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APPENDIX C

PROBATIVE INDICATORS



As the name suggests, Probative Indicators are “probes” intended to identify countries that *might* have deeper pathologies or failures to effectively enforce worker rights.¹ They are filtering devices to identify the “highest priority” countries that may subsequently receive either more intensive screening by application of the lengthier set of Diagnostic Indicators in Appendix B or comprehensive evaluation by application of the Assessment Indicators in Appendix A. They may also be useful in identifying targeted problems for technical assistance or further research. Probative Indicators must be applied to a relatively large universe of countries. The resource and time constraints of analysts therefore call for a relatively small number of Indicators that are relatively easy to apply to relatively accessible, reliable information.

As in medical testing, Probative Indicators are a species of preliminary Diagnostic Indicators. Probative Indicators are, to switch metaphors, those Diagnostic Indicators

¹ The term “probative” has three apt referents. First, think of a slender medical instrument designed to determine the depth and direction of a wound or cavity. Second, switching from medical to legal vocabulary, “probative” denotes evidence that tends to prove or disprove some ultimate fact or concept. Our Probative Indicators *tend* to show whether a trading partner fails egregiously to satisfy the ultimate standard of compliance with internationally recognized worker rights or effective enforcement of labor law. Third, in the fields of evaluation studies and philosophy, “probative logic” denotes preliminary appraisals that call for more rigorous confirmation.

that set off the loudest warning bells. The optimal conceptual features of Diagnostic Indicators generally are discussed in sub-part 10.2 of the paper, and promising candidates for specific Probative Indicators are discussed in sub-part 10.3. As with the proposed Assessment Indicators and proposed Diagnostic Indicators, the Indicators enumerated below are offered as candidates for inclusion in a final body of Probative Indicators that ILAB analysts will refine and revise in iterative rounds of probative screening.

Appendix A shows each of the original NAS Indicators, followed by an Annotation explaining why that Indicator calls for refinement, followed in turn by the pertinent candidates for refined Assessment Indicators. In contrast, the list of Diagnostic Indicators in Appendix B and the Probative Indicators in this Appendix do not show the original NAS Indicators or Annotations discussing the NAS Indicators. The reader can refer to the pertinent Annotation in Appendix A for the explanation of why the respective, original NAS Indicator warrants refinement and, for that reason, is either not listed as an Assessment, Diagnostic, or Probative Indicator, or is listed but appropriately revised. In any event, the justification for many of the specific Probative Indicators is presented in sub-part 10.3. In addition, Annotations included in the body of Probative Indicators explain particular Indicators without reference to the NAS Indicators.

The prefatory conceptual note in Appendix A – on the distinction between genuinely double-barreled indicators, on the one hand, and single-barreled indicators

that might be mistakenly taken for double-barreled indicators, on the other – is relevant here as well. Please refer to that explanation.

As with the candidate Assessment and Diagnostic Indicators, the candidate Probative 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.

The labeling of each Probative Indicator below is analogous to the labeling of the Assessment Indicators in Appendix A and the Diagnostic Indicators in Appendix B. Whereas the label of each Assessment Indicators starts with the letter R (for “refined,” to distinguish the Indicator from the original NAS Indicators), and the label of each Diagnostic Indicator starts with the letter D (for “diagnostic”), the label of each Probative Indicator starts with the letter P.

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 against employment discrimination; 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 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, PFE 5 denotes the fifth Probative Indicator measuring the enforcement of freedom of association, rights to organize, and rights to bargain collectively.

For the reasons discussed in sub-part 10.3 of the paper, Probative Indicators include an additional category of Background Indicators to measure whether governmental institutions generally conform to broad principles of democracy and the rule of law, and whether the government tolerates the most egregious violations of forced labor and trafficking. These Indicators are labeled PB.

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

- PB = Probative Indicator for (B) background on democracy, the rule of law, forced labor, and overall labor administration
- PFL = Probative Indicator for (L) substantive laws for (F) freedom of association, rights to organize, and rights to bargain collectively
- PFE = Probative Indicator for (E) enforcement for (F) freedom of association, rights to organize, and rights to bargain collectively
- PFC = Probative Indicator for (C) capacity-building for (F) freedom of association, rights to organize, and rights to bargain collectively
- PFO = Probative Indicator for (O) outcomes for (F) freedom of association, rights to organize, and rights to bargain collectively

PDL = Probative Indicator for (L) substantive laws for (D) rights against employment discrimination

PDE = Probative Indicator for (E) enforcement efforts for (D) rights against employment discrimination

PDC = Probative Indicator for (C) capacity-building for (D) rights against employment discrimination

PDO = Probative Indicator for (O) outcomes for (D) rights against employment discrimination

PWL = Probative Indicator for (L) substantive laws for (W) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health

PWE = Probative Indicator for (E) enforcement efforts for (W) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health

PWC = Probative Indicator for (C) capacity-building for (W) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health


PWO = Probative Indicator for (O) outcome for (W) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health

Probative Indicators are designed to potentially trigger application of the full set of Assessment Indicators. In that light, each Indicator below is immediately followed by a cross-reference to the Assessment Indicators related to that Probative Indicator. The cross-reference is in italicized black font stating, for example, “*Go to RWC 12 to RWC 18.*” Note that that cross-referenced Assessment Indicators often go well beyond the immediate scope of the Probative Indicator in question, since the point of Probative Indicators is precisely to raise suspicions that the government is failing to comply with a broad range of components of effective enforcement.

Finally, the heading of the PB section of the body of Indicators below is numbered “0,” in order to maintain parallel heading numbers between the other sections

of Probative Indicators and the heading numbers of their counterparts in the
Assessment Indicators which do not contain the indirect measures enumerated below
as Background Indicators.

0. PROBATIVE BACKGROUND INDICATORS for DEMOCRACY, the RULE OF LAW, EGREGIOUS VIOLATIONS, and the INFORMAL SECTOR



[ANNOTATION: The following Indicator is a proxy for non-democratic governance. As explained in sub-part 10.3 of the paper, an autocratic government is less likely than a democratic government to enforce labor rights and provide fair process. If in the preceding ten years, there has been no election for the national legislature, then the answer to the following Indicator is “yes.”]

PB 1 **In the preceding ten years, has no more than one political party won more than 10 percent of the votes in an election for the national legislature?**

[ANNOTATION: The following Indicator is a proxy for corruption in the judiciary and labor administration bodies, as explained in sub-part 10.3 of the paper.]

PB 2 **Does the country rank in the lowest 20 percent of countries in Transparency International’s most recent application of its Corruption Perception Index? *Go to RWC 275 to RWC 282.***

[ANNOTATION: The following two Indicators are proxies for exceptionally weak commitment to, and weak institutions for enforcing, the rights of workers, as explained in sub-part 10.3 of the paper.]

PB 3 **Is the country ranked in Tier 3 of the most recent United States government’s Trafficking in Persons Report?**

PB 4 **In the preceding two years, has a non-governmental or governmental organization reliably documented the use of forced labor in the country?**

[ANNOTATION: The following Indicator is a blunt measure of whether the government imposes meaningful remedies in labor cases. It asks not just whether fines or imposed, but whether they are actually collected. It also

asks whether the government can demonstrate that legal sanctions have exceeded back pay awards in more than two cases – that is, whether there are even a small number of cases in which sanctions that exceed the minimal compensatory threshold have been collected. Note that this Indicator is limited to the export sector, notwithstanding that the Assessment Indicators and most Probative Indicators are not so limited. Labor rights compliance is generally stronger in the export sector than in other sectors; the government’s failure to show meaningful enforcement in that sector is therefore an indication of even deeper noncompliance throughout the economy.]

PB 5 **Has the government failed to convincingly and reliably show that, in more than two cases in the export sector in the preceding two years, it has imposed and actually collected – either on its own behalf or on behalf of the aggrieved worker(s) – fines or monetary awards exceeding the back pay lost by worker(s) who were unlawfully discharged, calculated from the time of discharge to the time of the final order by the court or other tribunal?** *Go to RFL 8 to RFL 13, RFL 15 to RFL 20, RFL 22 to RFL 27, RFL 69 to RFL 72, RFL 104 to RFL 109, RFL 123 to RFL 128, RFL 131 to RFL 135, RFE 40 to RFE 55, RDE 25 to RDE 54, RWE 55 to RWE 78.*

[ANNOTATION: For reasons given in sub-part 10.3 of the paper, the following Indicator uses “temporary contracts” as a proxy for the informal sector, and for the vulnerability of the workforce more generally.]

PB 6 **In the preceding five years, has the ratio of the number of employed workers with temporary contracts to the total employed workforce failed to decrease?** *Go to RFL 28 to RFL 29, RDO 176 to RDO 203.*

PB 7 **In the preceding five years, has the number of labor inspectors per employed worker failed to increase?** *Go to RFE 71 to RFE 101, RDC 114 to RDC 137, RWE 7 to RWE 18.*

PB 8 **In the preceding five years, has the budget per employed worker of all labor administration bodies failed to increase?** *Go to RFE 71 to RFE 105, RFC 21 to RFC 36, RDE 39 to RDE 54, RWE 7 to RWE 30.*

PB 9 **Has a non-governmental or governmental organization reliably documented that in the preceding two years the government impeded the lawful activities of any organization devoted to monitoring of, or advocacy on behalf of, workers’ rights?** *Go to RFE*

112 to RFE 115, RDE 103 to RDE 104, and RWE 93 to RWE 94.

1. PROBATIVE INDICATORS for FREEDOM OF ASSOCIATION, RIGHTS TO ORGANIZE, and RIGHTS TO BARGAIN COLLECTIVELY



1.1. Probative Indicators for Substantive Laws on Freedom of Association, Rights to Organize, and Rights to Bargaining Collectively

- PFL 1** Does the law lack a prohibition against employers 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 workers' organization? *Go to RFL 1 to RFL 8.*
- PFL 2** Does the law fail to stipulate that non-managerial, non-supervisory workers are entitled to establish organizations without previous government authorization other than the formalities generally required for civil associations to obtain legal personality? *Go to RFL 30 to RFL 40.*
- PFL 3** Are such ministerial formalities not publicly announced and specifically enumerated? *Go to RFL 30 to RFL 40.*
- PFL 4** Does the law fail to stipulate that non-managerial, non-supervisory workers have a right against interference by employers when workers organize in formally or informally designated export processing zones? *Go to RFL 1 to RFL 27, and RFL 41 to RFL 47.*
- PFL 5** Does the law require workers or workers' organizations to affiliate with a political party? *Go to RFL 55 to RFL 82.*
- PFL 6** Does the law require workers or workers' organizations to affiliate with the government? *Go to RFL 55 to RFL 82.*
- PFL 7** Does the law fail to protect peaceful primary strikes by all non-managerial, non-supervisory workers against interference by the employer and the government, other than public servants and workers in essential services, as defined by Paragraphs 585 and 887 of the *ILO Fifth Digest*? *Go to RFL 110 to RFL 123.*

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

- PFE 1** **Has the government failed to convincingly and reliably show that, in more than two cases in the export sector in the preceding two years, it has imposed and actually collected – either on its own behalf or on behalf of the aggrieved worker(s) – fines or monetary awards exceeding the back pay lost by worker(s) who were discharged for anti-union reasons, calculated from the time of discharge to the time of the final order by the court or other tribunal?** *Go to RFL 8 to RFL 13, RFL 15 to RFL 20, RFL 22 to RFL 27, RFL 78 to RFL 72, RFL 104 to RFL 109, RFL 123 to RFL 128, RFL 131 to RFL 135, RFE 40 to RFE 55.*
- PFE 2** **Has a non-governmental or governmental organization reliably documented that the government, in the preceding two years imprisoned or threatened to imprison one or more workers, union officials, or their family member in retaliation for their support for or participation in lawful union activities?** *Go to RFE 3 to RFE 10.*
- PFE 3** **Has a non-governmental or governmental organization reliably documented that, in the preceding two years, agents of the government (whether police forces, armed services, government-controlled union officials or paramilitary personnel) used force or the threat of force (including legal sanction or the threat of legal sanction) to end one or more peaceful primary strikes over terms and conditions of employment?** *Go to RFE 3 to RFE 10.*
- PFE 4** **Has a non-governmental or governmental organization reliably documented that, in the preceding two years, the government failed to investigate one or more 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?** *Go to RFE 3 to RFE 10, RFC 49 to RFC 55.*
- PFE 5** **Has a non-governmental or governmental organization reliably documented that, in the preceding two years, the government failed to prosecute one or more alleged perpetrators of anti-union-**

motivated violence, attempted anti-union-motivated violence, or 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 reasonable cause to believe such allegations? *Go to RFE 3 to RFE 10, RFC 49 to RFC 55.*

- PFE 6** **Has a non-governmental or governmental organization reliably documented that, in the preceding two years, there was more than one case in which one or more members of tribunals hearing cases on freedom of association, rights to organize, or rights to bargain collectively were not independent of complaining workers, of complained-against employers, and of complained-against government agencies or officials?** *Go to RFE 16 to RFE 39, RFC 56 to RFC 58.*
- PFE 7** **Has a non-governmental or governmental organization reliably documented that, in the preceding two years, in one or more cases of alleged violations of freedom of association, rights to organize, and rights to bargain collectively, final decisions on the merits of the case(s) were not written, reasoned, and published?** *Go to RFE 16 to RFE 39, RFC 68 to RFC 70.*
- PFE 8** **Has a non-governmental or governmental organization reliably documented that, in the preceding two years, the government banned or took control over one or more labor unions for reasons other than a bona fide judicial determination of a pattern of criminal activity by such union(s)?** *Go to RFE 56 to RFE 61.*
- PFE 9** **Has a non-governmental or governmental organization reliably documented that, in the preceding two years, the government demanded that a union affiliate with the government or political party or continue to affiliate with the government or political party?** *Go to RFE 62 to RFE 65.*
- PFE 10** **Is the current budget of all labor administration activities devoted to enforcement of workers' freedom of association and rights to collective bargaining per non-managerial worker less than 50 percent of the average for countries in the same quintile of real income per capita?** *Go to RFE 68 to RFE 77, RFC 21 to RFC 36.*

1.3. Probative Indicators for Capacity-Building on Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

PFC 1 **Does the government lack a system for collecting and publishing data, at least every other year, on matters relating to freedom of association, rights to organize, and rights to bargain collectively? Go to RFC 1 to RFC 4, RFC 15 to RFC 20.**

PFC 2 **Is the government's budget per worker for collecting and publishing data on matters relating to freedom of association, rights to organize, and rights to bargain collectively, less than 50 percent of the average budget per worker among countries in the same quintile of real income per capita? Go to RFC 1 to RFC 4, RFC 15 to RFC 20.**

PFC 3 **Does the government fail to collect and publish data, at least every other year, on the number of workers who are members of labor unions? Go to RFC 1 to RFC 4, RFC 15 to RFC 20.**

PFC 4 **Does the government fail to collect and publish data, at least every other year, on the number of workers who are covered by collective bargaining agreements? Go to RFC 1 to RFC 4, RFC 15 to RFC 20.**

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and targets for improved collection and analysis of data on compliance with freedom of association, rights to organize, and rights to bargain collectively, then the answer to the following Indicators is “yes”]

PFC 5 **If the government, in the preceding two years, applied its own Indicators of and targets for improved collection and analysis of data on compliance with freedom of association and collective bargaining rights, has the government failed to convincingly and verifiably demonstrate that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets? Go to RFC 128 to RFC 131.**

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and targets for improved collection and analysis of data on compliance with freedom of association, rights to organize, and rights to bargain collectively or did apply such Indicators and targets but did not

consult the parties before doing so, then the answer to the following Indicators is “yes.”]

- PFC 6** **If the answer to the previous Indicator is “no,” did the government fail to publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, or to provide an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets? *Go to RFC 128 to RFC 131.***

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting targets for improved collection and analysis of data on compliance with freedom of association, rights to organize, and rights to bargain collectively, then the answer to the following Indicators is “yes.”]

- PFC 7** **If the government, in the preceding two years, evaluated its success in meeting targets for improved collection and analysis of data on compliance with freedom of association, rights to organize, and rights to bargain collectively, has the government failed to demonstrate convincingly and verifiably that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations during the evaluation process? *Go to RFC 128 to RFC 131.***

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and targets for evaluating its success in meeting targets for improved collection and analysis of data on compliance with freedom of association, rights to organize, and rights to bargain collectively, or did not demonstrate that it consulted with the parties during the evaluation process, then the answer to the following Indicator is “yes.”]

- PFC 8** **If the answer to the previous Indicator is “no,” did the government fail to publish a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, or to provide an opportunity for the parties to respond to the statement prior to rendering a final evaluation? *Go to RFC 128 to RFC 131.***

1.4. Probative Indicators for Outcomes on Freedom of Association, Rights to Organize, and Rights to Bargain Collectively

PFO 1 **Is the percentage of non-managerial, non-supervisory workers who are union members less than fifty percent of the average among countries in the same quintile of real income per capita?** *Go to RFO 1 to RFO 12.*

PFO 2 **Are more than 75 percent of unionized workers members of unions that are affiliated with a government entity or with the ruling political party?** *Go to RFO 1 to RFO 12.*

PFO 3 **Are less than five enterprises in the manufacturing sector unionized?** *Go to RFO 1 to RFO 12.*

[ANNOTATION: The following two Indicators probe for the weakness of unions, including the domination of unions by employers and corrupt governments. So-called “protection unions” typically do not garner wages and benefits that exceed legal entitlements or prevailing levels among non-union workers.]

[ANNOTATION: If the answer to the previous Indicator is “yes,” then the answer to the following Indicator is also “yes.”]

PFO 4 **If there are unions in five or more enterprises in the manufacturing sector, do the collective agreements provide for no greater wages and benefits than those required by law?** *Go to RFL 28 to RFL 29,*

PFO 5 **In the last five years, have average real wages among unionized workers increased at a rate no greater than the increase in average real wages among non-union workers?** *Go to RFO 1 to RFO 12, RFO 18 to RFO 22.*

PFO 6 **Are more than five export enterprises owned in whole or in part by high governmental officials or their family members?**

PFO 7 **Is the percentage of non-managerial, non-supervisory workers in the manufacturing sector who are covered by collective agreements less than 50 percent of the average among countries in the same quintile of real income per capita?** *Go to RFO 1 to RFO 12.*

- PFO 8** In the last two years, have governmental or non-governmental organizations reliably documented one or more case(s) of blacklisting of union supporters in the manufacturing sector? Go to RFO 1 to RFO 18.
- PFO 9** In the last two years, have governmental or non-governmental organizations reliably documented two or more cases of mass discharge of union supporters in the manufacturing sector (that is, the discharge of five or more workers at one time by one employer, in retaliation for the workers' support for the union)? Go to RFO 1 to RFO 18.
- PFO 10** In the last two years, have governmental or non-governmental organizations reliably documented anti-union discharges in more than five workplaces in the manufacturing sector? Go to RFO 1 to RFO 18.

2. PROBATIVE INDICATORS for RIGHTS AGAINST EMPLOYMENT DISCRIMINATION



2.1. Probative Indicators for Substantive Laws on Employment Discrimination

- PDL 1** Does the law fail to prohibit all adverse employment-related treatment that is motivated by the worker's gender? Go to RDL 13 to RDL 19.
- PDL 2** Does the law fail to require equal remuneration between men and women for work of equal value? Go to RDL 13 to RDL 19.
- PDL 3** Does the law fail to require employers to treat pregnancy the same as other disabling conditions, for purposes of disability leaves and benefits? Go to RDL 13 to RDL 19, RDL 78 to RDL 81.
- PDL 4** Does the law fail to prohibit all adverse employment-related treatment that is motivated by the worker's race? Go to RDL 20 to RDL 52.
- PDL 5** Does the law fail to prohibit discrimination based on gender in access to education? Go to RDL 56 to RDL 77.
- PDL 6** Does the law fail to prohibit discrimination based on race in access to education? Go to RDL 56 to RDL 77.

2.2. Probative Indicators for Enforcement of Rights against Employment Discrimination

- PDE 1** Has the government failed to convincingly and reliably show that, in more than two cases in the export sector in the preceding two years, it has imposed and actually collected – either on its own behalf or on behalf of the aggrieved worker(s) – fines or monetary awards exceeding the back pay lost by worker(s) who were discharged for discriminatory reasons, calculated from the time of discharge to the time of the final order by the court or other tribunal? Go to RDE 25 to

RDE 34.

- PDE 2** **Have governmental or non-governmental organizations reliably documented that in the preceding two years, in a non-trivial number of cases in which the tribunal found that a worker was discharged for proscribed grounds of discrimination, the tribunal failed at a minimum to order the employer to reinstate the worker with back pay?** *Go to RDE 25 to RDE 34.*
- PDE 3** **Is the current budget of all labor administration bodies devoted to enforcement of rights against employment discrimination per non-managerial worker less than fifty percent of the average for countries in the same quintile of income per capita?** *Go to RDE 39 to RDE 54.*
- PDE 4** **In the preceding five years, was the rate of growth of the budget of all labor administration bodies devoted to enforcement of workers' rights against employment discrimination per non-managerial worker less than the rate of growth in real income per capita?** *Go to RDE 39 to RDE 54.*
- PDE 5** **Is government expenditure on child care per non-managerial worker with dependent children below school age less than fifty percent of the average among countries in the same quintile of real income per capita?** *Go to RDE 39 to RDE 54.*

2.3 Probative Indicators for Capacity-Building on Rights against Employment Discrimination

[ANNOTATION: If the government does not collect and publish data on wages, then the answer to the following Indicator is “yes.”]

- PDC 1** **If the government collects and publishes data on wages, does it fail to disaggregate the data by gender?** *Go to RDC 1 to RDC 44, RDC 55 to RDC 56.*

[ANNOTATION: If the government does not collect and publish data on wages or collects such data but does not disaggregate the data by gender, then the answer to the following Indicator is “yes.”]

PDC 2 **If the government collects and publishes data on wages and disaggregates it by gender, does it fail to further disaggregate the data by occupation?** *Go to RDC 1 to RDC 44, RDC 55 to RDC 56.*

[ANNOTATION: If the government does not collect and publish data on wages or collects such data but does not disaggregate the data by gender, then the answer to the following Indicator is “yes.”]

PDC 3 **If the government collects and publishes data on wages and disaggregates it by gender, does it fail to further disaggregate the data by industry?** *Go to RDC 1 to RDC 44, RDC 55 to RDC 56.*

[ANNOTATION: If the government does not collect and publish data on wages or collects such data but does not disaggregate the data by gender, then the answer to the following Indicator is “yes.”]

PDC 4 **If the government collects and publishes data on wages and disaggregates it by gender, does it fail to further disaggregate the data by formal vs. informal sector?** *Go to RDC 1 to RDC 44, RDC 55 to RDC 56.*

[ANNOTATION: If the government does not collect and publish data on wages, then the answer to the following Indicator is “yes.”]

PDC 5 **If the government collects and publishes data on wages, does the government fail to disaggregate the data by either race or ethnicity?** *Go to RDC 1 to RDC 44, RDC 55 to RDC 56.*

[ANNOTATION: If the government does not collect and publish data on wages or collects such data but does not disaggregate the data by either race or ethnicity, then the answer to the following Indicator is “yes.”]

PDC 6 **If the government collects and publishes data on wages and disaggregates the data by either race or ethnicity, does it fail to further disaggregate the data by occupation?** *Go to RDC 1 to RDC 44, RDC 55 to RDC 56.*

[ANNOTATION: If the government does not collect and publish data on wages or collects such data but does not disaggregate the data by either race or ethnicity, then the answer to the following Indicator is “yes.”]

PDC 7 **If the government collects and publishes data on wages and disaggregates it by either race or ethnicity, does it fail to further disaggregate the data by industry?** *Go to RDC 1 to RDC 44, RDC 55 to RDC 56.*

[ANNOTATION: If the government does not collect and publish data on wages or collects such data but does not disaggregate the data by either race or ethnicity, then the answer to the following Indicator is “yes.”]

PDC 8 **If the government collects and publishes data on wages and disaggregates it by either race or ethnicity, does it fail to further disaggregate the data by formal vs. informal sector?** *Go to RDC 1 to RDC 44, RDC 55 to RDC 56.*

[ANNOTATION: If the government does not collect and publish data on employment, then the answer to the following Indicator is “yes.”]

PDC 9 **If the government collects and publishes data on employment, does the government fail to disaggregate the data by gender?** *Go to RDC 1 to RDC 44, RDC 55 to RDC 56.*

[ANNOTATION: If the government does not collect and publish data on employment or collects such data but does not disaggregate the data by gender, then the answer to the following Indicator is “yes.”]

PDC 10 **If the government collects and publishes data on employment and disaggregates the data by gender, does it fail to further disaggregate the data by occupation?** *Go to RDC 1 to RDC 44, RDC 55 to RDC 56.*

[ANNOTATION: If the government does not collect and publish data on employment or collects such data but does not disaggregate the data by gender, then the answer to the following Indicator is “yes.”]

PDC 11 **If the government collects and publishes data on employment and disaggregates the data by gender, does it fail to further disaggregate the data by industry?** *Go to RDC 1 to RDC 44, RDC 55 to RDC 56.*

[ANNOTATION: If the government does not collect and publish data on employment, then the answer to the following Indicator is “yes.”]

PDC 12 **If the government collects and publishes data on employment, does the government fail to disaggregate the data by either race or ethnicity?** *Go to RDC 1 to RDC 44, RDC 55 to RDC 56.*

[ANNOTATION: If the government does not collect and publish data on employment or collects such data but does not disaggregate the data by either race or ethnicity, then the answer to the following Indicator is “yes.”]

PDC 13 **If the government collects and publishes data on employment and disaggregates the data by either race or ethnicity, does it fail to further disaggregate the data by occupation?** *Go to RDC 1 to RDC 44.*

[ANNOTATION: If the government does not collect and publish data on employment or collects such data but does not disaggregate the data by either race or ethnicity, then the answer to following question is “yes.”]

PDC 14 **If the government collects and publishes data on employment and disaggregates the data by either race or ethnicity, does it fail to further disaggregate the data by industry?** *Go to RDC 1 to RDC 44.*

PDC 15 **In the preceding two years, has the government failed to formulate and apply its own Indicators and targets for increasing the budgetary resources per non-managerial worker of all labor administration activities devoted to enforcement of workers’ rights against employment discrimination?** *Go to RDC 63 to RDC 77.*

[ANNOTATION: If the answer to the previous Indicator is “yes,” the answer to the following Indicator is also “yes.”]

PDC 16 **In the preceding two years, did the government fail to meet its targets for increasing the budgetary resources per non-managerial worker of all labor administration activities devoted to enforcement of workers’ rights against employment discrimination?** *Go to RDC 63 to RDC 77.*

PDC 17 **In the preceding two years, did the government fail to formulate and apply its own Indicators and targets for improvements in the training of judges and administrators devoted to processing and deciding cases on rights against employment discrimination?** *Go to RDC 63 to RDC 77.*

[ANNOTATION: If the answer to previous Indicator is “yes,” the answer to the following Indicator is also “yes.”]

PDC 18 **In the preceding two years, did the government fail to meet its targets for improvement in the training of judges and administrators devoted to processing and deciding cases on rights against employment discrimination?** *Go to RDC 63 to RDC 77.*

PDC 19 **In the preceding two years, did the government fail to formulate and apply its own Indicators and 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 against employment discrimination?** *Go to RDC 105 to RDC 113.*

[ANNOTATION: If the answer to the previous Indicator is “yes,” the answer to the following Indicator is “yes.”]

PDC 20 **in the previous two years, did the government fail to meet 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 against employment discrimination?** *Go to RDC 105 to RDC 113.*

PDC 21 **In the preceding two years, did the government fail to formulate and apply its own Indicators and targets for increasing the government’s budgetary resources per worker for all programs to educate workers about their rights against employment discrimination?** *Go to RDC 138 to RDC 140.*

[ANNOTATION: If the answer to the previous Indicator is “yes,” the answer to the following Indicator is “yes.”]

PDC 22 **In the preceding two years, did the government fail to meet its targets for increasing the government’s budgetary resources per worker for all programs to educate workers about their rights against employment discrimination?** *Go to RDC 138 to RDC 140.*

[ANNOTATION: If in the preceding two years the government did not

apply Indicators of and targets for improved efforts to enforce substantive rights against employment discrimination, then the answer to the following Indicator is “yes.”]

- PDC 23** **If the government, in the preceding two years, applied its own Indicators of and targets for improved efforts to enforce substantive rights against employment discrimination, has the government failed to convincingly and verifiably demonstrate that it consulted with worker representatives and employer representatives prior to formulation and application of the Indicators and targets?** *Go to RDC 141 to RDC 200.*

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and targets for improved efforts to enforce substantive rights against employment discrimination, then the answer to the following Indicator is “yes.”]

- PDC 24** **If the government, in the preceding two years, applied its own Indicators of and targets for improved efforts to enforce substantive rights against employment discrimination, has the government failed to convincingly and verifiably demonstrate that it consulted with representatives of women’s organizations prior to formulation and application of the Indicators and targets?** *Go to RDC 141 to RDC 200.*

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting targets for improved efforts to enforce substantive rights against employment discrimination, then the answer to the following Indicator is “yes.”]

- PDC 25** **If the government, in the preceding two years, evaluated its success in meeting targets for improving efforts to enforce substantive rights against employment discrimination, has the government failed to convincingly and verifiably demonstrate that it consulted with representatives of women’s organizations during the evaluation process?** *Go to RDC 141 to RDC 200.*

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting targets for improving efforts to enforce substantive rights against employment discrimination or did not consult with non-governmental groups in the process of evaluating its success,

then the answer to the following Indicator is “yes.”]

- PDC 26** **If the government did consult with non-governmental groups during the process of evaluating its success in meeting targets for improving efforts to enforce substantive rights against employment discrimination, has the government failed to convincingly and verifiably demonstrate that it published a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and that it provided an opportunity for the parties to respond to the statement prior to rendering a final evaluation? *Go to RDC 141 to RDC 200.***

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and targets for improved collection and analysis of data on compliance with rights against employment discrimination, then the answer to the following Indicator is “yes.”]

2.4. Probative Indicators for Outcomes on Rights Against Employment Discrimination

[ANNOTATION: The following three Indicators are explained in sub-part 10.3 of the paper.]

- PDO 1** **Has the government failed to convincingly and verifiably demonstrate that the percentage of public sector employees who are women exceeds 33 percent?** *Go to RDO 116 to RDO 127, RDO 144 to RDO 151.*
- PDO 2** **Has the government failed to convincingly and verifiably demonstrate that the percentage of postal workers who are women exceeds 33 percent?** *Go to RDO 116 to RDO 127, RDO 144 to RDO 151.*
- PDO 3** **Has the government failed to convincingly and verifiably demonstrate that the percentage of public sector bus drivers who are women exceeds 33 percent?** *Go to RDO 116 to RDO 127, RDO 144 to RDO 151.*
- PDO 4** **Has the government failed to convincingly and verifiably demonstrate that the percentage of women who are employed as**

sex workers is less than 200 percent of the average among countries in the same quintile of real income per capita? *Go to RDO 116 to RDO 127, RDO 144 to RDO 151.*

- PDO 5** **Have governmental or non-governmental organizations reliably documented mandatory pregnancy testing by two or more employers?** *Go to RDO 144 to RDO 151*
- PDO 6** **Have governmental or non-governmental organizations reliably documented the discharge of workers based on their pregnancy by two or more employers?** *Go to RDO 104 to RDO 111.*
- PDO 7** **Have governmental or non-governmental organizations reliably documented one or more instances of rape of workers by supervisors or managers?** *Go to RDO 104 to RDO 111.*
- PDO 8** **Are there any groups (based on gender, race, ethnicity, or non-citizen status) that have unemployment rates more than triple that of white male workers?** *Go to RDO 204 to RDO 219.*
- PDO 9** **Are there any groups (based on gender, race, ethnicity, or non-citizen status) that have rates of employment in salaried jobs that are less than one-quarter the rates of white male workers?** *Go to RDO 116 to RDO 143.*
- PDO 10** **Has the government failed to convincingly and verifiably demonstrate that the percentage of salaried workers who are female exceeds fifty percent of the average among countries in the same quintile of real income per capita?** *Go to RDO 116 to RDO 175.*
- PDO 11** **Are there any groups (based on gender, race, ethnicity, or non-citizen status) that have primary school graduation rates less than 50 percent of that of white males?** *Go to RDO 23 to RDO 87.*
- PDO 12** **Has the government failed to convincingly and verifiably demonstrated that the percentage of women participating in the paid labor market exceeds fifty percent of the average among countries in the same quintile of real income per capita?** *Go to RDO 116 to RDO 175.*

PDO 13 **Has the government failed to convincingly and verifiably demonstrate that the ratio of women’s average wage rate to men’s average wage rate exceeds fifty percent of the average among countries in the same quintile of real income per capita?** *Go to RDO 7 to RDO 22.*

[ANNOTATION: For reasons presented in sup-part 10.3 of the paper, the following Indicator is limited to workers in the export sector.]

PDO 14 **Has the government failed to convincingly and verifiably demonstrate that the ratio between the average wage rate of the most historically subordinate racial group and the average wage rate of the dominant racial group in the export sector exceeds 50 percent of the average among countries in the same quintile of real income per capita?** *Go to RDO 7 to RDO 22.*

PDO 15 **Has the government failed to convincingly and verifiably demonstrate that the ratio of the number of workers with temporary contracts to the number of workers in the overall workforce exceeds fifty percent of the average among countries in the same quintile of real income per capita?** *Go to RDO 176 to RDO 203.*

PDO 16 **Has the government failed to convincingly and verifiably demonstrate that the ratio of the number of women workers with temporary contracts to the total number or employed women exceeds fifty percent of the average among countries in the same quintile of real income per capita?** *Go to RDO 176 to RDO 203.*

3. PROBATIVE INDICATORS for ACCEPTABLE CONDITIONS OF WORK with respect to MINIMUM WAGES, HOURS OF WORK, and OCCUPATIONAL SAFETY AND HEALTH

3.1. Probative Indicators for the Substantive Law on Minimum Wages, Hours of Work, and Occupational Safety and Health

- PWL 1** Does wage-fixing machinery (constitutional, legislative, administrative, or collectively bargained) fail to set a minimum wage or minimum wages covering all non-managerial, non-supervisory workers in more than 50 percent of establishments? Go to RWL 3 to RWL 11.
- PWL 2** Is 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) less than 25 percent of the average wage among non-managerial, non-supervisory workers? Go to RWL 12 to RWL 18.
- PWL 3** Is 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 less than fifty percent of the average ratio among countries in the same quintile of real income per capita? Go to RWL 12 to RWL 18.
- PWL 4** Is 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) less than two-thirds of the average among countries in the same quintile of real income per capita? Go to RWL 12 to RWL 18.

- PWL 5** Does the law fail to 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? *Go to RWL 25 to RWL 44.*
- PWL 6** Does the law fail to 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? *Go to RWL 25 to RWL 44.*
- PWL 7** Does the law fail to 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? *Go to RWL 25 to RWL 44.*
- PWL 8** Does the law fail to 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? *Go to RWL 45 to RWL 47.*
- PWL 9** Does the law fail to require employers to eliminate the risk of workplace hazards at their source, whenever feasible? *Go to RWL 55 to RWL 102.*
- PWL 10** Does the law fail to 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? *Go to RWL 55 to RWL 102.*
- PWL 11** Does the law fail to entitle workers to cease work when they reasonably believe there is an imminent threat to their safety or health? *Go to RWL 55 to RWL 102.*
- PWL 12** Does the law fail to require the employer to promptly report to the government all non-trivial, workplace-related accidents, illnesses, and dangerous occurrences? *Go to RWL 55 to RWL 102.*

- PWL 13** Does the law fail to require employers to comply with safety and health requirements pertaining to the agricultural sector at least as rigorous and comprehensive as the requirements contained in ILO *Convention no. 184 – Safety and Health in Agriculture Convention, 2001*? Go to RWL 55 to RWL 102.
- PWL 14** Does the law fail to require employers to comply with safety and health requirements pertaining to the mining sector at least as rigorous and comprehensive as the key requirements contained in ILO *Convention no. 176 – Safety and Health in the Mines Convention, 1995*? Go to RWL 55 to RWL 102.
- PWL 15** Does the law fail to require employers to comply with safety and health requirements pertaining to chemicals at least as rigorous and comprehensive as the key requirements contained in ILO *Convention no. 170 – Chemicals Convention, 1990*? Go to RWL 55 to RWL 102.
- PWL 16** Does the law fail to 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 contained in ILO *Convention no. 119 – Guarding of Machinery Convention, 1963*? Go to RWL 55 to RWL 102.

2.1. Probative Indicators for Enforcement of Minimum Wages, Hours of Work, and Occupational Safety and Health

- PWE 1** Has the government failed to convincingly and reliably show that, in more than two cases in the export sector in the preceding two years, it has imposed and actually collected – either on its own behalf or on behalf of the aggrieved worker(s) – fines or monetary awards exceeding the back pay lost by worker(s) in violation of minimum wage and overtime laws, calculated from the time of discharge to the time of the final order by the court or other tribunal? Go to RWE 55 to RWE 78.
- PWE 2** Is there no government body to promote and enforce laws protecting occupational safety and health? Go to RWE 103 to RWE 128.

[ANNOTATION: If the answer to the previous Indicator is “yes,” then the

answer to the following Indicators is also “yes.”]

PWE 3 **If there is such a body (or there are such bodies), does the body (or do the bodies) have no occupational physicians on staff?** *Go to RWE 103 to RWE 128.*

[ANNOTATION: If there is no government body to promote and enforce laws protecting occupational safety and health, then the answer to the following Indicator is “yes.”]

PWE 4 **If there is such a body (or there are such bodies), does the body (or do the bodies) have no certified occupational nurses on staff?** *Go to RWE 103 to RWE 128.*

PWE 5 **Has the government failed to convincingly and verifiably demonstrate 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 fifty percent of the average for countries in the same quintile of real income per capita?** *Go to RWE 7 to RWE 30.*

PWE 6 **Has the government failed to convincingly and verifiably demonstrate 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 fifty percent of the average for countries in the same quintile of real income per capita?** *Go to RWE 7 to RWE 30.*

PWE 7 **Has the government failed to convincingly and verifiably demonstrate that the average real monthly earnings of labor inspectors devoted to enforcement of workers’ entitlements respecting wages, hours, and occupational safety and health exceeds two-thirds of the average among countries in the same quintile of real income per capita?** *Go to RWE 7 to RWE 30.*

PWE 8 **Has the government failed to convincingly and verifiably demonstrate that, in the preceding two years, the labor inspectorate conducted trainings for both new and incumbent inspectors**

respecting workers' entitlements respecting wages, hours, and occupational safety and health? Go to RWE 7 to RWE 30.

- PWE 9** Has the government failed to convincingly and verifiably demonstrate that, in the preceding two years, the government ensured, in all but a trivial number of cases in which workers and workers 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 and stated the evidence and reasons on which they were based? Go to RWE 31 to RWE 54.
- PWE 10** Has the government failed to convincingly and verifiably demonstrate 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? Go to RWE 55 to RWE 78.
- PWE 11** Has the government failed to convincingly and verifiably demonstrate that, in the preceding two years, 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? Go to RWE 55 to RWE 78.
- PWE 12** Has the government failed to convincingly and verifiably demonstrate that in the preceding two years the percentage of workers who were trained in occupational safety and health exceeded fifty percent of the average among countries in the same quintile of real income per capita? Go to RWE 129 to RWE 165.
- PWE 13** Has the government failed to convincingly and verifiably demonstrate that in the preceding two years, the government's real budget per non-managerial, non-supervisory worker for all programs to educate workers about their rights respecting wages, hours, and occupational safety and health exceeded fifty percent of the average for countries in the same quintile of real income per capita? Go to RWE 79 to RWE 90.

2.3. Probative Indicators for Capacity-Building for Minimum Wages, Hours of Work, and Occupational Safety and Health

PWC 1 **In the preceding two years, has the government failed to collect and publish data on workplace fatalities?** *Go to RWC 1 to RWC 36.*

PWC 2 **In the preceding two years, has the government failed to collect and publish data on workplace injuries?** *Go to RWC 1 to RWC 36.*

PWC 3 **In the preceding two years, has the government failed to collect and publish data on workplace illnesses?** *Go to RWC 1 to RWC 36.*

PWC 4 **Has the government, in the preceding two years, failed to formulate and apply its own Indicators and targets for improved compliance with domestic laws on minimum wages?** *Go to RWC 55 to RWC 64.*

[ANNOTATION: If the answer the preceding Indicator is “yes,” the answer to the following Indicator is also “yes.”]

PWC 5 **If the government, in the preceding two years, applied its own Indicators and targets for improved compliance with domestic laws on minimum wages, did the Indicators fail to include Indicators for increases in legally stipulated minimum wages?** *Go to RWC 55 to RWC 64.*

PWC 6 **In the preceding two years, has the government failed to formulate and apply its own Indicators and targets for increasing the budgetary resources for the labor administrative bodies devoted to enforcing minimum wages, hours of work, and occupational safety and health?** *Go to RWC 101 to RWC 115.*

[ANNOTATION: If the answer to the previous Indicator is “yes,” the answer to the following Indicator is “yes.”]

PWC 7 **Has the government failed to convincingly and verifiably demonstrate that in the preceding two years it met its targets for increasing budgetary resources for the labor administration bodies**

devoted to enforcing minimum wages, hours of work, and safety and health? *Go to RWC 101 to RWC 115.*

PWC 8 **In the preceding two years, has the government failed to formulate and apply its own Indicators and targets for increases in the number of labor inspectors devoted to enforcing minimum wages, hours of work, and safety and health?** *Go to RWC 157 to RWC 171.*

[ANNOTATION: If the answer to the previous Indicator is “yes,” the answer to the following Indicator is “yes.”]

PWC 9 **Has the government failed to convincingly and verifiably demonstrate that in the preceding two years it met its targets for increasing the number of labor inspectors devoted to enforcing minimum wages, maximum hours, and safety and health?** *Go to RWC 157 to RWC 171.*

PWC 10 **In the preceding two years, has the government failed to formulate and apply its own Indicators and targets for increases in the salary of labor inspectors devoted to enforcing minimum wages, maximum hours, and safety and health?** *Go to RWC 157 to RWC 171.*

[ANNOTATION: If the answer to the previous Indicator is “yes,” the answer to the following Indicator is “yes.”]

PWC 11 **Has the government failed to convincingly and verifiably demonstrate that in the preceding two years it met its targets for increasing the salary of labor inspectors devoted to enforcing minimum wages, maximum hours, and safety and health?** *Go to RWC 157 to RWC 171.*

PWC 12 **In the preceding two years, has the government failed to formulate and apply 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?** *Go to RWC 142 to RWC 156.*

[ANNOTATION: If the answer to previous Indicator is “yes,” the answer to the following Indicator is also “yes.”]

PWC 13 **Has the government failed to convincingly and verifiably demonstrate 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? Go to RWC 142 to RWC 156.**

[ANNOATION: If the government has not, in the preceding two years, applied its own Indicators and targets for occupational safety and health, then the answer to the following Indicator is “yes.”]

PWC 14 **If the government has, in the preceding two years, applied its own Indicators and targets for occupational safety and health standards, did the Indicators and targets fail to include Indicators of and targets for reduction of workplace fatalities? Go to RWC 75 to RWC 94.**

[ANNOTATION: If the answer to the preceding Indicator is “yes,” the answer to the following Indicator is also “yes.”]

PWC 15 **If the answer to the previous Indicator is “no,” has the government failed to convincingly and verifiably demonstrate that it met its targets? Go to RWC 75 to RWC 94.**

[ANNOTATION: If the government in the preceding two years has not applied its own Indicators and targets for occupational safety and health, then the answer to the following Indicator is “yes.”]

PWC 16 **If the government has, in the preceding two years, applied its own Indicators and targets for occupational safety and health, did the Indicators and targets fail to include Indicators of and targets for reduction of workplace injuries? Go to RWC 75 to RWC 94.**

[ANNOTATION: If the answer to the preceding Indicator is “yes,” the answer to the following Indicator is also “yes.”]

PWC 17 **If the answer to the previous Indicators is “no,” has the government failed to convincingly and verifiably demonstrate that it met its targets? Go to RWC 75 to RWC 94.**

PWC 18 **Has the government, in the preceding two years, failed to formulate and apply its own Indicators of and numerical targets for improved collection of data about workplace fatalities?** *Go to RWC 75 to RWC 94, RWC 37 to RWC 54.*

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

PWC 19 **If the answer to the previous Indicator is “yes,” has the government convincingly and verifiably demonstrated that it met its targets?** *Go to RWC 75 to RWC 94, RWC 37 to RWC 54.*

PWC 20 **Has the government, in the preceding two years, failed to formulate and apply its own Indicators of and numerical targets for improved collection of data about workplace injuries?** *Go to RWC 37 to RWC 54, RWC 75 to RWC 94.*

[ANNOTATION: If the answer to the preceding Indicator is “yes,” the answer to the following Indicator is also “yes.”]

PWC 21 **If the answer to the previous Indicator is “no,” has the government failed to convincingly and verifiably demonstrate that it met its targets?** *Go to RWC 37 to RWC 54, RWC 75 to RWC 94.*

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and targets for improved efforts to enforce minimum wages, then the answer to the following Indicator is “no.”]

PWC 22 **If the government, in the preceding two years, applied its own Indicators of and targets for improved efforts to enforce minimum wages, has the government failed to convincingly and verifiably demonstrate that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets?** *Go to RWC 175 to RWC 186.*

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and targets for improved efforts to enforce minimum wages or applied such indicators and targets but did not consult with the parties prior to doing so, then the answer to the following Indicator is “yes.”]

PWC 23 **If the answer to the previous Indicator is “no,” has the government failed to convincingly and verifiably demonstrate that it published a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets? *Go to RWC 175 to RWC 186.***

[ANNOTATION: If the government has not, in the preceding two years, formulated and applied its own Indicators and targets for improved collection of data about wages, then the answer to the following Indicator is “yes.”]

PWC 24 **If the government, in the preceding two years, formulated and applied its own Indicators of and targets for improved collection of data about wages, has the government failed to convincingly and verifiably demonstrate that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets? *Go to RWC 211 to RWC 222.***

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and targets for improved collection of data about wages or did apply such Indicators and targets but did not consult the parties prior to doing so, then the answer to the following Indicator is “yes.”]

PWC 25 **If the answer to the previous Indicator is “no,” has the government failed to convincingly and verifiably demonstrate that it published a written statement of reasons for adopting or not adopting the views of the parties with whom the it consulted, and that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets? *Go to RWC 211 to RWC 222.***

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and targets for reduction of workplace fatalities, then the answer to the following Indicators is “yes.”]

PWC 26 **If the government, in the preceding two years, applied its own Indicators of and targets for reduction of workplace fatalities, has the government failed to convincingly and verifiably demonstrate**

that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations prior to formulation and application of the Indicators and targets? *Go to RWC 227 to RWC 270.*

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and targets for reduction of workplace fatalities or did apply such Indicators and targets but did not consult the parties prior to doing so, then the answer to the following Indicators is “yes.”]

PWC 27 **If the answer to the previous Indicator is “no,” has the government failed to convincingly and verifiably demonstrate that it published a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and that it provided an opportunity for the parties to respond to the statement prior to adopting the Indicators and targets?** *Go to RWC 227 to RWC 270.*

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting targets for reduction of workplace fatalities, the answer to the following Indicator is “yes.”]

PWC 28 **If the government, in the preceding two years, evaluated its success in meeting numerical targets for reduction of workplace fatalities, has the government failed to convincingly and verifiably demonstrate that it consulted with worker representatives, employer representatives, and other interested non-governmental organizations during the evaluation process?** *Go to RWC 227 to RWC 270..*

[ANNOTATION: If in the preceding two years the government did not evaluate its success in meeting targets for reduction of workplace fatalities or did evaluate its success but did not consult with the parties during the evaluation process, then the answer to the following Indicator is “yes.”]

PWC 29 **If the answer to the previous Indicator is “no,” has the government failed to convincingly and verifiably demonstrate that it published a written statement of reasons for adopting or not adopting the views of the parties with whom the government consulted, and that it provided an opportunity for the parties to respond to the statement prior to rendering a final evaluation?** *Go to RWC 227 to RWC 270.*

[ANNOTATION: If in the preceding two years the government did not apply Indicators of and numerical targets for improved collection of data about occupational safety and health, then the answer to the following Indicator is “yes.”]

PWC 30 **Has the government failed to convincingly and verifiably demonstrated that, in the preceding two years, in at least a majority 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? Go to RWC 275 to RWC 282.**

2.4. Probative Indicators for Outcomes on Acceptable Conditions of Work With Respect to Minimum Wages, Hours of Work, and Occupational Safety and Health

PWO 1 **Is the minimum wage less than the extreme poverty wage in the United States, adjusted for purchasing power parity or for real income per capita? Go to RWL 12 to RWL 18, RWO 1 to RWO 8.**

PWO 2 **Has the government failed to convincingly and verifiably demonstrate that the percentage of non-managerial, non-supervisory workers who receive less than the minimum wage is less than 200 percent of 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? Go to RWO 1 to RWO 8.**

PWO 3 **Has the government failed to convincingly and verifiably demonstrate that the average number of hours worked per week among full-time non-managerial workers is no greater than 48? Go to RWO 9 to RWO 22.**

PWO 4 **Has the government failed to convincingly and verifiably demonstrate that the average number of hours worked per week among non-managerial workers is less than 125 percent of the average among countries in the same quintile of real income per capita? Go to RWO 9 to RWO 22.**

- PWO 5** **Has the government failed to convincingly and verifiably demonstrate that, in the two preceding years, the number of work-related fatalities per 100,000 non-managerial workers was less than 125 percent of the average among countries in the same quintile of real income per capita? *Go to RWO 23 to RWO 30.***
- PWO 6** **Has the government failed to convincingly and verifiably demonstrate 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 125 percent the average among countries in the same quintile of real income per capita? *Go to RWO 23 to RWO 30.***