

Labour Law and Poverty Alleviation in Low- and Middle-Income Countries

Ethics approval documentation

Attachment 1 – Research Proposal

[This is the outline proposal from the ERSC grant application. The full application is available on request]

The research will examine the contribution of labour law reform to poverty alleviation in low and middle-income countries. Since the early 1990s, the World Bank and other international financial institutions have argued that labour laws in developing countries should be made more flexible, with a view to promoting a more 'business friendly' environment in those countries. In some cases, deregulatory labour law reforms have been initiated as a condition of countries receiving financial aid from the World Bank. Recent research suggests that the World Bank's approach understates the role that protective labour laws can play in stimulating economic growth by encouraging investment in human capital and technological upgrading by firms. In addition, labour law institutions such as collective bargaining and social insurance can play a direct role in addressing poverty by redistributing wealth and protecting the least well off in society against workplace hazards and social risks associated with unemployment, sickness and old age. At the same time, this emerging body of evidence suggests that, in order to be effective, labour law rules must be appropriate for developing country contexts. Labour laws which are transplanted from industrialised countries may be inappropriate for emerging and developing labour markets in which only a small part of the labour force has access to regular, waged employment, or where private sector enterprises have limited capacity to comply with labour standards or to adapt to regulatory requirements by increasing their investment in new skills and technologies. Labour laws which do not bed down in a given environment may have the counter-productive effect of increasing informality and casualisation of employment. Thus it is important to have an understanding of the preconditions for the effectiveness of labour laws in practice in developing and emerging markets. The present project proposes to develop a new analytical framework for studying the nature of the 'fit' between labour law institutions and the economic and political context of low and middle income countries. The research will take the form of a series of four country-level case studies: Cambodia (which has experience of the role of financial conditionality in labour law reform); South Africa (where labour law reform has been a priority of the post-Apartheid governments); and India and China (which offer contrasting cases of relative stasis in labour law versus recent reform of labour law institutions, taking place, in both cases, alongside rapid economic growth). The experiences of these countries will be studied using a mix of quantitative and qualitative research techniques, which will allow for a more systematic assessment of the nature of the labour law reform process in the different contexts being studied. The end result of the project will be an analytical template for the evaluation of labour law rules which can be used more widely to assess their contribution to poverty alleviation in low and middle income countries. The template will be developed by the research team in collaboration with officials from the ILO and with the active involvement of users of the research in government, the social partners, global NGOs, and civil society organisations in the case study countries. The project will also aim to make a fundamental contribution to understanding the role that formal, quantitative measures and more qualitative indicators of law and development can play in evaluating policy and reform initiatives in relation to poverty alleviation.

Attachment 2 – Interview Aide Memoire for HR Managers

[This will be customised for particular firms. Similar aides memoires will be prepared for other participants, i.e., judges, lawyers, civil servants, labour inspectors, trade union officers]

1. Please describe briefly the arrangements for the management of human resources in your organisation, including the role of any parent company or organisation, or employer's association. Has human resource management become more important in your organisation over the past ten years?
2. How are pay and other terms and conditions of employment determined? Are they subject to negotiation with a trade union or unions? What arrangements do you have for pay incentive or bonus schemes?
3. How are workers informed of their pay and other terms and conditions of employment? Are they given written contracts of employment?
4. What use do you make of the following types of employment contract: part-time work, fixed-term employment, temporary agency work, self-employed or casual work?
5. What arrangements are made for consultation with the workforce over working conditions (including: individual consultation; consultation with a works council or committee; consultation with a trade union)?
6. What procedures do you have for dealing with matters of discipline and termination of employment?
7. How do you observe or measure worker effort and productivity?
8. How do you observe or measure the well being of your workforce (by reference to e.g.: health and safety; psychological well being; dignity at work)?
9. Please describe arrangements for workforce training. Does training mostly take place insider or beyond your organisation?
10. Please describe recent experience of dealing with any legal matters relating to employment in your organisation, such as dealings with labour inspectors and other government officials, arbitration of disputes, court or tribunal hearings.
11. Does employment legislation, in your view, give rise to significant compliance costs for your organisation?
12. Do you feel that employment laws are responsive to the needs of your organisation?
13. Do you think that employment laws are well enforced in general?
14. Are your main overseas competitors subject to employment laws which are stricter/looser than those which apply to you?
15. What changes to the employment laws of your country would you like to see?

Attachment 3 – Contact Letter for HR manager

[This will be customised for particular participants. Similar contact letters will be prepared for other participants, i.e., judges, lawyers, civil servants, labour inspectors, trade union officers]

Dear [participant],

We are writing to ask for your help in a research project based at University of Cambridge and Monash University, with the support of the International Labour Organisation.

The aim of the project is to understand the role of labour law in promoting economic development and growth, in particular by encouraging the more productive and efficient use of labour resources. We are seeking to understand firms' HR strategies, in the context of their wider strategies for maintaining competitiveness and market share, and how these relate to the goals of labour law regulation in promoting equity and efficiency in workplace relations.

We anticipate that the interview will take around one hour. All data will be confidential and will be stored securely.

We are attaching a summary of the project and an outline of the issues which we would like to discuss in the interview. If you would like more information about the project, please contact me directly on [] or via email [].

We hope that you will be willing to participate in this research and look forward to meeting you.

Yours sincerely,

Attachment 4 – Participant information sheet for HR manager

Thank you for agreeing to take part in this interview, which is part of a research project based at the University of Cambridge and Monash University, with the support of the International Labour Organisation. The interview should last around one hour.

This preliminary information sheet outlines what we would like to talk about during the interview. Details about the research, including confidentiality of the interview, will be explained when we meet.

The aim of these interviews is to understand better how labour law contributes to the alleviation of poverty in developing countries, in particular by encouraging the more productive and efficient use of labour resources. We are seeking to understand firms' HR strategies, in the context of their wider strategies for maintaining competitiveness and market share, and how these relate to the goals of labour law regulation in promoting greater equity and efficiency.

The topics we would like to discuss include the following.

- Your views on the appropriate form and level of labour law regulation
- Your views on mechanisms for determining wages and terms and conditions of employment.
- Your views on the role labour law plays in encouraging more efficient management of human resources.
- Your views on labour law reforms.

If you have any questions about this research you can contact us at:

[]

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Attachment 6 – Participant Consent form

As part of the project ‘Labour law and poverty alleviation in low and middle-income countries, [interviewers] are interviewing me at:

[Firm/organisation name
Address
Telephone number]

I understand that the interview is being taped and will be transcribed. The researcher will store the audio recording, transcriptions, and other material securely, consistent with the Data Protection Act.

I understand that I can stop the interview at any time.

I understand that I can withdraw my consent to participate in the research project at any time and that all materials relating to my involvement in the project will then be destroyed.

I do/do not consent to my organisation being named as a participant in the research project.

I do/do not agree to the researcher contacting me regarding participation in a further online expert discussion.

Name XXXXX
Position XXXXX
Date XXXXX

I understand the terms on which the interview will be conducted and material used, as described above.