

***Fair Trade, Corporate Accountability and Beyond:
Experiments in 'Globalising Justice'***

**AN ONGOING ROLE FOR THE STATE IN SOCIAL AND LABOUR GOVERNANCE:
POTENTIAL AND LIMITATIONS IN THE ASIA PACIFIC REGION**

DRAFT – REQUIRES MUCH ELABORATION

Sean Cooney

ABSTRACT

This paper stresses the continuing importance of governmental prescription and enforcement of labour standards in the developing Asia Pacific region, despite the increasing prevalence of innovative non-state centred regulatory initiatives (such as supply chain codes). The nature of the regulatory environment in several Asian countries, particularly the 'socialist transition' economies of China and Vietnam, means that there are serious constraints on the operation of private/NGO sector measures. However, existing state-based initiatives have several shortcomings, including important omissions in labour standards and the failure to concentrate resources towards the worst abuses. I therefore argue that labour regulation, and in particular enforcement mechanisms, needs to be revisited to target especially egregious behaviours. Moreover, this regulation can be enhanced if complementary measures are enacted at both the ends of the supply chain, i.e. developing and developed economies – the latter making use of extraterritorial legislation.

Introduction

The increasing difficulties faced by labour law in ensuring decent work are widely recognised (e.g. (Davidov and Langille, 2006, Stone, 2004, Estlund, 2002, Supiot, 2001). We are quite familiar now with the proliferation of non-standard employment,

the decline of collective institutions in many countries, and widespread political hostility (encouraged by several international agencies) to 'excessive' labour market regulation. In the developed world, at least, labour law scholars, governments, and non-governmental actors have devised innovative forms of regulation – frequently 'decentred': (Black, 2001) – to address this new environment (Arup et al., 2006, Lobel, 2005, Conaghan et al., 2002).

Whatever the success of new forms of labour regulation in the advanced economies, the obstacles labour regulation – new or old - confronts in the developed world are far more formidable. These include low educational levels, inadequate resources, and, in several countries, the presence of authoritarian regimes. That is not to deny that some innovative measures, such as private sector initiatives based on supply changes, have enjoyed a degree of success (see, e.g. (Mamic, 2002)). However, in the immediate future, it seems that new forms of labour regulation will remain limited in their effectiveness (e.g. Pearson and Seyfang, 2001). This invites us to reconsider the potential of traditional state intervention, and even the apparently retrograde step of strengthening command and control-style interventions.

This paper begins by noting the widespread non-compliance with state-based labour law in the developing countries of the Asia-Pacific. I point to a number of possible reasons for the failure of labour law to have impact. I then consider briefly alternative forms of regulation, drawing attention to their limitations. I then return to consider the scope for improvements in the state-based regulatory regimes, emphasising the need to focus on the most egregious forms of labour abuses.

The prevalence of non-compliance in the developing economies of the Asia-Pacific

There are many studies suggesting that the law pertaining to work in the Asia-Pacific is widely flouted, especially in developing countries. To take the three most populous nations in the region, China, India and Indonesia, it would seem that more than half the workforce are not in practice regulated by key aspects of labour law (Sankaran, 2006); (Manning, 2006); (Greenfield and Pringle, 2002)). India represents an extreme

situation, with 92% of the working population engaged outside the effective coverage of labour law.

In some instances, the lack of coverage is a product of the laws themselves, because they exclude certain categories of workers from some or all of their application. Common examples of excluded workers are independent contractors, domestic casual workers, and workers in small enterprises (Fenwick et al., 2006): 26-59).

Nonetheless, widespread violations of labour law occur even within the categories of workers formally covered by relevant legislation and case law. One explanation for this is the standard economic one that labour standards are set too high (e.g. well above a market clearing rate), creating unemployment and/or inducing employers and workers to form work relationships which are non-compliant with labour law.

There is certainly some (contested) evidence that certain legislated employment benefits, such as severance pay, may be counterproductive in this way ((Asher and Mukhopadhaya, 2006); (Manning, 2006)). Evaluating whether this is so in a particular instance requires detailed empirical work. But in any case, non-compliance with labour law cannot, I think, be attributed to the inappropriateness of such standards alone. To see this, it is helpful to consider the scope of 'labour law'.

Labour law' and (even more so) 'labour regulation' are ambiguous concepts. Even if we confine ourselves to law derived from the state, then it is possible to distinguish between, for example, (1) the legal framework supporting labour contracting, (2) the law seeking to reduce and compensate for workplace harms, and (3) the law providing for a floor of general community entitlements (minimum wages, working hours, leave).

In Western debates about labour market regulation, there is a broad consensus that the first type of regulation is in principle desirable, since even neo-liberal opponents of other forms of labour market intervention recognise that the law has a legitimate role in supporting contracting (see, e.g. (Posner, 1998: 101-108)). In other words, most would agree that there should be remedies for breach of contract. Workplace safety law is more controversial, although much of this controversy seems directed at the

nature of particular institutional arrangements devised to enforce safety standards (especially the Occupational Health and Safety Administration in the United States), rather than the principle that the law should require reasonable care on the part of employers. Few would argue that grossly careless acts by those in control of a workplace, resulting in serious injury, should not be penalized in some way. Similarly, while there may be different views about whether children should work, few would deny that all people should be totally prohibited from putting the physical and mental health of young children at extreme risk (such as by employment in the toxic chemical or sex industries).

On the other hand, the very legitimacy of the third kind of labour market regulation is highly contested, with some scholars arguing that it is *in principle* unnecessary (see, for example, Botero et al., 2004). Most especially, such scholars maintain that it is undesirable as it contributes to the construction of an ‘insider-outsider’ economy. Those in the informal sector are seen as enjoying worse conditions and/or job prospects than they otherwise would if the regulation wasn’t there. This view seems to prevail in some parts of the World Bank (see, e.g. their *Doing Business* reports). We have already seen that there is some evidence in support of this position, but only in relation to specific levels of entitlements.

Of course, many other scholars argue to the contrary that interventions to create a floor of entitlements are necessary to ensure that individuals are accorded fair treatment, and that problems with *some* standards do not invalidate *all*. These views are propounded by the ILO with its ‘decent work’ concept.

Despite the different levels of contestation surrounding, these three forms of regulation, they cannot be clearly delineated. It is not difficult to construct scenarios where they blur into each other. Child labour in dangerous conditions can be analysed in terms of category one, because it raises questions of contractual capacity, consent and illegality. Working time might seem to be a category three issue, but it can be viewed as a workplace safety issue – as long-haulage road transport illustrates. Nonetheless, the three categories serve to highlight diverse perspectives in the literature of Western scholars and international agencies, and for my purposes they are particularly useful in illustrating an important point about compliance.

That point is that the compliance problem in the Asia-Pacific cuts across *all three* forms of labour law regulation. That is to say, we find, in many countries, widespread failure to pay agreed wages (breach of contract), dangerous workplaces (breach of the law of tort/delict and/or occupational health and safety law) and failure to observe state-mandated working hours requirements. This suggests that it is not simply the nature of labour standards that is leading to non-observance. A simple example is wage arrears, which occur when workers are not paid what they are owed (not merely that they are paid below the minimum wage). The problem of wage arrears is very widespread and persistent over time, including the three countries mentioned above: China, India and Indonesia (see, e.g. (Greenfield and Pringle, 2002); Dutta 2006; Jakarta Post 2007).

So, making labour market regulation more effective is not just a question of eliminating ‘distorting’ standards. As we will see, the better formulation of standards is an element in improving labour law. But the structure of implementing institutions is also highly significant. One of the major reasons why non-observance of *all* forms of labour law occurs on such a scale is the weakness of state legal and administrative organisations. Courts and tribunals are inaccessible, corrupt or are unable to enforce their judgements. Labour departments are understaffed, corrupt or lack sufficient competence. This obviously connects to wider ‘rule of law’ or ‘governance’ issues in developing countries. Unsurprisingly, the developing countries in the Asia Pacific experiencing widespread non-compliance with labour law also tend to score poorly on the World Bank’s governance indices (World Bank 2007; India is a partial exception). There is, therefore, a congruence of sorts in relation to the operation of legal institutions - between the failure of ‘rule of law’ initiatives promoted by international financial institutions on the one hand, and the failure of labour law as promoted by the International Labour Organisation. This is despite the failure of these institutions to agree on the substantive norms nations are supposed to give effect to.

I will return shortly to consider how it might be possible to make state intervention on labour matters more effective. Before that, though, but first I want to address argument that state-based reform is of secondary importance because regulation in developing countries is better achieved through non-state initiatives.

The growth and limitations of alternative regulatory strategies

As the participants at this workshop demonstrate, increasingly creative private sector initiatives have been deployed to attempt to create decent working conditions in firms located in developing countries. The archetypal arrangement is for a major Western transnational corporation, facing pressure from consumers (such as student organisations in the US sporting apparel market) to impose a code of conduct on its suppliers down the chain of contracting arrangements that regulate its production process (on supply chains generally, see the foundational work of Gereffi and Korzeniewicz, 1994). The conduct of code mandates that certain labour standards are to be observed by all the supplying firms, failing which a sanction (sometimes including termination of contract) may be imposed. Other forms of private sector initiatives, which may be complements or alternatives to codes of conduct, include engagement strategies, such as providing worker training.

In principle, private sector initiatives could prove to be a powerful device for improving working standards. The major corporations have sophisticated methods of controlling product quality and production schedules through logistical arrangements in their supply chains, and these methods, it might be thought, could be adapted to stipulating and monitoring labour standards. The market power derived from being a major international retailer might also be deployed to punish recalcitrant firms. In addition, the availability of advanced information technology and production techniques might enable major corporations in assisting suppliers to improve occupational health and safety standards, and other working conditions.

To be sure, these in principle benefits of private sector initiatives have been realised to some extent in certain 'CSR' measures, especially in areas which attract much public scrutiny (see e.g. CSR-Asia accounts). Furthermore, some firms have been able to learn from the errors of earlier initiatives and improve their monitoring and enforcement processes.

Nonetheless, there is a large literature pointing to the shortcomings of private sector initiatives (see, e.g. (Blackett, 2001); (Pearson and Seyfang, 2001); (Liubicic, 1998)).

Some of the more optimistic assessments of their potential now seem not to be well founded. It is not likely that they will supersede state regulation in the immediate future. First, consumer pressure does not operate evenly across all industries in developed countries, and therefore codes tend to be more prominent in those industries that are more exposed to public criticism (clothing, toy manufacturing) as opposed to those that are not as directly in the public eye (chemicals, electronics).

Second, private sectors initiatives based in Western countries may have little effect on workers engaged in industries which are not directly connected into international product market chains. Thus, while working conditions in mines and in the construction sector are notoriously poor in many developing countries, employers in those sectors do not need to respond rapidly to international pressure. Moreover, even where employers are exposed to international pressure, the increasing size of domestic markets in countries such as China and India may reduce the influence of Western consumers over time. Demand for 'no sweat-shop' products in developing countries is in an embryonic state, so consumer pressure for better labour standards may diminish, at least in the short term.

Third, even the carefully devised monitoring systems in those industries closely connected to international markets struggle to reflect accurately the conditions in supplier firms. This is especially the case with small scale manufacturers at the base of the supply chain which benefit from the outsourcing by larger firms of parts of the production process. These smaller firms often have the worst labour conditions. But even larger firms are frequently skilful at deceiving monitors.

Fourth, the major corporations in the developed world send out mixed messages. On the one hand, they require adherence to labour standards, whether from fear of consumer pressure or from ethical commitments, or both. On the other hand, the demands of market competition mean that they are frequently highly concerned about price and production time. Firms in developing countries can often correctly claim that Western corporations place irreconcilable obligations on them, without being willing to foot the bill for satisfying those obligations.

These concerns by no means exhaust the difficulties of private sector initiatives. Other problems, which may be present to greater or lesser extent depending on the nature of the initiative, include failure to consult the workers covered by the codes (or their representatives); failure to coordinate with domestic governmental agencies; selectivity in choice of labour standards (collective bargaining being a common omission); a formulaic rather than substantive approach to compliance within the Western corporations and/or the supplier firms; and counterproductive sanctions (e.g. closing firms where this makes workers even worse off).

In the context of authoritarian states, such as China or Vietnam, there is an additional, underlying obstacle to the effectiveness of private sector initiatives ((Cooney, 2007)). This has been identified by Randy Peerenboom, when considering the feasibility of alternative regulatory strategies in that country ((Peerenboom, 2002):428-431).

Peerenboom comments that:

both greater reliance on private actors and more bottom-up experimentalism [characteristic of some decentralised alternative regulatory strategies] rely on the infrastructure of a modern state, including a legal system that meets basic rule-of-law requirements, democratic elections and an active civil society. But that infrastructure is not yet in place in China. (at 431)

He points to a number of characteristics of the Chinese political system— found also in other authoritarian states. A central problem is a lack of strong civil society organisations able to bring public pressure to bear on, for example, firms engaging in socially unacceptable practices. This is a serious shortcoming given that, as already observed, there is a growing domestic market which is not readily accessible to pro-labour NGOs.

In short, while private sectors initiatives have their uses, they are not about to displace the need for more comprehensive labour protection measures. This seems to lead us back to state based law, which we have already seen is deficient. Where can we go from here?

State-based norms and sanctions, again

State-based enforcement mechanisms in developing countries are clearly weak, especially where labour law is concerned. However, their enforcement capacity is not inherently negligible; on the contrary, unlike private sector entities, they can invoke state coercive power. I want to argue for greater, but targeted, use of that coercive power. While current regulatory theory has been highly critical of the overreaching deployment of state power, many scholars in the field recognise that command and control can be an appropriate enforcement strategy in certain circumstances (Gunningham and Grabosky, 1998) 39-48).

Looking at the formulation of the ‘command’, we can generalise that states are in a better position to prohibit conduct directly where such conduct can be clearly recognised as inappropriate by regulators and the public in multiple contexts (I have earlier referred to such conduct as ‘egregious labour abuses’: (Cooney, 2004): 327-328). The conduct can also be avoided in a straightforward way (for example, by ceasing to act). Examples include prohibiting an employer from torturing an employee, or requiring young children to work in mines. To be sure, even these commands leave some scope for ambiguity – but not much. They can be contrasted with the specification of general standards in contexts that are complex and/or dynamic, such as ‘maintaining a safe system of work’ or ‘requiring no more than reasonable overtime’; these are often best addressed through decentralised problem solving. Commands against egregious conduct can also be contrasted with standards which are specific, but arguably invite some form of ‘opt out’, because it is desirable in some circumstances, to make an exception (as with the length of the standard working week, or anti-discrimination principles).

Unfortunately, at both international and domestic levels, there has been little effort to set out comprehensive categories of egregious labour abuses. An exception at the international level is in areas such as forced and child labour. These two areas are addressed by four of the eight conventions highlighted in the ILO’s Declaration on Fundamental Principles and Rights at Work (Conventions 29, 105, 138 and 182). However, as Philip Alston argues, one effect of this Declaration has been to direct attention away from other areas where stipulation of standards is required (Alston and

Henan, 2004). Even if we look at the broader corpus of ILO conventions and recommendations, they tend to overlook major abuses. This is partly because they reflect the concerns of developed countries, which were responsible for their genesis (Cooney, 1999).

At the level of the nation state, labour law also fails, frequently, to address extreme abuses, even though the abuses are prevalent in the developing countries. In part, this is because labour laws in those countries are generally transplants; they tend to reflect too closely international and/or Western models. For instance, in the Asia Pacific region, while some domestic legal systems do have comprehensive provisions directed specifically at the kinds of conduct described here, many, probably most, do not. A clear prohibition on bonds, having the status of a national law, was enacted in China only this year. In most Asian countries, it would seem that there are no specific provisions on extreme working hours. And while many occupational health and safety authorities no doubt issue regulations and policy statements on access to drinking water, few countries seem to elevate such as basic need to the level of a law (for an exception, see India's Factory Act, s. 18).

In light of these omissions, I believe it may be appropriate to reassess both international and domestic labour norms. There is a need for the creation of universal standards directed at conduct which, while confined, in the developed countries, to particularly appalling workplaces at the margins of the economy, is pervasive in many developing countries. These standards would constitute regulation of the second type above, that is, they would be directed at preventing harms, and should attract a greater degree of consensus among policy makers both internationally and domestically than many current labour standards do. These should facilitate their adoption.

Some of the areas in which new standards directed at egregious labour abuses, could be created include:

- Worker discipline (noting the relationship with prohibitions on torture);
- Access to water, food and toilet facilities;
- Rights in respect to immediate threats to life or serious bodily injury;
- Bonded labour; and

- Extreme working hours.

These standards should be enacted as commands in domestic legal systems (although they could also be included in alternative regulatory strategies, much as many ILO standards are at present).

To be clear, I am suggesting that these standards *complement and not replace* existing international standards. Current standards will continue to remain very relevant for workers in developed countries, as well as very many better-off workers in the rest of world. This will prevent an effective downgrading of labour rights, which it is not my intention to support.

Simply formulating standards is of course not enough, they must be complied with. However, providing a ‘bottom line’ of standards, such as I propose, should assist in the ‘control’ aspect of state intervention. Heavy-handed methods of enforcement, such as prosecution leading to major fines (including on individuals), adverse publicity orders and/or business closure, are more appropriate where there is recalcitrant, unjustifiable and therefore blameworthy behaviour. Since these characteristics are likely to be present where egregious labour abuses occur, there is a case for the not infrequent deployment of such methods to deal with them. Where employers commit egregious labour abuses, agencies should be willing to ‘escalate up the enforcement pyramid’ (Ayres and Braithwaite, 1992; Parker, 2002)) at a relative early stage. Well publicised prosecutions of the worst offenders may have a broad salutary effect, particularly if the prosecution strategy is well conceived. Recent regulatory literature on occupational health and safety assists in identifying what such a strategy would look like; for example, it would aim at prevention rather than retribution, would target behaviour ‘substantially falling short of reasonable expectations’ and be directed at appropriate individual decision-makers (Gunningham, 2007: 162-187).

I should stress that it is not sufficient simply to rely on criminal law to prosecute egregious labour abuses. While the criminal law may often be invoked - beating a worker could obviously constitute an assault – it may not always be possible to meet the intention threshold required in most criminal actions. A powerful sanction may be still necessary in the face of recalcitrant behaviour, even where conduct is not

criminal, although quasi-criminal sanctions need to be accompanied by appropriate due process (on the blurring of the divide between criminal and administrative sanctions, see (Yeung, 2004: 245-262). If severe non-criminal sanctions are not present, there is a risk that conduct falling short of a crime will escape close scrutiny. Policing agencies may 'handball' the case to labour bureaux, which, if left to rely on their usual remedial practices, may be ineffective.

Taken together, the stipulation of a new class of labour abuses, together with appropriate sanctions, can render labour law more potent, overcoming some of the difficulties referred to earlier. First, the universal nature of the new class obviates difficulties of coverage; they can apply to all class of worker, and need not be confined to employees, or (worse) sub-categories of employees).

Second, egregious labour standards would not seem to be susceptible to the critiques directed at the third category of labour standards; there is obviously no issue of the standards being set too high. This should assist in their broad acceptance and enactment (compare, for example, the near universal support of ILO convention 182 on extreme forms of child labour).

Third, the establishment of a new set of standards will provide guidance to under-resourced enforcement agencies on where and how to direct their major efforts. It is true that the new standards cannot, of themselves, remedy the serious enforcement problems besetting legal and administrative institutions in developing countries. However, the focused use of command and control ought to enable an enforcement agency to concentrate its (often meagre) resources on the worst firms, and thereby send a credible signal that certain forms of conduct will not be tolerated.

Conclusion

[to follow]

References

- ALSTON, P. & HENAN, J. (2004) Shrinking the International Labor Code: An Unintended Consequence of the 1998 ILO Declaration on Fundamental Principles and Rights at Work? *New York University Journal of International Law and Policy*, 36, 221.
- ARUP, C., GAHAN, P., HOWE, J., JOHNSTONE, R., MITCHELL, R. & O'DONNELL, A. (Eds.) (2006) *Labour Law and Labour Market Regulation*, Sydney, Federation Press.
- ASHER, M. & MUKHOPADHAYA, P. (2006) An Analysis of Severance Pay Policies in India and Sri Lanka. IN BRASSARD, C. & ACHARYA, S. (Eds.) *Labour Market Regulation and Deregulation in Asia: Experiences in Recent Decades*. New Delhi, Academic Foundation.
- AYRES, I. & BRAITHWAITE, J. (1992) *Responsive Regulation: Transcending the Deregulation Debate*, New York, Oxford University Press.
- BLACKETT, A. (2001) Global Governance, Legal Pluralism and the Decentered State: a Labor Law Critique of Codes of Corporate Conduct. *Indiana Journal of Global Legal Studies*, 9, 401-447.
- BOTERO, J. C., DJANKOV, S., LA PORTA, R., LOPEZ-DE-SILANES, F. & SHLEIFER, A. (2004) The Regulation of Labor. *Quarterly Journal of Economics*, 119, 1339-1382.
- BLACK, J. (2001) Decentring Regulation: Understanding the Role of Regulation and Self-regulation in a Post-regulating World. *Current Legal Problems*, 54, 103**.
- CONAGHAN, J., FISCHL, R. & KLARE, K. (Eds.) (2002) *Labour Law in an Era of Globalization: Transformative Practices and Possibilities*, Oxford, Oxford University Press.
- COONEY, S. (1999) Testing Times for the ILO: Institutional Reform for the New International Political Economy. *Comparative Labor Law and Policy Journal*, 20, 365-400.
- COONEY, S. (2004) A Broader Role for the Commonwealth in Eradicating Foreign Sweatshops? *Melbourne University Law Review*, 28, 29-.
- COONEY, S. (2007) Making Chinese Labor Law Work: The Prospects for Regulatory Innovation in the People's Republic of China. *Fordham International Law Journal*, 30, 1050-1097.
- DAVIDOV, G. & LANGILLE, B. (2006) *Boundaries and Frontiers of Labour Law*, Oxford, Hart Publishing.
- ESTLUND, C. (2002) The Ossification of American Labor Law. *Columbia Law Review*, 102 1527.
- FENWICK, C., HOWE, J., MARSHALL, S. & LANDAU, I. (2006) Labour and Labour-related Laws in Micro- and Small Enterprises: Innovative Regulatory Approaches. Melbourne, Centre for Employment and Labour Relations Law, University of Melbourne.
- GEREFFI, G. & KORZENIEWICZ, M. (Eds.) (1994) *Commodity Chains and Global Capitalism*, Westport, Conn., Greenwood Press.
- GREENFIELD, G. & PRINGLE, T. (2002) The Challenge of Wage Arrears in China. IN VELASCO, M. S. (Ed.) *Paying Attention to Wages*. Geneva, International Labour Organization.
- GUNNINGHAM, N. & GRABOSKY, P. (1998) *Smart Regulation: Designing Environmental Policy*, Oxford, Clarendon Press.

- GUNNINGHAM, N. (2007) *Mine Safety: Law Regulation Policy*, Sydney, Federation Press.
- LIUBICIC, R. (1998) Corporate Codes of Conduct and Product Labeling Schemes: the Limits and Possibilities of Promoting International Labor Rights Through Private Initiatives. *Law and Policy in International Business*, 30, 111-158.
- LOBEL, O. (2005) Interlocking Regulatory and Industrial Relations: The Governance of Workplace Safety *Administrative Law Review*, 57, 1071.
- MAMIC, I. (2002) Business and Code of Conduct Implementation: how firms use management systems for social performance. International Labour Organization.
- MANNING, C. (2006) Potential Winners and Losers from Labour Regulation in the Formal Sector: The Case of Indonesia. IN BRASSARD, C. & ACHARYA, S. (Eds.) *Labour Market Regulation and Deregulation in Asia: Experiences in Recent Decades*. New Delhi, Academic Foundation.
- PARKER, C. (2002) *The Open Corporation: Effective Self-regulation and Democracy*, Port Melbourne, Cambridge University Press.
- PEARSON, R. & SEYFANG, G. (2001) New Hope or False Dawn: Voluntary Codes of Conduct, Labour Regulation and Social Policy in a Globalizing World. *Global Social Policy*, 1, 49-78.
- PEERENBOOM, R. (2002) *China's Long March Toward the Rule of Law*, Cambridge, Cambridge University Press.
- POSNER, R. (1998) *Economic Analysis of Law*, New York, Aspen Law and Business.
- SANKARAN, K. (2006) Protecting the Worker in the Informal Economy: The Role of Labour Law. IN DAVIDOV, G. & LANGILLE, B. (Eds.) *Boundaries and Frontiers of Labour Law*. Oxford, Hart Publishing.
- STONE, K. W. (2004) *From Widgets to Digits: Employment Regulation for the Changing Workplace*, Cambridge, Cambridge University Press.
- SUPIOT, A. (2001) *Beyond Employment: Changes in Work and the Future of Labour Law in Europe*, Oxford, Oxford University Press.
- WORLD BANK (2007), *World Governance Indices 1996-2006*, available at http://info.worldbank.org/governance/wgi2007/pdf_country.asp
- YEUNG, K. (2004) *Securing Compliance: A Principled Approach*, Oxford, Hart Publishing.

‘Coal mine workers to get wage arrears’, *The Hindu*, February 24, 2006

‘Unpaid wages common problem’, *The Jakarta Post*, November 16, 2007