

other international organization.⁵⁰ Such data is essential to any meaningful dialogue on labour rights or conditions, as it is often alleged that countries, for the most part the developing countries, while having relatively high labour rights in law, fail to enforce the law. In conducting preparatory work for the NAFTA negotiations, Labour Canada concluded that it is difficult to find objective information about the application of labour laws in other countries.⁵¹

The question of non-enforcement of labour laws is also complicated by difficulties in identifying why the non-enforcement occurs. Non-enforcement may occur as a conscious decision on the part of government, or as a result of a lack of resources to effectively enforce the law. In practice, the amount of resources to enforce the law may become extremely burdensome for a country. The U.S., by many standards one of the wealthiest countries in the world, is widely recognized as having millions of illegal workers. Presumably, the employment conditions of these workers are less than those of U.S. workers legally employed and beneficiaries of U.S. labour laws. The question of enforcement may well need to be addressed in terms of acceptable and unacceptable levels of non-enforcement given a particular country's resources. It is not clear how well several developed countries would fare in such a comparison. Moreover, few are likely to favour the extension of the discussion of labour rights and standards to include labour mobility issues (i.e., temporary workers/immigration), although the EU has long recognized and acted on this linkage within the common market.

6. LABOUR STRATEGIES FOR A GLOBAL ECONOMY

The strategic options for labour in Canada and other developed countries fall into three general categories.⁵²

- Attempt to restrict the international mobility of capital, so that it cannot "shop" for the lower labour cost location.

⁵⁰ Section 6306(b) of the USA's Omnibus Trade and Competitiveness Act of 1988 requires the Secretary of Labour to prepare a biennial report to Congress, identifying the extent to which countries recognize and enforce internationally recognized worker rights. These rights include: freedom of association, the right to form unions and bargain collectively, abolition of forced labour, limits on child labour, and minimum standards for working conditions.

⁵¹ Labour Canada, "Comparison of Labour Legislation Of General Application In Canada, the United States and Mexico", March 1991.

⁵² S. Hecker, and M. Hallock, "Introduction: Labour in a Global Economy", in S. Hecker and M. Hallock, eds., Labour in a Global Economy: Perspectives from the US and Canada. Eugene, Oregon, University of Oregon, 1991, p.5.