

Committee: Youth Assembly

Issue: Action paper on labour standards and human rights in the workplace

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INTRODUCTION

Our society, even after all the continuous efforts against racism, sexism, unemployment and armed conflict, is still plagued by multiple economic, social, political, humanitarian and environmental issues. An issue that affects the well-being of our society, even today in the world of the 21st century, is the inhumane treatment of employees. It is the international community's moral but also legal obligation to protect worker's rights.

During industrialization workers had to work long hours or they would lose their jobs. There was no existing legislation to protect them from harassment. Workers had no autonomy, no self-management, they had to commute to large, noisy workplaces and the work hours were inflexible. The work was many times dangerous, for example, workers in mines could be trapped underground, because of the tiny tunnels in which they were subjected, which could easily collapse. The facilities were also unsafe and the living conditions in crowded industrialized cities were no better than the working conditions. Last but not least, children were hired to work for low wages in factories. Child labor is an ongoing issue of global concern, since factories still hire children because they can fit into places that adults cannot and because they take advantage of the fact that children mostly in LEDCs (Less Economically Developed Countries) are unaware of their rights.



Different state- and non-state actors have contributed significantly to improve the workplace, in which employees find themselves every day. The UN has also shown interest into combating any violation of the human rights in the workplace and multiple UN agencies have made great efforts to improve working conditions and the treatment of the employees by their employers.

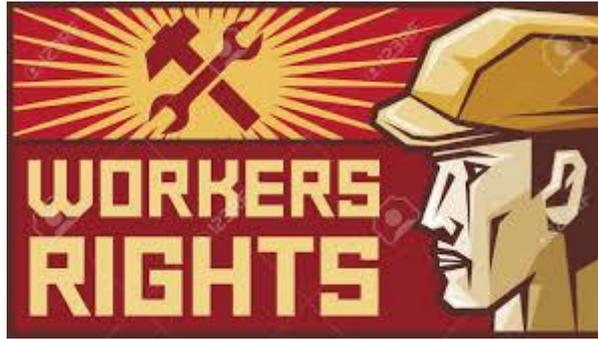


Figure 1: Logo for workers rights

DEFINITION OF KEY TERMS

Human Rights

Human rights are the fundamental rights that a person has by the fact of being human. They cannot be removed by any government. They were first defined by the Scottish philosopher John Locke (1632-1704) as moral and afterwards also legal claims or entitlements to life, liberty, and property. In the Virginia Declaration of Rights in 1776 it is stated that “All men are by nature equally free and independent and have certain inherent rights, of which, when they enter a state of society, they cannot, by any compact, deprive or divest their posterity.” Today several international conventions and treaties support these rights, which include civil, cultural and economic rights, rights to information, religion, free speech etc.

Labour standards¹

Estimated or measured values that have created a system of instruments on work and social policy, backed by a supervisory system dedicated to eradicate all kinds of problems regarding their application.

International Labour standards

This term sets the labour standards that should be adopted globally. Some examples of the international worker’s rights are: equal pay for equal work, holiday or premium pay, overtime pay, night shift differential, rest days, normal work hours- in accordance to legislation-, 13th month pay, one hour meal period etc.

¹ Defined by ILO

Child Labour²

The term Child labour is defined by the International Labour Organization as work that deprives children of their childhood, their potential and their dignity, and is harmful to physical and mental development. In general, child labour promotes poverty by depriving the youth of education and leaving them without the skills and qualifications needed to secure their future and the future of their communities. There are many different forms of child labour and some are more dangerous than others. An example of its most extreme form is the capture and enslavement of children. Children are taken away from their families and that increases the phenomenon of enforced disappearances.

Taylorism

Named after the US industrial engineer Frederick Winslow Taylor (1856-1915), Taylorism calls for the production efficiency methodology that is often characterized as “one best way”, because it is suggesting breaking down jobs into small standardized, repetitive tasks. By breaking these tasks, small and simple segments are easily analyzed and taught.

Salary

A salary is a fixed regular payment for work or services, typically paid on a monthly basis but often expressed as an annual sum, made by an employer to an employee. A salary should be given to the employee at least once every two weeks or twice a month.

Wage

Wage is defined as a fixed regular payment earned for work or services, typically paid on a daily or weekly basis.

BACKGROUND INFORMATION

The issue of labour standards and human rights in the workplace is indissolubly linked to industrialization. Although, it was back then, that the issue was put forward, the issue is still a very controversial one, since our community still struggles to address the rights of the workers and to assure that every employee works in a secure environment, where his/her rights are considered and respected, where he/she is treated with dignity and equality, without preconceptions and discrimination stemming from the origin, the sex and sexual orientation.

² Definition by ILO

Industrialization (mid-18th to early 19th century)

First Industrial Revolution (1760-1860)

When one refers to industrialization one means the transformation of the agricultural society and mainly economy to an industrial one. After the multilateral crisis of the 14th century, in some areas in Europe and in North America we see a big change. Starting from Great Britain, the first industrial



Revolution became a reality. The extensive use of machines, sometimes over workers as well led to a shift from rural work to industrial, mostly urban labor. Countries such as, Belgium, Germany and France followed this technological progress. The Industrial Revolution improved systems of transportation, communication and banking. It brought about an increased volume and a variety of manufactured goods, most of which were new to the market and an improved standard of living for some, actually for the middle and upper classes. On the contrary, the living conditions for the poor and working classes were dreadful. Industrialization resulted in often grim employment. The life of the workers at those times was challenging and very difficult. Wages for all those working in factories were really low and work operations were dangerous and monotonous. Uneducated workers had



Figure 2: Workers protesting for their rights during industrialization.

been mistreated many times by their employer and also unskilled workers were easily replaceable. They were seeking for job security but they got little to none. The working hours were long and most times exceeded 12 hours a day.

Industrialization also meant that machines were used instead of many craftspeople workers. During that era, the population had been raised and the need for a job and a better life brought many migrants from rural areas to urban, industrialized cities. Those areas were

not able to deal with the flow of the arriving workers and as a result, the housing in the cities was inadequate and overcrowded and both the working and living conditions were polluted and unsanitary. Epidemics and illnesses in general were frequent and common for the society. In Britain, the birthplace of industrialization, working and living conditions improved gradually during 19th century. The government made significant labor reforms by changing the legislation. In 1802, the UK parliament proposed and signed the English Factory Act, which was a precursor to the models of international labour standards. Workers also gained the right to form trade unions and work hours were restricted to 12 per day.

Second Industrial Revolution (1870-1914)

The Second Industrial Revolution, widely known as the Technological Revolution, was fueled by urbanization and rapid territorial expansion. Workers’ rights were still neglected and put aside. A new class of wealthy entrepreneurs, the middle class was created. The work force was made up mainly from newly arrived immigrants and migrants from the countryside, who came to big cities to look for a better future with job security.

The truth is there was minute division of tasks among the workers (no Taylorism). There was an ultimate degree of assembly line work. The working operations took most times less than a minute, reducing the freedom of the worker to introduce variety into his/her job. Economic insecurity became a basic way of life for those classes. The average pay per day for skilled workers was around three dollars, while the payment of an unskilled worker was around one dollar and twenty-five cents daily. This applied only to men; women

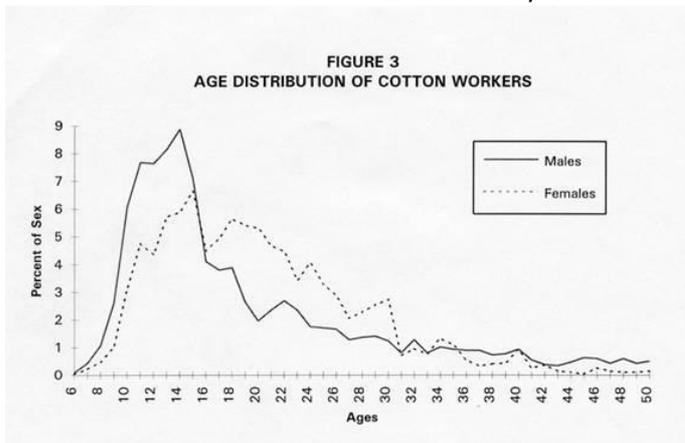


Figure 3: The age distribution of workers, men and women, in cotton-factories during the industrial revolution.

and children gained one third of these prices, while immigrant workers received even lower prices sometimes.

The working conditions were, as dangerous as the conditions during the first revolution. Between 1880 and 1900, an average of 35,000 workers died each year in factory.

Mine accidents should definitely be mentioned, since they make the highest rate of accidents in the industrial world. The mortality rates were that high due to different factors. The workers performed their tasks for 12 hours and more per day in conjunction with the

working environment, which was hot because of the steam engines; the heat together with the long hours caused the workers to become sluggish. The factories were not well lit, they were full of dust and dirt and the air was also full of toxics and fumes causing chronic illnesses and diseases.

Late 19th, 20th century and early 21st century

There are some similarities between the Industrial Revolution, and the technological boom of the 20th century; people's lives were deeply affected by multiple inventions. The machinery used during the Industrial Revolution lead to mass production being faster than man-made production. People benefited from easier and cheaper access to the goods that were produced, while in the 1990s, people benefited from the internet access to information, and the improvements that personal computers offered to tasks.

During the industrial revolution machines replaced the work of people. Likewise, in the 20th century many people lost their jobs because of the technological development and the existence of the internet.

Fortunately, the living and working conditions in the 20th century differ from those of mid-19th century. After signing and ratifying multiple treaties and conventions, the world of the 20th and 21st century is a brighter world, inextricably linked to the protection of the human rights. Modern governments, IGO's (Inter-Governmental Organizations) and NGO's (Non-Governmental Organizations) respect and protect the rights of the workforce.

Although things have changed for the better, there are still problems concerning the well-being of employees and the security of the labour standards. The level of well-being of the employees, however, differs from nation to nation and the kind of work plays also an important role.

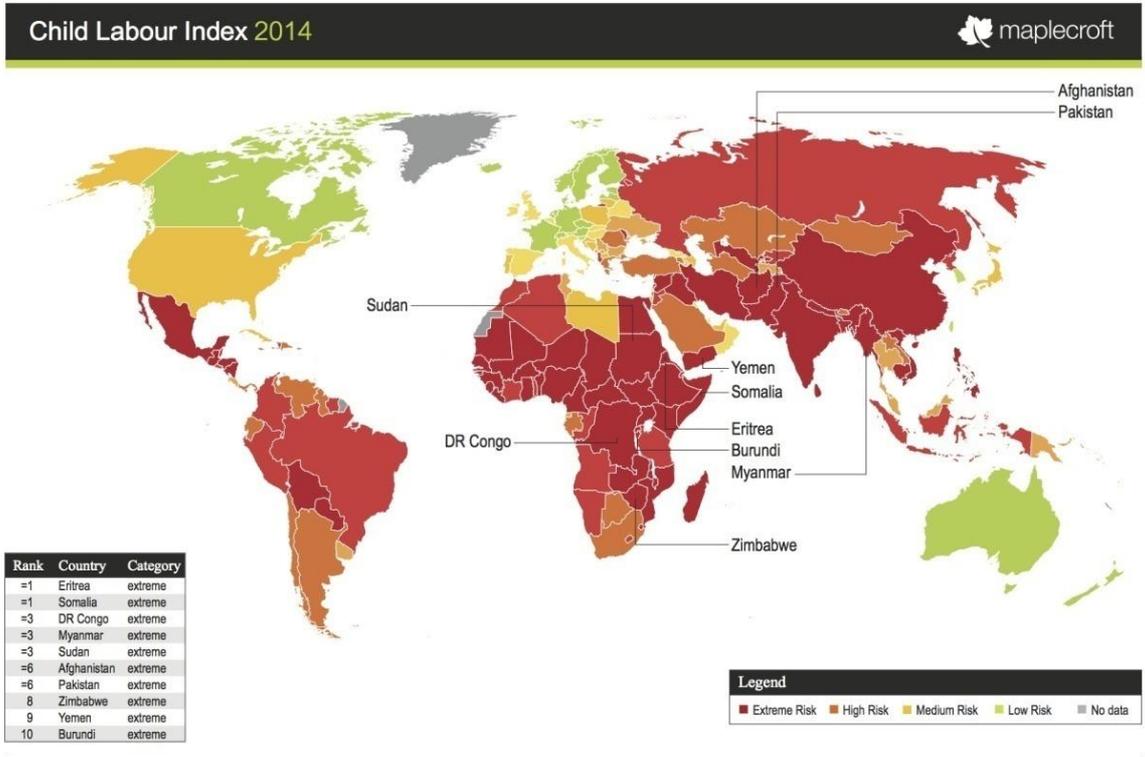
Nowadays, according to the European Working Conditions Survey 2010, the majority of the workers in Europe think that the working conditions in their workplace are adequate and that they work in a safe and healthy environment while 18% of workers believe that their work risks the well being of their health. According to the ONS Opinion Survey, three quarters of the European workers think that they receive the necessary health and safety training. However, the situation is far from similar in the rest of the world, especially in Africa or Asia.

Examples of MNC's Violating Workers Rights

Today, in the world of the 21st century, multiple MNCs show disrespect for the worker's rights.

- Wal-Mart: Corporation in the USA, which was filed a lawsuit in September 2005 by the International Labor Rights Fund because supplier sweatshop workers in China, Indonesia, Bangladesh, Nicaragua and Swaziland were denied minimum wages, forced to work overtime without compensation, and were denied legally mandated health care.
- Monsanto: Producer of genetically engineered seeds, dominating 70% to 100% of the market for crops such as soy, cotton, wheat and corn is charged by the India Committee of the Netherlands and the International Labor Rights Fund for employing children. In India, nearly 12,375 children work in cottonseed production for farmers paid by Indian and multinational seed companies, including Monsanto.
- There are also plenty other examples such as: Ford Motor Company, Dow Chemical, Chevron, Coca-Cola etc.

As you understand the issue is an ongoing unsolved situation. The world of the 21st century is plagued by violations in the workplace like no provision of fall protection, respiratory protection, or even like the denial of payment for



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Figure 3: Results of a survey conducted in 2014, showing in which countries there was extreme high, high, medium, low, or no risk of child labour.

overtime work etc. Additionally, child labour never actually stopped, it just evolved and in some cases continued to exist only in some parts of the world. (See figure 3 and read the section major countries and organizations involved for further information regarding the problem in our era). It goes without a doubt that the international community and our world in general, have made significant progress when it comes to the protection of human rights. Still there is a lot that should be done and many different problems globally should be addressed.

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

United Kingdom (the birthplace of industrialization and of the rights of the workers)

Under British legislation, workers can establish unions. Around 30% of the workforce is in a union. One should note that the UK has the sixth lowest strike rate. Forced labor is illegal and also child labor is prohibited under national and international law while children under the age of 16 cannot work as industrial workers. In addition, about 1,5 million workers earn the minimum wage US\$ 5,50 per hour. The average work hours weekly are between 37,5-40 hours while they receive also additional pay for overtime work. Flexible work schedules are possible and popular in England. A major problem that the British are facing is that they are reluctant to jobs' changes; an issue combated by training courses.

United States of America

In the US unemployment is a more common phenomenon among younger adults, aged 18-24. Unemployment is also higher among women with an average rate of 6%. American workers are protected under US legislation. However, it is a fact, that labour unions are extremely rare in the US in comparison to other major industrialized nations. There are national and international provisions against child labor, but unfortunately US is a very big country that is governed by both state and federal law and agencies. So, states are free to implement supplemental legislation. For instance, in some states people less than 16 years of age are not allowed to work, while in some other states this is not illegal and thus, adolescents as young as 14 can be employed with parental consent. The standard work weekly corresponds to 40 hours. For employees who work more than that, overtime pay is essential and equal to one or one and a half of the regular salary.

However, the US has still problems regarding human rights in the workplace. There is a big difference in income for workers depending on their race, gender and origin. Discrimination is common and especially when it comes to hiring and promotion practices. Women, minority groups, LGBT's (Lesbian Gay Bisexual and Transgender Workers) experience often mistreatment, racism and hate speech.

China

In China, the government has signed and follows the PRC labor standards, which state that there should be a maximum of 40 work-hours per week. Minimum wages differ from area to area to cover living costs locally. Employers and MNCs (Multi-National Corporations) however, take advantage of the lack of information regarding workers' rights and they exploit their employees. Of course, not every factory acts this way and takes advantage of

the “cheap working hands” ignoring the fundamental workers’ rights. Many believe that working conditions in China are gradually improving with salaries being increased and work hours being decreased. However, China is considered as one of the top ten countries with the worst working conditions.

Egypt

Egypt experiences police brutality, mass arrests, abductions and enforced disappearances. It belongs to the nations with worst working conditions and the life of workers is challenging. Egypt is also known to penalize striking workers by forcing them to retire.

Pakistan

In Pakistan, it seems like international labor law does not apply to Pakistani workers. They face large-scale exclusions, arrests and violent treatment by their employers. Strikes seem to lead to arrests and more violent and holistic acts against the protesters. Last year, protests took place in the name of the killing-murder of eight workers in Balochistan.

South Africa

South Africa has a high unemployment rate (of 30% in 2000). This problem is bound up with overpopulation and poorly developed economy. The government tries to reduce inequality in the job market, a long-lasting problem. It tries to help and promote women, the disabled and non-white in the workforce. A program of affirmative action is rising in the public sector. Since 1994 South Africa has been trying willing to secure and protect the rights of the workers. The last two governments have implemented measures to secure black workers’ rights. The Bill of Rights in the 1996 constitution includes rights such as but not limited to: the right to collective bargaining, the right to strike and the right to fair labor practices. Nowadays, multiple friendly to workers laws are considered and respected, such as the Labor Relations Act, the Basic Conditions of Employment Act, the Employment Equity Act and the Skills Development Act.

However, according to the ILO, there is a lot that should be done concerning the safety and health of the miners. ILO, alarmed by the killings of more than 30 workers in the Marikana platinum mine, reminded that South Africa has ratified the ILO’s Safety and Health in Mines Convention (1995) and therefore, South Africa should reform its mining legislations.

International Labour Organization (ILO)

ILO, an agency created in 1919 by the United Nations, is the major organization involved and has contributed significantly into defending the rights of the workers. Its aim is

to enhance worker’s job security, to improve their terms of employment globally and mainly to protect basic workers’ rights. Of great importance is the ILO’s Declaration on Social Justice for a Fair Globalization (2008) and ILO’s Declaration on Fundamental Principles and Rights at work (1998). ILO brings together governments, employers and employees representatives of 187 Member States to develop policies, to organize programs promoting equality among workers, to set the basic labour standards.

Institute for Human Labour and Human Rights

This institute, founded in 1981 as the National Labour Committee, is a non- profit human rights organization dedicated to the promotion and defense of internationally recognized worker rights in the global economy.

TIMELINE OF EVENTS

Date	Description of Event
14 th century	Agricultural and demographic crisis in Europe
1760-1860	First Industrial Revolution.
1802	English Factory Act, limited work hours to 12 daily, is the precursor to the models of international labour standards.
1870-1914	Second Industrial Revolution.
1905	Foundation of the Industrial Workers of the World, the union’s goals were and still are to have workplaces that run for the benefit of workers rather than for a handful of bosses and executives.
1908	Federal Employers Liability Act was founded aiming the protection of railroad workers.
1910	Peak of influence of Frederick Taylor (Taylorism).
1919	Establishment of the ILO.
1938	The Fair Labor Standards Act was finally put into place.
1945	The draw up of the United Nations Charter.
1948	Universal Declaration of Human Rights (GA resolution 217A).
1982	Termination of Employment Convention and Recommendation

After 1985	71 conventions - including the fundamental conventions and those adopted -were designated as being "up-to-date" and recommended for active promotion.
2004	International Labour Conference, two conventions were designated for promotion following the discussion of migrant workers.
2007	Creation of Better Work program.

UN INVOLVEMENT: RELEVANT RESOLUTIONS, TREATIES AND EVENTS

United Nations always showed interest into defending Human Rights. In 1948, the Universal Declaration of the Human Rights was signed and has been translated in over 500 languages. Human Rights in the workplace bear no difference. UN shows its continuous involvement and dedication through multiple resolutions and treaties, some of which are the following:

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/RES/45/158),

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 1965,

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979,

The Convention on the Rights of the Child (CRC), 1989,

The ILO Convention No. 182 on the worst forms of child labour, 1999,

The eight fundamental Conventions of the ILO are:

1. Freedom of Association and Protection of the Right to Organise Convention, 1948
2. Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
3. Forced Labour Convention, 1930 (No. 29)
4. Abolition of Forced Labour Convention, 1957 (No. 105)
5. Minimum Age Convention, 1973 (No. 138)
6. Worst Forms of Child Labour Convention, 1999 (No. 182)
7. Equal Remuneration Convention, 1951 (No. 100)
8. Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

During the last decades, serious and ambitious attempts of both state and non-state actors have contributed to solve the issue.

The Trans Pacific Partnership (TPP), consisting of US and eleven other countries, set as a primary goal to improve working conditions in some countries, such as Vietnam, Malaysia and Brunei. Former US President Obama stated “When more than 95 percent of our potential customers live outside our borders, we can’t let countries like China write the rules of the global economy. We should write those rules, opening new markets to American products while setting high standards for protecting workers and preserving our environment”.

In 2007, the US Congress with the 10th May agreement required that trade partner nations should abide by the International Labor Organization and more specifically should adopt and enforce the basic labor standards set in the 1988 Declaration.

Again first in 2007, ILO and World Bank Group’s International Finance Corporation, promoted an UN-backed program, called Better Work, aiming to improve working conditions for more than a million people working in garment factories in seven developing nations, namely: Bangladesh, Cambodia, Haiti, Indonesia, Jordan, Nicaragua and Viet Nam. The program still operates and the results show that there are unbelievable gains for both quality of working conditions and profitability for enterprises and businesses. ILO claims that the program has made great progress against hazardous work, harassment and abuse in the workplace.

POSSIBLE SOLUTIONS

What delegates have to deal with, is, how the international labour standards can be implemented and how the current situation and working conditions can be improved. One must take into consideration: the current policy of different nations and the already existing legislation, signed and ratified Conventions and Treaties.

Bear in mind that you should submit clauses, which will

- Assure the protection of basic workers rights
- Enhance workers job security and improve the work-environment

- Improve their terms of employment (according to international labour standards)
- Protect them from the “foreman” and from any inhumane labour practice
- Suggest ways to counteract aggression, “injustice”, hardship and privation in the workplace
- Assure the empowerment of democracy and gender equality
- Focus on the eradication of discrimination and bullying
- Recommend the employment of bodies and specialized agencies, which will put pressure on the employers and on Multi-National Corporations by making frequent investigations and by controlling whether these individuals or companies (factories etc) abide by the international labour standards.

To assure that your clauses-resolutions are not only good ideas, but also efficient and realistic proposals, your clauses-resolutions should definitely answer to the following questions:

- ✓ How can this idea become a reality? How could this be implementable and even possible?
- ✓ Who will put the measure forward?
- ✓ How are we going to assure that loopholes cease to exist? Should the UN (in collaboration with its related agencies, such as, but not limited to, ILO) help countries create a framework for a more strict law system?
- ✓ What can be done to address the issue of corrupted officers and people making investigations and controlling MNC’s?
- ✓ How should a nation deal with companies abusing employees, violating the basic workers rights? What should the stance of the government be towards this phenomenon?
- ✓ How will the UN make sure that the existing treaties, legislation, and conventions are being respected?
- ✓ Should the UN in accordance with the respective organizations recommend a global framework to combat the issue or should it be each country’s responsibility? (bear in mind the legislation in US, where there is also federal legislation)

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