

The Human Rights of the Labour Workers in the MNES

Yahan Yang^{1,*}

¹ Guangzhou Institute of Physical Education, Guangzhou, Guangdong, China

*Corresponding author. Email: ¹guanghua.ren@gecademy.cn

ABSTRACT

In contemporary society, under the impact of the COVID-19 pandemic outbreak, the labor worker's situation has been serious than before. This problem led to 8.3% job losses in the global revenue. Under this emergency, labour workers are in a weak position, so their rights should be protected. Nowadays, many law principles cannot protect them effectively. Given that, this paper is going to discuss the seriousness of the world's labour worker's situation. Literature research is used in this paper, which mainly highlights the lack of legal protection and the legislator regulations of the legal principles and makes the protection subjects clear. After that, relatively feasible solutions are suggested, including protecting the labor worker's right to relax and right on holidays, and a good place should be given to the labor workers while they are working. Overall, the reasons for such problem and its suggestions can be found in this article.

Keywords: labor worker, legal protection, covid-19 pandemic, MNES.

1. INTRODUCTION

The trend of economic globalization has promoted the global expansion of transnational corporations, and the principle of trade liberalization gives transnational corporations more rights and few obligations. While pursuing the goal of maximizing profits, it often takes the way of violating international human rights as the means to achieve its goal. Since the 1990s, the international human rights responsibilities of transnational corporations have attracted more and more attention, especially in the right to life. In the fields of labor rights and environmental rights, more and more consensus is being reached on their international human rights obligations. According to the estimation of the International Labour Organization in 2018, there are 164 million foreign workers in the world, of which 55% are concentrated in North America and Europe. The novel coronavirus pneumonia poses new threats to their survival but also gives the outside world more insight into their survival status. Far away from the motherland and working hard, they should enjoy basic human rights protection and should not be forgotten.

Under the COVID-19 pandemic situation, and the world's work has been largely affected by the global virus situation. Almost a million labor workers are losing their jobs. So under this emergency, effective measures should be taken and their rights should be protected. This

type of person, here means labor workers are in a weak position, which means many rules do not effectively protect them, so their human rights can not be protected well. Every sovereign country and the international organization lacks focus on the Labour worker's protection. The reasons can be varied and the suggestions should be taken. In reality, there is a lack of legal protection in so many international companies, which don't have the legal article to protect the labor worker's human rights. Even though the Legislator Regulations Legal Principals exists, the protected subject is unclear. By contrast, in theory, countries, MNES, and NGOs should protect labor works human rights, but MNE chooses not to do it. The measures of how to protect the labor workers' rights could be varied. First of all, the right of labor workers' rest should be protected properly. A very negative case in FOXCONN is a significantly negative phenomenon in so many sovereign countries, which is called Death from overwork due to the lack of comprehensive law principles [1]. Second of all, a fine place should be provided for the labor workers. However, the measures in companies just are taken in simple ways, which just do not violate labor workers' right to life. This is the minimum margin of human rights.

For example, after the outbreak of the epidemic, affected by the extension of home time, the accelerated development of online channels, the introduction of consumption and labor subsidy policies, and other

factors, home appliance retailer in the United States and the United Kingdom has a relatively obvious rise process in the short term. Under the catalysis of the epidemic and water release, the sales of new houses in the United States also increased rapidly in recent years, which also made a positive contribution to the consumption of household appliances. As shown in Table 1, the United Kingdom and the United States have issued corresponding consumption subsidies and labor security policies

The labor worker’s organization says until the end of 2020, the global labor workers who are losing their jobs might be largely much more than they are predicted. According to the International Labour Worker’s Organization (hereinafter referred to as “ILO”), this

extensive pandemic situation leads to 8.3% job losses in global revenue, and equivalent to \$3.7 trillion, or 4.4% of global GDP [2]. In terms of departments and groups, women were more affected than men and young people too. Globally, there was 5% in the woman unemployment compared to 3.9% for its counterpart in men. Similarly, young workers are either unemployed, pull out of the labor market, or delay access to the labor market. The unemployment rate between 15-24 is 8.7% versus 3.7% in adults, highlighting the real risk of youth becoming a “lost generation out”. In addition to this, as for different industries, the decrease can also be seen. It is suggested that accommodation and food services were the most affected sectors with average employment, which fell more than 20%, followed by retail and manufacturing.

Table 1. Consumption subsidies and labor security policies in Britain and the United States

Time	UK	US
2020.3	The government pays 80% of the wages of employees unable to work due to the epidemic, up to 2500 pounds a month.	The \$2 trillion bill includes a total of \$250 billion in cash for personal benefits and \$300 billion in unemployment benefits.
2020.11	The government pays two-thirds of the wages of employees who are unable to work due to the epidemic	-
2020.12	-	In the \$900 billion bills, personal subsidies totaled 286 billion yuan, and no one paid \$600 to low-income people
2021.3	-	The \$1.9 trillion bill, personal subsidies of \$1 trillion, and \$1400 per person for low-income groups

Since the global outbreak of the novel coronavirus, millions of Chinese workers have been stranded overseas and unable to return home. Since July 2020, China Labor Watch has contacted nearly 100 Chinese workers working in Belt and Road projects in Asia, the Middle East, and Africa via instant messaging software, telephone, and email, as well as other online citizen journalists, local Chinese volunteers focusing on overseas Chinese labor interests, and more. After they contacted nearly 100 overseas workers, in-depth interviews were conducted with 22 of these workers working on the Belt and Road program in Indonesia, Algeria, Singapore, Jordan, Pakistan, Serbia, and other countries. It is found widespread: passport detention, restricted freedom of movement, overtime work, no holidays, unpaid wages, forced to use illegal visa work, fraudulent recruitment, and false commitments, and local community isolation, threats, and threats. If workers want to get rid of these situations, a well-developed labor

protection system including laws and regulations should be modified and enacted [3].

2. CAUSING REASONS OF THE CURRENT PROBLEMS

2.1. The Lack of Legal Protection

Legal protection lacks. According to ILO’s reports, the labor workers’ rights protection is facing a challenge. It usually depends on a country’s report data, some people are questioning about the realness or not about these reports and also questioning about the quality it’s equal or not. For example, the definition of being unemployed is different in each country. So that it’s hard to compare the data and to analyze the quality of the data. Therefore, from the increasing quality of the international labor worker’s standard, people need to analyze it more carefully about what’s the key of the global labor

worker's standard, and how to ensure a country measure up or not, and the limit of where the information from. It is important to be standardizing so that the departments can supervise the labor standard correctly and effectively.

2.2. The Relatively Narrow Scope of the Labor Worker Group

Some countries are using children as their labor workers. "The Global Child Labour Worker's Report" announced by the International Labour Worker's Organization has shown that there are still 168 million children forced to be Labour Workers. Although the global got a significant achievement in against using the "Child Labour Worker". Especially in these 12 years between 2000 and 2012. In this period, Child Labour Worker's percentage are decreased from 16% in 2000 to 11% in 2012. But in some areas, such as the south Sahara in African. For example, in South Sudan and Burkina Faso, there is almost one-third child didn't go to school. Here's a special case of the Global Labour Worker's situation a country's Labour Worker's market does not work, shouldn't be managed by the same way globally, the Child Labour Worker shouldn't exist, but in some countries, if they don't use the children as their labor workers, the economy can't be increased, and a country can't be strong, but if they are using the Child Labour Workers, they are losing the further of a country. Therefore, under this kind of situation, so many things s should be measured.

2.3. Incompleted Legal System

The Labour Worker's rights are the rights of all the labor workers, it's an international labor standard in the international global organization. They require all the member states to do four kinds of principles and rights, 1, Freedom of association and collective bargaining Rights; 2, Eliminating compulsory labor; 3, Eliminate child labor; and 4, eliminate discrimination in employment and occupation. Although people admit that commercial and industrial enterprises can make such a deeply effective, this effect could be positive, such as, provide services and technology to improve the living standard globally, but these effects could be negative as well, for example, they break people's living, exploit the workers or make some kind of person losing their habitat, a company may be trampling on human rights with the country, for example, collusion with security forces to violently suppress protest or provision to the state Customer information, which then the state uses to track and punish dissidents. In some kind of multinational corporation might let out the person's privacy to another country such as the Didi chuxing, a software to call the taxi.

2.4. Unclear Protect Subject

Some kinds of person's quite easy to be excluded in the industry and commercial activities, such as children, women, minorities, migrate, disabled and original inhabitants. In recent years, under this pandemic situation, each economic department is facing a significantly losing of their labor worker. Some labor workers are under guarantee or maybe losing their jobs because of this pandemic situation. In these kinds of situations, unsecured workers and the most vulnerable group in the informal economy effect the most, under this kind of situation significantly.

2.5. Imperfect Principles of the United Nations Guidelines and ILO

The ILO report states that many of these "invisible" workers face poor working conditions, greater health and safety risks, and a lack of training opportunities, which could impact their career prospects. They may also earn less than people who work out of home, as in more highly skilled occupations. Labor groups noted that regulation of work from home is often poor and follows little to current law, while home workers are often classified as independent contractors, meaning they are excluded from labor legislation. In response, the ILO made clear suggestions to make the presence of home workers "more visible and thus better protection". The ILO urged that people working from home should be part of the formal economy, protected by law and society, and their interests recognized. Similarly, remote workers should have the "right to dislink" to ensure that the boundaries between their work and private life are respected [4].

3. CONSTRUCTION FOR A SYSTEMATICAL PROTECTION FRAMEWORK

This section will explore how to protect the labor worker's rights, the labor worker's rights should be protected in several ways.

3.1. MNEs Should Protect the Worker's Right to Relax

Some of the major challenges regarding working time have persisted since the dawn of the industrial age: excessive hours of work and the need to protect workers' health and safety by limiting working hours and providing adequate periods of rest and recuperation, including weekly rest and paid annual leave-which is enshrined in international labor standards. On the other hand, to reach an adequate level of monthly remuneration, workers should have access to a minimum desirable number of hours of work, avoiding involuntary part-time employment and time-related underemployment.

3.2. MNEs Should Protect Labor Worker's Rights on the Holidays

The "Death from overwork" situation is no longer a new thing in people's minds. But recently it is being fresh again. The WHO and the ILO illustrate a report that every year there are millions of people who are dead from overworking and maybe causing death from some deadly ill [5]. Furthermore, these numbers are increased last year, since the Covid-19 pandemic happens. In the 1980s, "Death from Overwork", was appeared and people are talked about it all the time. But as the technology and economy's increase, this situation is not solved and still threaten so many people's health and life.

Governments, social organizations, and international organizations have been working hard to alleviate and ultimately resolve the death of overwork in recent years. In Japan, where the "overwork death" phenomenon was initially concerned, the government has introduced many targeted laws over the years. Back in 1988, Japan enacted the Labor Benchmark Act, began the overwork Death Prevention Act in 2014, and the Related Way of Work Reform Act in 2017. In 2018, several more relevant laws were amended. These laws have strict rules on overtime hours and senior corporate violations of the deadline [6]. In addition to specific countermeasures, there are also international organizations trying to promote a new understanding of "overwork". In May 2019, the WHO first included "excessive labor" in the International Classification of Diseases [7]. The new version of the disease, which will take effect globally in 2022, will help health care providers and insurers to identify, treat and cover "overwork" symptoms [8]. Second of all, a good working place should be provided for labor workers. Once, Steelcase, the world's leading office furniture brand, released a very noteworthy report titled Dedication and Global Office Place Status. According to the report, employee satisfaction with the office environment is positively related to job dedication. That is to say, under other circumstances, the better the office environment provided by the company to its employees, the higher the dedication of its employees, the worse the office environment. In the Internet tide of the 1990s, new companies began to improve the office environment to compete with older electronic media companies, and a layout different from the open office environment has also become popular. The office has a tea room, coffee bar, cloakroom, game room, table tennis room, and so on. The office can reflect the corporate culture and spirit of a company, but also represents the soft power. For employees, the clean, tidy and orderly working environment can give people a sense of order and comfort, simple and atmospheric office space, spare redundant parts, reduce the unnecessary time cost of employees, and indirectly improve the work efficiency of employees. There is a hypothesis of pro-life research that humans constantly seek connections with nature and other

organisms that can improve our physical and mental health. Not surprisingly, a lot of research showed that natural light is the most key factor in office design, lowering employee pressure levels with plants around the office by 30% to 60%. Light can have a direct impact on our mental health, and doctors even suggest that we have at least 4 hours of sunshine per day (the requirement is also part of the WELL certification criteria). This is partly because light produces hormones like serotonin, which keeps us in a smooth state of mind. Serotonin deficiency is often considered a cause of seasonal depression. A sense of belonging at work and friendship between colleagues all help improve employee happiness. Therefore, office space should not only allow employees to cooperate but also require that they will not hinder others' work when having friendly conversations. This can meet the need for social networking, which in turn creates a great sense of happiness and inspires creativity. Just like large tech companies in Silicon Valley, large businesses with enough space can apply these principles by building multi-story or more work parks. With safety, the park can even be open to communities or urban residents. If necessary, employee relatives can come here for lunch or drop by during work hours. In a park-style office area under construction, an internal courtyard is open not only to employees in the park but also to all the public. In this case, the entire ground floor of the park is designed as the facade of the activity to enhance the vitality and transparency of the street. At the same time, the park also has restaurants and other facilities in the park, which are open to community employees and the public. Only when a safe and developing community values their overall situation and can develop personality and stimulate creativity can employees achieve their best level. In all, we need to create every workplace to put people first. Office space should take care of people's physical and mental health and social needs, stimulate their creativity, and in turn directly improve corporate performance and earnings. If even this is not worth investing in, what else is worth it [9]? According to The Principles, the probationary period is a period for the employer and worker to enable one or both to determine whether the worker is fit for the work And whether the work is suitable for the worker. If either party thinks the worker and work are not fit, in compliance with the notice section Under the premise of paragraph 1, the working relationship can be terminated at any time during the trial period and should not be punished. When the employer exercises this one, the No Rights and withholds wages already earned by workers are not forced labor (e. g., the Convention on Forced or Compulsory Labor (29th No.); Convention on Abolition of Forced Labour (105)). However, this does not meet the 1949 Protective Wage Public The relevant provisions for the protection of wages in York (No.95) and the 1949 Proposal (No.85). Relevant international labor standards normally work 8 hours per day (before overtime) and 48 hours per week (participants See Working Hours 1919 (Industry)

Convention (No.1), article 2; and 1930 Working Hours (Commercial And the Office) Convention (number 30), article 3), or 40 hours per week (see 1935 Weekly 40 hourly Convention (No.47), Article 1 (a), the adoption of 40 hours per week shall not result in workers Falling standard of living). The government is encouraged to gradually reduce its normal working hours from 48 hours to 40 hours while considering the country Home specific conditions and circumstances to avoid any wage decline (see Proposal (Hour Reduction No.116), Paragraphs 1,2, and 4). The primary responsibility of any business is to comply with national laws. The ILO also encourages companies to comply with international labor standards-setting The principle of. You can communicate with the workers and ask why they want to work overtime. During the discussion, the managers can express their concerns about the safety and health risks involved in long work [10]. See a potentially useful tool in Work Time: The Impact on Safety and Health, by A.Spurgeon.

4. CONCLUSION

With the increasing development of transnational corporations, transnational corporations violate international human rights law frequently, such as destroying the environment and violating labor rights and interests. The human rights responsibilities of transnational corporations have become a concern of the international community. At present, the rules for the protection of the human rights of transnational corporations include domestic law, the self-discipline code of transnational corporations, and the rules of international law. It is the requirement of the times for transnational corporations to assume human rights responsibilities. The formulation of international conventions is the legal guarantee for the implementation of the human rights responsibilities of transnational corporations.

Overall, this study contains the recent findings on this topic, especially the worker's current situations under the Covid-19 pandemic. Furthermore, it analyzes the legal principles embodied by existing regulations. The problems that have been found are unclear protecting subject of labour rights and the narrow scope of the right to be protected.

This paper has explored some very serious problems as following: 1) the lack of legal protection; 2) relatively narrow scope of the labor worker group; 3) incomplete Legal System; 4) unclear protect subjects; 5) imperfect principles of the United Nations Guidelines and ILO; 6) less construction for a systematical protection framework. The meaning of this paper is to develop the legal system of a sovereign country, and even the degree of humanization, accelerate the speed of legislative response to social emergencies and finally provide a comprehensive legal guarantee for the rights of labor workers, a vulnerable group.

REFERENCES

- [1] Zhang Xiang, (2015) Foxconn's long hours causing workers' deaths. http://www.chinadaily.com.cn/china/2015-02/03/content_19477082.htm.
- [2] International Labour Organizatio, (2021) ILO Monitor: COVID-19 and the world of work. <http://www.indiaenvironmentportal.org.in/content/467453/ilo-monitor-covid-19-and-the-world-of-work-third-edition/>.
- [3] Navi, P. (2013) The United Nations Declaration on the Rights of Indigenous Peoples. <https://www.un.org/development/desa/indigenouseoples/declaration-on-the-rights-of-indigenous-peoples.html>.
- [4] ILO Monitor. (2021) COVID-19 and the world of work. https://www.ilo.org/global/topics/coronavirus/impacts-and-responses/WCMS_824092/lang-en/index.htm.
- [5] Watch, C. L. (2014) China Labor Watch to lead a street protest against McDonald's, Intertek.
- [6] Hiroki, S., Mari, O., Charles, W. (2001) "Atypical" and "irregular" labour in contemporary japan: the authors debate. *Social Science Japan Journal Ssjj An International Journal of Social Science Research on Japan* (2), 219-223.
- [7] Golden L. (2012) The effects of working time on productivity and firm performance: a research synthesis paper. *ILO Working Papers*.
- [8] Haruka, S. (2018) Department of Global Health Policy etc.: *Japan Health System Review. Health Systems in Transition*, 8: 60-61.
- [9] Rob, G., Gareth, J. (2013) Creating the Best Workplace on Earth. <https://hbr.org/2013/05/creating-the-best-workplace-on-earth>.
- [10] Githa, R., Michael, E. (2019) Debate on Labour Standards in Global Supply Chains, *ILO Training Module For SMEs and Other Enterprises. International Labour Office, Geneva*.