Consultation with Worker, Employer, and Other Groups on Evaluating the Government’s Success in Improving Outcomes from Efforts to Enforce Hours of Work

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improving its efforts to enforce hours of work or did not evaluate its success in meeting such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 197 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improving efforts to enforce hours of work, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to evaluating its success in meeting such Indicators and targets?**

3.3.3.24. Capacity-Building: Written Statement and Opportunity for Response on Evaluating Success in Improving Outcomes from Efforts to Enforce Hours of Work

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improving its efforts to enforce hours of work, did not evaluate its success in meeting such Indicators and targets, or did not consult with the parties prior to evaluating its success, then the answer to the following Indicator is “no.”]

RWC 198 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to evaluating its success in meeting such Indicators and targets?**

3.3.3.25. Capacity-Building: Consultation with Worker, Employer, and Other Organizations on Improving Substantive Standards of Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved substantive standards of occupational safety and health, then the answer to the following Indicator is “no.”]

RWC 199 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved substantive standards of occupational safety and health, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other**

interested non-governmental organizations prior to formulation and application of the Indicators and targets?

3.3.3.26. Capacity-Building: Written Statement and Opportunity for Response on Improving Substantive Standards of Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved substantive standards of occupational safety and health or did not consult with the parties on that issue, then the answer to the following Indicator is “no.”]

RWC 200 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets on improved substantive standards of occupational safety and health?**

3.3.3.27. Capacity-Building: Consultation with Worker, Employer, and Other Organizations in Evaluation of Success in Improving Substantive Standards of Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improving substantive standards of hours work or did not evaluate its success in meeting such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 201 **If the government, in the preceding two years, evaluating its success in meeting its won Indicators of and numerical targets for improving outcomes for improving substantive standards of occupational safety and health, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to evaluating its success in meeting such Indicators and targets?**

3.3.3.28. Capacity-Building: Written Statement and Opportunity for Response on Evaluating Success in Improving Substantive Standards of Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improving substantive standards of occupational safety and health, did not evaluate its success in meeting such Indicators and targets, or did not consult the parties prior to evaluating its success, then the answer to the following Indicator is “no.”]

RWC 202 If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to evaluating its success in meeting such Indicators and targets?

3.3.3.29. Capacity-Building: Consultation with Worker, Employer, and Other Groups on Improving Efforts to Enforce Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved efforts to enforce occupational safety and health, then the answer to the following Indicator is “no.”]

RWC 203 If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved efforts to enforce occupational safety and health, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?

3.3.3.30. Capacity-Building: Written Statement and Opportunity for Response Prior to Formulating and Applying Indicators and Numerical Targets for Improving Efforts to Enforce Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved efforts to enforce occupational safety and health or did not consult the parties prior to formulating and applying such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 204 If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets on efforts to enforce occupational safety and health?

3.3.3.31. Capacity-Building: Consultation with Worker, Employer, and Other Groups in Evaluating the Government’s Success in Improving Efforts to Enforce Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improving its efforts to enforce occupational safety and health or did not evaluate its success in meeting such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 205 If the government, in the preceding two years, applied its own Indicators of and numerical targets for improving efforts to enforce occupational safety and health, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to evaluating its success in meeting such Indicators and targets?

3.3.3.32. Capacity-Building: Written Statement and Opportunity for Response on Evaluating Success in Improving Efforts to Enforce Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improving its efforts to enforce occupational safety and health, did not evaluate its success in meeting such Indicators and targets, or did not consult with the parties on evaluating its success, then the answer to the following Indicator is “no.”]

RWC 206 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to evaluating its success in meeting such Indicators and targets?**

3.3.3.33. Capacity-Building: Consultation with Worker, Employer, and Other Groups on Improving Outcomes from Efforts to Enforce Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved outcomes in enforcing maximum hours, then the answer to the following Indicator is “no.”]

RWC 207 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved outcomes in enforcing maximum hours, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?**

3.3.3.34. Capacity-Building: Written Statement and Opportunity for Response Prior to Formulating and Applying Indicators and Numerical Targets for Improving Outcomes from Efforts to Enforce Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved outcomes in enforcing occupational safety and health or did not consult the parties prior to applying such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 208 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets?**

3.3.3.35. Capacity-Building: Consultation with Worker, Employer, and Other Groups in Evaluating the Government’s Success in Improving Outcomes from Efforts to Enforce Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved outcomes in its efforts to enforce occupational safety and health or did not evaluate its success in meeting such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 209 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improving outcomes in its efforts to enforce occupational safety and health, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to evaluating its success in meeting such Indicators and targets?**

3.3.3.36. Capacity-Building: Written Statement and Opportunity for Response on Evaluating Success in Improving Outcomes from Efforts to Enforce Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improving outcomes in its

efforts to enforce occupational safety and health, did not evaluate its success in meeting such Indicators and targets, or did not consult with the parties prior to evaluating its success, then the answer to the following Indicator is “no.”]

RWC 210 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to evaluating its success in meeting such Indicators and targets?**

3.3.3.37. Capacity-Building: Consultation with Worker, Employer, and Other Organizations on Improving Data Collection on Compliance with Minimum Wages

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved collection of data on compliance with minimum wages, then the answer to the following Indicator is “no.”]

RWC 211 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved collection of data on compliance with minimum wages, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?**

3.3.3.38. Capacity-Building: Written Statement and Opportunity for Response on Improving Data Collection on Compliance with Minimum Wages

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved collection of data on minimum wages or did not consult with the parties prior to applying such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 212 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets for improved collection of data about wages?**

3.3.3.39. Capacity-Building: Consultation with Worker, Employer, and Other Groups in Evaluating the Government’s Success in Improving Data Collection on Compliance with Minimum Wages

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improving its data collection on compliance with minimum wages or did not evaluate its success in meeting such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 213 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improving its data collection on compliance with minimum wages has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to evaluating its success in meeting such Indicators and targets?**

3.3.3.40. Capacity-Building: Written Statement and Opportunity for Response on Evaluating Success in Improving Data Collection on Compliance with Minimum Wages

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improving its data collection on compliance with minimum wages, did not evaluate its success in meeting such Indicators and targets, or did not consult with the parties prior to evaluating its success, then the answer to the following Indicator is “no.”]

RWC 214 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting**

the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement organizations prior to evaluating its success in meeting such Indicators and targets?

3.3.3.41. Capacity-Building: Consultation with Worker, Employer, and Other Organizations on Improving Data Collection on Compliance with Standards on Hours of Work

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved collection of data on compliance with standards on hours of work, then the answer to the following Indicator is “no.”]

RWC 215 If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved collection of data on compliance with standards on hours of work, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?

3.3.3.42. Capacity-Building: Written Statement and Opportunity for Response on Improving Data Collection on Compliance with Standards on Hours of Work

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved collection of data on compliance with standards on hours of work or did not consult with the parties prior to applying such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 216 If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement

prior to adopting the Indicators and targets for improved collection of data about wages?

3.3.3.43. Capacity-Building: Consultation with Worker, Employer, and Other Groups in Evaluating the Government’s Success in Improving Data Collection on Compliance with Standards on Hours of Work

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improving its data collection on compliance with standards on hours work, or did not evaluate its success in meeting such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 217 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improving its data collection on compliance with standards on hours of work, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to evaluating its success in meeting such Indicators and targets?**

3.3.3.44. Capacity-Building: Written Statement and Opportunity for Response on Evaluating Success in Improving Data Collection on Compliance with Standards of Hours of Work

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improving its data collection on compliance with standards of hours of work, did not evaluate its success in meeting such Indicators and targets, or did not consult with the parties prior to evaluating its success, then the answer to the following Indicator is “no.”]

RWC 218 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement**

prior to evaluating its success in meeting such Indicators and targets?

3.3.3.45. Capacity-Building: Consultation with Worker, Employer, and Other Organizations on Improving Data Collection on Compliance with Standards on Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved collection of data on compliance with standards on occupational safety and health, then the answer to the following Indicator is “no.”]

RWC 219 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved collection of data on compliance with standards on occupational safety and health, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?**

3.3.3.46. Capacity-Building: Written Statement and Opportunity for Response on Improving Data Collection on Compliance with Standards on Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved collection of data on standards on occupational safety and health or did not consult with the parties prior to applying such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 220 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets for improved collection of data about wages?**

3.3.3.47. Capacity-Building: Consultation with Worker, Employer, and Other Groups in Evaluating the Government’s Success in Improving Data Collection on Compliance with Standards on Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improving its data collection on compliance on standards on occupational safety and health, or did not evaluate its success in meeting such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 221 If the government, in the preceding two years, applied its own Indicators of and numerical targets for improving its data collection on compliance with standards on occupational safety and health, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to evaluating its success in meeting such Indicators and targets?

3.3.3.48. Capacity-Building: Written Statement and Opportunity for Response on Evaluating Success in Improving Data Collection on Compliance with Standards on Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improving its data collection on compliance with standards on occupational safety and health, did not evaluate its success in meeting such Indicators and targets, or did not consult with the parties prior to evaluating its success, then the answer to the following Indicator is “no.”]

RWC 222 If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to evaluating its success in meeting such Indicators and targets?

3.3.3.49. Capacity-Building: Consultation with Worker, Employer, and Other Groups on Increasing Budgetary Resources for Government Bodies Devoted to Enforcing Minimum Wages, Hours of Work, and Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for increased budgetary resources for government bodies devoted to minimum wages, hours of work, and occupational safety and health, then the answer to the following Indicator is “no.”]

RWC 223 If the government, in the preceding two years, applied its own Indicators of and numerical targets for increased budgetary resources for government bodies devoted to enforcing minimum wages, hours of work, and occupational safety and health, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?

3.3.3.50. Capacity-Building: Written Statement and Opportunity for Response Prior to Formulating and Applying Indicators and Numerical Targets for Increasing Budgetary Resources for Government Bodies Devoted to Enforcing Minimum Wages, Hours of Work, and Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for increased budgetary resources for government bodies devoted to minimum wages, hours of work, and occupational safety and health, then the answer to the following Indicator is “no.”]

RWC 224 If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets for increased budgetary

resources devoted enforcing minimum wages, hours of work, and occupational safety and health?

3.3.3.51. Capacity-Building: Consultation with Worker, Employer, and Other Groups in Evaluating the Government’s Success in Meeting Indicators and Numerical Targets for Increasing Budgetary Resources for Government Bodies Devoted to Enforcing Minimum Wages, Hours of Work, and Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for increasing budgetary resources for government bodies devoted to enforcing minimum wages, hours of work, and occupational health and safety, or did not evaluate its success in meeting such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 225 If the government, in the preceding two years, applied its own Indicators of and numerical targets for improving its data collection on compliance with standards on occupational safety and health, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to evaluating its success in meeting such Indicators and targets?

3.3.3.52. Capacity-Building: Written Statement and Opportunity for Response on Evaluating Success in Meeting Indicators and Numerical Targets for Increasing Budgetary Resources for Government Bodies Devoted to Enforcing Minimum Wages, Hours of Work, and Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for increasing budgetary resources for government bodies devoted to enforcing minimum wages, hours of work, and occupational health and safety, or did not evaluate its success in meeting such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 226 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to evaluating its success in meeting such Indicators and targets?**

3.3.3.53. Capacity-Building: Consultation with Worker, Employer, and Other Groups on Increasing Number of Labor Inspectors Devoted to Enforcing Minimum Wages, Hours of Work, and Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for an increased number of labor inspectors devoted to minimum wages, hours of work, and occupational safety and health, then the answer to the following Indicator is “no.”]

RWC 227 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for an increased number of labor inspectors devoted to minimum wages, hours of work, and occupational safety and health, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?**

3.3.3.54. Capacity-Building: Written Statement and Opportunity for Response Prior to Formulating and Applying Indicators and Numerical Targets for Increasing the Number of Labor Inspectors Devoted to Enforcing Minimum Wages, Hours of Work, and Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for an increased number of inspectors devoted to minimum wages, hours of work, and occupational safety and health or did not consult with the parties prior to applying such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 228 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets for an increased number of labor inspectors devoted to minimum wages, hours of work, and occupational safety and health?**

3.3.3.55. Capacity-Building: Consultation with Worker, Employer, and Other Groups in Evaluating the Government’s Success in Meeting Indicators and Numerical Targets for Increasing the Number of Labor Inspectors Devoted to Enforcing Minimum Wages, Hours of Work, and Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting Indicators of and numerical targets for increasing the number of labor inspectors, or did not evaluate its success in meeting such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 229 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for increasing the number of labor inspectors devoted to minimum wages, hours of work, and occupational safety and health, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to evaluating its success in meeting such Indicators and targets?**

3.3.3.56. Capacity-Building: Written Statement and Opportunity for Response on Evaluating Success in Meeting Indicators and Numerical Targets for Increasing the Number of Labor Inspectors Devoted to Enforcing Minimum Wages, Hours of Work, and Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for in meeting Indicators of and

numerical targets for increasing the number of labor inspectors, did not evaluate its success in meeting such Indicators and targets, or did not consult with the parties prior to evaluating its success, then the answer to the following Indicator is “no.”]

RWC 230 If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to evaluating its success in meeting such Indicators and targets?

3.3.3.57. Capacity-Building: Consultation with Worker, Employer, and Other Groups on Increasing the Salary of Labor Inspectors Devoted to Enforcing Minimum Wages, Hours of Work, and Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for increases in the salary of inspectors devoted to minimum wages, hours of work, and occupational safety and health, then the answer to the following Indicator is “no.”]

RWC 231 If the government, in the preceding two years, applied its own Indicators of and numerical targets for increases in the salary of labor inspectors devoted to minimum wages, hours of work, and occupational safety and health, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?

3.3.3.58. Capacity-Building: Written Statement and Opportunity for Response Prior to Formulating and Applying Indicators and Numerical Targets for Increasing the Salary of Labor Inspectors Devoted to Enforcing Minimum Wages, Hours of Work, and Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for increases in the salary of inspectors devoted to minimum wages, hours of work, and occupational safety and health or did not consult with the parties on applying such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 232 If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets for increased salary of inspectors devoted to minimum wages, hours of work, and occupational safety and health?

3.3.3.59. Capacity-Building: Consultation with Worker, Employer, and Other Groups in Evaluating the Government’s Success in Meeting Indicators and Numerical Targets for Increasing the Salary of Labor Inspectors Devoted to Enforcing Minimum Wages, Hours of Work, and Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for increasing the salary of inspectors devoted to minimum wages, hours of work, and occupational safety and health, or did not evaluate its success in meeting such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 233 If the government, in the preceding two years, applied its own Indicators of and numerical targets for increasing the salary of labor inspectors devoted to enforcing minimum wages, hours of work, and occupational safety and health, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to evaluating its success in meeting such Indicators and targets?

3.3.3.60. Capacity-Building: Written Statement and Opportunity for Response on Evaluating Success in Meeting Indicators and Numerical Targets

for Increasing the Salary of Labor Inspectors Devoted to Enforcing Minimum Wages, Hours of Work, and Occupational Safety and Health

ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for increasing the salary of labor inspectors devoted to enforcing minimum wages, hours of work, and occupational safety and health, did not evaluate its success in meeting such Indicators and targets, or did not consult with the parties prior to evaluating its success, then the answer to the following Indicator is “no.”]

RWC 234 If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to evaluating its success in meeting such Indicators and targets?

3.3.3.61. Capacity-Building: Consultation with Worker, Employer, and Other Groups for Improving the Training of Labor Inspectors Devoted to Enforcing Minimum Wages, Hours of Work, and Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved training of inspectors of minimum wages, hours of work, and occupational safety and health, then the answer to the following Indicator is “no.”]

RWC 235 If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved training of inspectors devoted to minimum wages, hours of work, and occupational safety and health, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?

3.3.3.62. Capacity-Building: Written Statement and Opportunity for Response Prior to Formulating and Applying Indicators and Numerical Targets for Improving the Training of Inspectors Devoted to Enforcing Minimum Wages, Hours of Work, and Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved training of inspectors devoted to minimum wages, hours of work, and occupational safety and health or did not consult with the parties prior to applying such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 236 If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets on improved training of labor inspectors devoted to minimum wages, hours of work, and occupational safety and health?

3.3.3.63. Capacity-Building: Consultation with Worker, Employer, and Other Groups in Evaluating the Government’s Success in Meeting Indicators and Numerical Targets for Training Labor Inspectors Devoted to Enforcing Minimum Wages, Hours of Work, and Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improving its data collection on compliance on standards on occupational safety and health, or did not evaluate its success in meeting such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 237 If the government, in the preceding two years, applied its own Indicators of and numerical targets for improving its data collection on compliance with standards on occupational safety and health, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives,

and other interested non-governmental organizations prior to evaluating its success in meeting such Indicators and targets?

3.3.3.64. Capacity-Building: Written Statement and Opportunity for Response on Evaluating Success in Meeting Indicators and Numerical Targets for Training Labor Inspectors Devoted to Enforcing Minimum Wages, Hours of Work, and Occupational Safety and Health

ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for training labor inspectors devoted to enforce minimum wages, hours of work, and occupational safety and health, did not evaluate its success in meeting such Indicators and targets, or did not consult with the parties prior to evaluating its success, then the answer to the following Indicator is “no.”]

RWC 238 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to evaluating its success in meeting such Indicators and targets?**

3.3.3.65. Capacity-Building: Consultation with Worker, Employer, and Other Groups for Reducing the Lapse of Time Between Inspection and Final Disposition on Minimum Wages, Hours of Work, and Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for reducing the average lapse of time between the start of an inspection pertaining to minimum wages, hours of work, and occupational safety and health and the final disposition by the inspectorate (that is, a disposition finding either no violation; successful remediation of the complaint; or referral of the case for prosecution) then the answer to the following Indicator is “no.”]

RWC 239 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for reducing the average lapse of**

time between the start of an inspection pertaining to minimum wages, hours of work, and occupational safety and health, and the final disposition by the inspectorate (that is, a disposition finding either no violation; successful remediation of the complaint; or referral of the case for prosecution) has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?

3.3.3.66. Capacity-Building: Written Statement and Opportunity for Response Prior to Formulating and Applying Indicators and Numerical Targets for Reducing the Lapse of Time Between Inspection and Final Disposition on Minimum Wages, Hours of Work, and Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for reducing the average lapse of time between the start of an Inspection pertaining to minimum wages, hours of work, and occupational safety and health, and the final disposition by the inspectorate (that is, a disposition finding either no violation; successful remediation of the complaint; or referral of the case for prosecution) or did not consult with the parties prior to applying such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 240 If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets on reducing the average lapse of time between the start of an inspection pertaining to minimum wages, hours of work, and occupational safety and health, and the final disposition?

3.3.3.67. Capacity-Building: Consultation with Worker, Employer, and Other Groups in Evaluating the Government’s Success in Meeting Indicators and Numerical Targets for Reducing the Lapse of Time

**Between Inspection and Final Disposition on Minimum Wages,
Hours of Work, and Occupational Safety and Health**

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for reducing the average lapse of time between the start of an inspection and the final disposition by the inspectorate (finding either no violation; successful remediation of the complaint; or referral of the case for prosecution), the answer to the following Indicator is “no.”]

RWC 241 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for reducing the average lapse of time between the start of an inspection pertaining to minimum wages, hours of work, and occupational safety and health and the final disposition by the inspectorate (finding either no violation; successful remediation of the complaint; or referral of the case for prosecution), has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations during the evaluation process?**

3.3.3.68. Capacity-Building: Written Statement and Opportunity for Response in Evaluating Success in Meeting Indicators and Numerical Targets for Reducing the Lapse of Time Between Inspection and Final Disposition on Minimum Wages, Hours of Work, and Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for reducing the average lapse of time between the start of an inspection and the final disposition by the inspectorate (finding either no violation; successful remediation of the complaint; or referral of the case for prosecution) or did not consult with the parties prior to evaluating its success in meeting those targets, then the answer to the following Indicator is “no.”]

RWC 242 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it**

provided an opportunity for the parties to respond to the statement prior to rendering a final evaluation of its success in meeting its numerical targets for reducing the average lapse of time between the start of an inspection pertaining to minimum wages, hours of work, and occupational safety and health, and the final disposition by the inspectorate?

3.3.3.69. Capacity-Building: Consultation with Worker, Employer, and Other Groups for Improving the Information Technology Applied to Case Processing by the Labor Inspectorate on Minimum Wages, Hours of Work, and Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improving the information technology applied to case processing by the labor inspectorate on matters of minimum wages, hours of work, and occupational safety and health, then the answer to the following Indicator is “no.”]

RWC 243 If the government, in the preceding two years, applied its own Indicators of and numerical targets for improving the information technology applied to case processing by the labor inspectorate on matters of minimum wages, hours of work, and occupational safety and health, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?

3.3.3.70. Capacity-Building: Written Statement and Opportunity for Response Prior to Formulating and Applying Indicators and Numerical Targets for Improving the Information Technology Applied to Case Processing by the Labor Inspectorate on Minimum Wages, Hours of Work, and Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improving the information technology applied to case processing by the labor inspectorate on

matters of minimum wages, hours of work, and occupational safety and health, then the answer to the following Indicator is “no.”]

RWC 244 If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets on improving the information technology applied to case processing by the labor inspectorate devoted to minimum wages, hours of work, and occupational safety and health?

3.3.3.71. Capacity-Building: Consultation with Worker, Employer, and Other Groups in Evaluating the Government’s Success in Meeting Indicators and Numerical Targets for Improving the Information Technology Applied to Case Processing by the Labor Inspectorate on Minimum Wages, Hours of Work, and Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improving the information technology applied to case processing by the labor inspectorate, or did not evaluate its success in meeting such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 245 If the government, in the preceding two years, applied its own Indicators of and numerical targets for improving the information technology applied to case processing by the labor inspectorate on minimum wages, hours of work, and occupational safety and health, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to evaluating its success in meeting such Indicators and targets?

3.3.3.72. Capacity-Building: Written Statement and Opportunity for Response on Evaluating Success in Meeting Indicators and Numerical Targets for Improving the Information Technology Applied to Case

Processing by the Labor Inspectorate on Minimum Wages, Hours of Work, and Occupational Safety and Health

ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improving the information technology applied to case processing by the labor inspectorate on minimum wages, hours of work, and occupational safety and health, did not evaluate its success in meeting such Indicators and targets, or did not consult with the parties prior to evaluating its success, then the answer to the following Indicator is “no.”]

RWC 246 If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to evaluating its success in meeting such Indicators and targets?

3.3.3.73. Capacity-Building: Consultation with Worker, Employer, and Other Groups for Improving Research on Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved research on occupational safety and health, the answer to the following Indicator is “no.”]

RWC 247 If the government, in the preceding two years, applied its own Indicators of and numerical targets for improved research on occupational safety and health, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?

3.3.3.74. Capacity-Building: Written Statement and Opportunity for Response Prior to Formulating and Applying Indicators and Numerical Targets for Improving Research on Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved research on occupational safety and health, the answer to the following Indicator is “no.”]

RWC 248 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets for improved research on occupational safety and health?**

3.3.3.75. Capacity-Building: Consultation with Worker, Employer, and Other Groups in Evaluating the Government’s Success in Meeting Indicators and Numerical Targets for Improved Research on Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improved research on occupational safety and health, the answer to the following Indicator is “no.”]

RWC 249 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for improved research on occupational safety and health, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations during the evaluation process?**

3.3.3.76. Capacity-Building: Written Statement and Opportunity for Response Prior in Evaluating Success in Meeting Indicators and Numerical Targets for Improved Research on Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for improved research on occupational safety and health or did not consult with the parties prior

to evaluating such success, then the answer to the following Indicator is “no.”]

RWC 250 If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to rendering a final evaluation about its success in meeting its numerical targets for improved research on occupational safety and health?

3.3.3.77. Capacity-Building: Consultation with Worker, Employer, and Other Groups Prior to Applying Indicators and Targets for Increasing the Number of Specialist Personnel Devoted to Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for an increased number of specialist personnel devoted to occupational safety and health (such as industrial hygienists, occupational physicians, toxicologists, epidemiologists, and occupational nurses), then the answer to the following Indicator is “no.”]

RWC 251 If the government, in the preceding two years, applied its own Indicators of and numerical targets for an increased number of specialist personnel devoted to occupational safety and health (such as industrial hygienists, occupational physicians, toxicologists, epidemiologists, and occupational nurses), has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?

3.3.3.78. Capacity-Building: Written Statement and Opportunity for Response Prior to Formulating and Applying Indicators and Numerical Targets for Increasing the Number of Specialist Personnel Devoted to Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for an increased number of specialist personnel devoted to occupational safety and health (such as industrial hygienists, occupational physicians, toxicologists, epidemiologists, and occupational nurses) or did not consult with the parties prior to applying such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 252 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets for an increased number of specialist personnel devoted to occupational safety and health?**

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for an increased number of specialist personnel devoted to occupational safety and health (such as industrial hygienists, occupational physicians, toxicologists, epidemiologists, and occupational nurses), the answer to the following Indicator is “no.”]

3.3.3.79. Capacity-Building: Consultation with Worker, Employer, and Other Groups in Evaluating the Government’s Success in Meeting Indicators and Numerical Targets for Increasing the Number of Specialist Personnel Devoted to Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for an increased number of specialist personnel devoted to occupational safety and health (such as industrial hygienists, occupational physicians, toxicologists, epidemiologists, and occupational nurses), the answer to the following Indicator is “no.”]

RWC 253 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for an increased number of specialist personnel devoted to occupational safety and health (such as**

industrial hygienists, occupational physicians, toxicologists, epidemiologists, and occupational nurses), has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations during the evaluation process?

3.3.3.80. Capacity-Building: Written Statement and Opportunity for Response Prior to Evaluating Success in Meeting Indicators and Numerical Targets for Increasing the Number of Specialist Personnel Devoted to Occupational Safety and Health

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for an increased number of specialist personnel devoted to occupational safety and health (such as industrial hygienists, occupational physicians, toxicologists, epidemiologists, and occupational nurses), then the answer to the following Indicator is “no.”]

RWC 254 If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to rendering a final evaluation of its success in meeting numerical targets for an increased number of specialist personnel devoted to occupational safety and health?

3.3.3.81. Capacity-Building: Consultation with Worker, Employer, and Other Groups Prior to Applying Indicators and Targets for Increasing Budgetary Resources Devoted to Inspecting High Hazard Sectors

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for increased allocation of budgetary resources to inspecting high hazard sectors, then the answer to the following Indicator is “no.”]

RWC 255 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for increased allocation of budgetary resources to inspecting high hazard sectors, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?**

3.3.3.82. Capacity-Building: Written Statement and Opportunity for Response Prior to Formulating and Applying Indicators and Numerical Targets for Increasing Budgetary Resources Devoted to Inspecting High Hazard Sectors

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for increased allocation of budgetary resources to inspecting high hazard sectors or did not consult with the parties prior to applying such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 256 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets for increased budgetary resources for inspecting high hazard sectors?**

3.3.3.83. Capacity-Building: Consultation with Worker, Employer, and Other Groups in Evaluating the Government’s Success in Meeting Indicators and Numerical Targets for Increased Budgetary Resources Devoted to Inspecting High Hazard Sectors

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for increased allocation of budgetary resources to inspecting the high hazard sectors, the answer to the following Indicator is “no.”]

RWC 257 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for increased allocation of budgetary resources to inspecting the high hazard sectors, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations during the evaluation process?**

3.3.3.84. Capacity-Building: Written Statement and Opportunity for Response Prior to Evaluating Success in Meeting Indicators and Numerical Targets for Increased Budgetary Resources Devoted to Inspecting High Hazard Sectors

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for increased allocation of budgetary resources to inspecting the high hazard sectors or did not consult with the parties prior to evaluating its success on the matter, then the answer to the following Indicator is “no.”]

RWC 258 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to rendering a final evaluation of its success in meeting numerical targets for increasing budgetary resources for inspecting high hazard sectors?**

3.3.3.85. Capacity-Building: Consultation with Worker, Employer, and Other Groups Prior to Applying Indicators and Targets for Reduction of Workplace Fatalities

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for reduction of workplace fatalities, then the answer to the following Indicator is “no.”]

RWC 259 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for reduction of workplace**

fatalities, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?

3.3.3.86. Capacity-Building: Written Statement and Opportunity for Response Prior to Formulating and Applying Indicators and Numerical Targets for Reducing Workplace Fatalities

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for reduction of workplace fatalities or did not consult with the parties prior to applying such Indicators and targets, then the answer to the following Indicator is “no.”]

RWC 260 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets for reduction of workplace fatalities?**

3.3.3.87. Capacity-Building: Consultation with Worker, Employer, and Other Groups in Evaluating the Government’s Success in Meeting Indicators and Numerical Targets for Workplace Fatalities

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for reduction of workplace fatalities, the answer to the following Indicator is “no.”]

RWC 261 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for reduction of workplace fatalities, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations during the evaluation process?**

3.3.3.88. Capacity-Building: Written Statement and Opportunity for Response Prior to Evaluating Success in Meeting Indicators and Numerical Targets for Workplace Fatalities

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for reduction of workplace fatalities or did not consult with the parties prior to evaluating its success, then the answer to the following Indicator is “no.”]

RWC 262 If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to rendering a final evaluation of its success in meeting numerical targets for reduction of workplace fatalities?

[ANNOTATION 5: If in the preceding two years the government did not apply Indicators of and numerical targets for reduction of workplace injuries, then the answer to the following Indicators is “no.”]

3.3.3.89. Capacity-Building: Consultation with Worker, Employer, and Other Groups Prior to Applying Indicators and Targets for Reduction of Workplace Injuries

RWC 263 If the government, in the preceding two years, applied its own Indicators of and numerical targets for reduction of workplace injuries, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?

3.3.3.90. Capacity-Building: Written Statement and Opportunity for Response Prior to Formulating and Applying Indicators and Numerical Targets for Reducing Workplace Injuries

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for reduction of workplace injuries or did not consult with the parties on the matter, then the answer to the following Indicators is “no.”]

RWC 264 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets for reduction of workplace injuries?**

3.3.3.91. Capacity-Building: Consultation with Worker, Employer, and Other Groups in Evaluating the Government’s Success in Meeting Indicators and Numerical Targets for Workplace Injuries

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for reduction of workplace injuries, the answer to the following Indicator is “no.”]

RWC 265 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for reduction of workplace injuries, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations during the evaluation process?**

3.3.3.92. Capacity-Building: Written Statement and Opportunity for Response Prior to Evaluating Success in Meeting Indicators and Numerical Targets for Workplace Injuries

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for reduction of workplace injuries or did not consult with the parties prior to evaluating its success, then the answer to the following Indicator is “no.”]

RWC 266 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to rendering a final evaluation of its success in meeting numerical targets for reducing workplace injuries?**

3.3.3.93. Capacity-Building: Consultation with Worker, Employer, and Other Groups Prior to Applying Indicators and Targets for Reduction of Workplace Illnesses

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for reduction of workplace illnesses, then the answer to the following Indicators is “no.”]

RWC 267 **If the government, in the preceding two years, applied its own Indicators of and numerical targets for reduction of workplace illnesses, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?**

3.3.3.94. Capacity-Building: Written Statement and Opportunity for Response Prior to Formulating and Applying Indicators and Numerical Targets for Reducing Workplace Injuries

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for reduction of workplace illnesses, then the answer to the following Indicators is “no.”]

RWC 268 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement**

prior to adopting the Indicators and targets for reduction of workplace illnesses?

3.3.3.95. Capacity-Building: Consultation with Worker, Employer, and Other Groups in Evaluating the Government’s Success in Meeting Indicators and Numerical Targets for Workplace Illnesses

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for reduction of workplace illnesses, the answer to the following Indicator is “no.”]

RWC 269 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for reduction of workplace illnesses, has the government convincingly and verifiably demonstrated that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations during the evaluation process?**

3.3.3.96. Capacity-Building: Written Statement and Opportunity for Response Prior to Evaluating Success in Meeting Indicators and Numerical Targets for Workplace Illnesses

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting numerical targets for reduction of workplace illnesses or did not consult with the parties prior to evaluating its success, then the answer to the following Indicator is “no.”]

RWC 270 **If the answer to the previous Indicator is “yes,” did the government publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and has the government convincingly and verifiably demonstrated that it provided an opportunity for the parties to respond to the statement prior to rendering a final evaluation of its success in meeting numerical targets for reduction of workplace illnesses?**

3.3.4. Capacity-Building: Interchange with Peer Countries on Acceptable Conditions of Work With Respect to Minimum Wages, Hours of Work, and Occupational Safety and Health

RWC 271 In the preceding two years, have officials of the labor administration with responsibility for overseeing enforcement of minimum wages, hours of work, and occupational safety and health met at least annually with their peers in other countries to discuss their comparative successes and failures in satisfying these Indicators?

[ANNOTATION: If such meetings were not held, then the answer to the following Indicator is “no.”]

RWC 272 If such meetings were held, did the officials present data and arguments to justify their comparative failures, if any, to satisfy particular Indicators?

RWC 273 In the preceding two years, have officials of the labor administration with responsibility for overseeing enforcement of minimum wages, hours of work, and occupational safety and health met at least annually with their peers in other countries to discuss their comparative successes and failures in satisfying their own indicators and targets for improved compliance?

[ANNOTATION : If such meetings were not held, then the answer to the following Indicator is “no.”]

RWC 274 If such meetings were held, did the officials present data and arguments to justify their comparative failures, if any, to satisfy their own Indicators and numerical targets?

3.3.5. Capacity-Building: Corruption and Bribery in the Labor Administration

RWC 275 In the preceding year, in all but a trivial number of cases in which the government had or should have had reasonable cause to believe that an employer had paid, or attempted to pay, a bribe to a labor inspector, did the government prosecute the employer?

RWC 276 Has the government convincingly and verifiably demonstrated that, in the preceding year, in all but a trivial number of cases in which the government had or should have had reasonable cause to believe that an employer had paid, or attempted to pay, a bribe to a labor inspector, the government prosecuted the employer?

RWC 277 In the preceding year, in all but a trivial number of cases in which the government had or should have had reasonable cause to believe that an employer had paid, or attempted to pay, a bribe to a labor administration official other than a labor inspector, did the government prosecute the employer?

RWC 278 Has the government convincingly and verifiably demonstrated that, in the preceding year, in all but a trivial number of cases in which the government had or should have had reasonable cause to believe that an employer had paid, or attempted to pay, a bribe to a labor administration official other than a labor inspector, the government prosecuted the employer?

RWC 279 In the preceding year, in all but a trivial number of cases in which the government had or should have had reasonable cause to believe that a labor inspector had taken or solicited a bribe from an employer, did the government prosecute the inspector?

RWC 280 Has the government convincingly and verifiably demonstrated that, in the preceding year, in all but a trivial number of cases in which the government had or should have had reasonable cause to believe that a labor inspector had taken or solicited a bribe from an employer, the government prosecuted the inspector?

RWC 281 In the preceding year, in all but a trivial number of cases in which the government had or should have had reasonable cause to believe that a labor administration official other than a labor inspector had taken or solicited a bribe from an employer, did the government prosecute the official?

RWC 282 Has the government convincingly and verifiably demonstrated that, in the preceding year, in all but a trivial number of cases in which the government had or should have had reasonable cause to believe that a labor administration official other than a labor inspector had

taken or solicited a bribe from an employer, the government prosecuted the official?

3.4. Outcomes on Acceptable Conditions of Work With Respect to Minimum Wages, Hours of Work, and Occupational Safety and Health

NAS Indicator C-1: average and median manufacturing wages compared with minimum wage(s) in local currency and in U.S. dollars

[ANNOTATION: If Indicator C-1 is intended to measure whether the minimum wage is set at a sufficiently high level, then the Indicator is a measure of the legal framework. That is, it measures only the strength of the substantive norm (the level of the minimum wage), not the outcome of whether minimum wages are actually paid as a result of the enforcement effort measured by government performance Indicators above. That issue has already been addressed in Indicators above. If Indicator C-1 is instead intended to measure the degree to which the statutory minimum wage causes an increase in average and median manufacturing wages, there may be too little conceptual grounding for such a causal assumption to serve as the basis for an Assessment Indicator. The more straightforward measures of the strength of enforcement of the minimum wage and overtime wages are formulated in Indicators below.

Note that the following Indicators also address a second conceptual problem. A country with a minimum wage set above the market-clearing level may have a higher rate of non-compliance than a country with a minimum wage set below the market-clearing level, even if the former country devotes substantially greater resources to enforcement. It therefore seems perverse for the assessment to “penalize” the first country and “reward” the second. As a theoretical matter, the problem can be addressed by normalizing rates of compliance with the minimum wage level relative to the market-clearing wage. However, identifying market-clearing wages seems impractical. (In a country with minimum wage laws, one might look to the prevailing wage in the informal sector, where those laws are unenforced. However, that wage is itself depressed by the enforcement of minimum wages in the formal sector, since higher wages in the formal sector reduce employment in that sector and drive workers into the “overcrowded” informal sector.) A more practical strategy – embodied in the following Indicators – is to normalize the rate of compliance relative to a measure of the minimum wage level relative to

the average wage. In addition, the following Indicators normalize the minimum wage by comparison with countries with similar income per capita and similar minimum wage levels.]

3.4.1. Actual Receipt of Minimum Wage

- RWO 1** Is the percentage of non-managerial, non-supervisory workers who receive less than the minimum wage below the average percentage among countries (a) in the same quintile of real income per capita and (b) with a ratio of real minimum wages to average real wages within 10 percent higher or lower than the country being assessed?
- RWO 2** Has the government convincingly and verifiably demonstrated that the percentage of non-managerial, non-supervisory workers who receive less than the minimum wage is below the average percentage among countries (a) in the same quintile of real income per capita and (b) with a ratio of minimum wages to average real wages within 10 percent higher or lower than the country being assessed?
- RWO 3** In the preceding five years, was the rate of decrease in the percentage of non-managerial, non-supervisory workers who in each year received less than the minimum wage above the average rate of decrease among countries (a) in the same quintile of real income per capita and (b) with real minimum wages set within 10 percent higher or lower than the country under investigation?
- RWO 4** Has the government convincingly and verifiably demonstrated that in the preceding five years the rate of decrease in the percentage of non-managerial, non-supervisory workers who in each year received less than the minimum wage was above the average rate of decrease among countries (a) in the same quintile of real income per capita and (b) with real minimum wages set within 10 percent higher or lower than the country under investigation?

- RWO 5** Is the percentage of non-managerial, non-supervisory workers who, in the preceding year, failed to receive legally required overtime wages below the average among countries (a) in the same quintile of real income per capita and (b) with real minimum wages set within 10 percent higher or lower than the country under investigation?
- RWO 6** Has the government convincingly and verifiably demonstrated that the percentage of non-managerial, non-supervisory workers who, in the preceding year, failed to receive legally required overtime wages is below the average among countries (a) in the same quintile of real income per capita and (b) with real minimum wages set within 10 percent higher or lower than the country under investigation?
- RWO 7** In the preceding five years, was the rate of decrease in the percentage of non-managerial, non-supervisory workers who failed in each year to receive legally required overtime wages above the average rate of decrease among countries (a) in the same quintile of real income per capita and (b) with real minimum wages set within 10 percent higher or lower than the country under investigation?
- RWO 8** Has the government convincingly and verifiably demonstrated that in the preceding five years the rate of decrease in the percentage of non-managerial, non-supervisory workers who failed in each year to receive legally required overtime wages was above the average rate of decrease among countries (a) in the same quintile of real income per capita and (b) with real minimum wages set within 10 percent higher or lower than the country under investigation?

NAS Indicator C-2: average earnings in industries that export to the U.S.

[ANNOTATION: As discussed above, minimum wages may have only a weak causal effect on average earnings in export industries, except in low-wage countries where strong or weak enforcement of minimum wages may affect average wages. Across a broader range of countries, workers' exercise of their right to collective bargaining is likely to have a greater effect on wages than does the level of minimum wages. For that reason, Indicator C-2 is better placed above among the outcome Indicators for rights of association and collective bargaining.]

NAS Indicator C-3: average hours worked per week

[ANNOTATION: Indicator C-3 is under-specified. It asks for a data point, but does not specify the relevant workforce. Moreover, it gives no guidance to analysts about how to evaluate whether that data point constitutes “some problems,” “more extensive problems,” or “severe problems.” The following Indicators use the yardstick of the substantive norms contained in Indicators above.]

3.4.2. Actual Hours of Work

- RWO 9** Is the average number of hours worked per week among full-time non-managerial, non-supervisory workers no greater than 40?
- RWO 10** Has the government convincingly and verifiably demonstrated that the average number of hours worked per week among full-time non-managerial, non-supervisory workers is no greater than 40?
- RWO 11** Is the average number of hours worked per week among full-time non-managerial, non-supervisory workers no greater than 48?
- RWO 12** Has the government convincingly and verifiably demonstrated that the average number of hours worked per week among full-time non-managerial workers is no greater than 48?
- RWO 13** Is the average number of hours worked per week among non-managerial, non-supervisory workers less than the average among countries in the same quintile of real income per capita?
- RWO 14** Has the government convincingly and verifiably demonstrated that the average number of hours worked per week among non-managerial, non-supervisory workers is less than the average among countries in the same quintile of real income per capita?
- RWO 15** Is the percentage of non-managerial, non-supervisory workers who, in the preceding year, worked more than 48 hours per week in more than 4 weeks without authorization by a collective agreement to

- work such longer hours less than the average among countries in the same quintile of real income per capita?**
- RWO 16** Has the government convincingly and verifiably demonstrated that the percentage of non-managerial, non-supervisory workers in the export sector who, in the preceding year, worked more than 48 hours per week in more than 4 weeks without authorization by a collective agreement to work such longer hours is less than the average among countries in the same quintile of real income per capita?
- RWO 17** In the preceding five years, was the rate of decrease in the average annual percentage of non-managerial, non-supervisory workers who worked more than 48 hours per week for more than 4 weeks without authorization by a collective agreement to work such longer hours less than the average among countries in the same quintile of real income per capita?
- RWO 18** Has the government convincingly and verifiably demonstrated that in the preceding five years the rate of decrease in the average annual percentage of non-managerial, non-supervisory workers who worked more than 48 hours per week for more than 4 weeks without authorization by a collective agreement to work such longer hours was less than the average among countries in the same quintile of real income per capita?
- RWO 19** Is the percentage of non-managerial, non-supervisory workers who, in the preceding year, worked more than 8 hours per day in more than 20 days without authorization by a collective agreement to work such longer hours less than the average among countries in the same quintile of real income per capita?
- RWO 20** Has the government convincingly and verifiably demonstrated that the percentage of non-managerial workers who, in the preceding year, worked more than 8 hours per day in more than 20 days without authorization by a collective agreement to work such longer hours is less than the average among countries in the same quintile of real income per capita?

RWO 21 In the preceding five years, was the rate of decrease in the average annual percentage of non-managerial, supervisory workers who worked more than 8 hours per day for more than 20 days without authorization by a collective agreement to work such longer hours less than the average among countries in the same quintile of real income per capita?

RWO 22 Has the government convincingly and verifiably demonstrated that in the preceding five years the rate of decrease in the average annual percentage of non-managerial, non-supervisory workers in who worked more than 8 hours per day for more than 20 days without authorization by a collective agreement to work such longer hours was less than the average among countries in the same quintile of real income per capita?

NAS Indicator C-4: number of work-related fatalities per 100,000 workers, both overall and by industry sector

[ANNOTATION: NAS Indicator C-4 is double-barreled. It is also purely descriptive, giving no guidance about how to determine whether fatalities in multiple sectors constitute “some problems,” “more extensive problems,” or “severe problems.” In principle, we are interested only in fatalities in the export sector and other sectors that affect the export labor market. We may be more likely to find data for the export sector alone, and even more likely still to find data for the manufacturing and mining sectors. The following Indicators respond to these problems.]

3.4.3. Actual Work-Related Fatalities and Injuries

RWO 23 In the two preceding years, was the number of work-related fatalities per 100,000 non-managerial, non-supervisory workers less than the average among countries in the same quintile of real income per capita?

RWO 24 Has the government convincingly and verifiably demonstrated that, in the two preceding years, the number of work-related fatalities per 100,000 non-managerial, non-supervisory workers was less than the average among countries in the same quintile of real income per capita?

- RWO 25** In the preceding five years, did the rate of decrease in the number of work-related fatalities per 100,000 non-managerial, non-supervisory workers exceed the average among countries in the same quintile of real income per capita?
- RWO 26** Has the government convincingly and verifiably demonstrated that in the preceding five years the rate of decrease in the number of work-related fatalities per 100,000 non-managerial, non-supervisory workers exceeded the average among countries in the same quintile of real income per capita?
- RWO 27** In the two preceding years, was the number of work-related fatalities per 100,000 non-managerial, non-supervisory workers in the manufacturing and mining sectors less than the average among countries in the same quintile of real income per capita?
- RWO 28** Has the government convincingly and verifiably demonstrated that, in the two preceding years, the number of work-related fatalities per 100,000 non-managerial workers in the manufacturing and mining sectors was less than the average among countries in the same quintile of real income per capita?
- RWO 29** In the preceding five years, did the rate of decrease in the number of work-related fatalities per 100,000 non-managerial workers in the manufacturing and mining sectors exceed the average among countries in the same quintile of real income per capita?
- RWO 30** Has the government convincingly and verifiably demonstrated that, in the preceding five years the rate of decrease in the number of work-related fatalities per 100,000 non-managerial, non-supervisory workers in the manufacturing and mining sectors exceeded the average among countries in the same quintile of real income per capita?
- NAS Indicator C-5:** number of occupational injuries, both absolute and as a fraction of the total workforce and the workforce covered by health and safety laws.

[ANNOTATION: NAS Indicator C-5 is double-barreled. It asks for four different data points. It also fails to track NAS Indicator C-4, which asks about fatalities. But like Indicator C-4, Indicator C-5 is purely descriptive, giving no guidance about how to determine whether injuries among the two labor markets constitute “some problems,” “more extensive problems,” or “severe problems.” In principle, we are interested only in injuries in the export sector and other sectors that affect the export labor market. As with fatalities, we may be more likely to find data for the export sector alone, and even more likely still to find data for the manufacturing and mining sectors. The following Indicators respond to these problems.]

- RWO 31** In the two preceding years, was the number of work-related injuries per 100,000 non-managerial, non-supervisory workers less than the average among countries in the same quintile of real income per capita?
- RWO 32** Has the government convincingly and verifiably demonstrated that, in the two preceding years, the number of work-related injuries per 100,000 non-managerial, non-supervisory workers was less than the average among countries in the same quintile of real income per capita?
- RWO 33** In the preceding five years, did the rate of decrease in the number of work-related injuries per 100,000 non-managerial, non-supervisory workers exceed the average among countries in the same quintile of real income per capita?
- RWO 34** Has the government convincingly and verifiably demonstrated that, in the preceding five years, the rate of decrease in the number of work-related injuries per 100,000 non-managerial, non-supervisory workers exceeded the average among countries in the same quintile of real income per capita?
- RWO 35** In the preceding two years, was the number of work-related injuries per 100,000 non-managerial, non-supervisory workers in the manufacturing and mining sectors less than the average among countries in the same quintile of real income per capita?
- RWO 36** Has the government convincingly and verifiably demonstrated that, in the two preceding years, the number of work-related injuries per

100,000 non-managerial, non-supervisory workers in the manufacturing and mining sectors was less than the average among countries in the same quintile of real income per capita?

RWO 37 In the preceding five years, did the rate of decrease in the number of work-related injuries per 100,000 non-managerial, non-supervisory workers in the manufacturing and mining sectors exceed the average among countries in the same quintile of real income per capita?

RWO 38 Has the government convincingly and verifiably demonstrated that, in the preceding five years, the rate of decrease in the number of work-related injuries per 100,000 non-managerial workers in the manufacturing and mining sectors exceeded the average among countries in the same quintile of real income per capita?