

# Working beyond the border

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## Summary

Though EU free trade deals include provisions for workers' rights, the effective implementation of those provisions varies.

Geographical research evaluated the effectiveness of such provisions in three EU trade deals, later expanding their work to examine workers' rights provisions in potential post-Brexit UK trade agreements.

## Challenge

Globally, workers' rights are inconsistent and may offer limited protection to workers. Major trade blocs, such as the EU, can include clauses in trade agreements to extend protection of workers' rights outside the EU. In the EU these are known as Trade and Sustainable Development Chapters (TSDs).

However, failure to understand the implementation and impact of those provisions can result in ineffective monitoring, insufficient resourcing, and failure to fully apply provisions in ways that secure rights.

For example, liberalisation and free trade in Moldova have been accompanied by reduced monitoring of working conditions and greater pressure on producers to cut costs

## Solution

Professor Adrian Smith at Queen Mary University of London led a project to investigate how EU commitments to improving labour standards were operationalised globally, specifically looking at the impact of new EU trade agreements with South Korea, Moldova and Guyana.

The project found that the influence and impact of TSDs and other approaches to labour standards in the agreements on workers lives varied according to the relative power of trading partners, the geopolitical context of each agreement, and by sector.

It raised questions over whether EU agreements can be effective throughout complex value chains, identifying situations in the case study countries where TSDs were not reflected in structures and practices. The team also noted weak, incomplete or substandard monitoring of TSD framework implementation in the countries.

## Benefits

### Policy insight

The research offered a series of policy recommendations to support better design and implementation of TSDs, such as pre-ratification conditionality to establish domestic legal standards before implementing a trade deal.

The project team worked with the ITUC and ActAlliance in Brussels to establish a civil society/academic intelligence group called "DAGs for Change" (referencing the EU's Domestic Advisory Groups which advise on TSD implementation).

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## Better decisions

The researchers also used the findings and analysis to collaborate with international organisations and governmental bodies, to inform relevant policy:

- A contribution to an International Labour Organisation handbook, used by a range of practitioner communities and referenced in the European Commission's (EC's) policy statement in February 2018.
- Critical debate in the European Parliament (EP) and international trade union groups, and directly informing the EC's reform agenda on the EU's Trade and Sustainable Development (TSD) model.
- Project team members were commissioned by the EP's subcommittee on Human Rights to produce a report on GSP+ and labour standards in export processing zones, which was presented in Brussels in January 2018. The EC reviewed its TSDs after the adoption of the Sustainable Development Goals in 2015.

The project team also used their Brexit-focused outputs to contribute to work on labour provisions in post-Brexit UK trade policy for the Department for International Trade's Trade and Sustainability Advisory Group.

The research has helped the Trade Justice Movement to formulate policy positions, and members of the project team worked with Amnesty International UK and the think tanks CLASS and the Women's Budget Group to produce policy briefs on UK trade policy.

The group continues to produce [publications](#) and [presentations](#) that contribute to policy discussion on the topic of TSDs.

## Further reading

[Beyond the Border project website](#)

[Beyond the Border project summary briefing](#)

[Governing Labour Standards through Free Trade Agreements: Limits of the European Union's Trade and Sustainable Development Chapters](#). *JCMS: Journal of Common Market Studies* [open access]

Professor Smith's presentation to the WTO Public Forum (2017): [slides](#) and [audio](#)

Working paper [on labour standards in EU FTAs](#)

Working paper on [post-Brexit labour rights in trade agreements](#)

Team blog post on [post-Brexit provisions](#)