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Role of International and States Employment's Laws in Maintaining of Society Welfare

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Abstract

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Society Welfare including not only fair salary, safety working place for employees, but also favourable environment. As a rule the main role in maintaining of employees welfare is held by International Labour Organization (ILO), which set up base guaranties in sphere of labour and employment relations. ILO Conventions are recommendatory for countries-participants of this organization and doesn't set up liability for there non-performance. Analysis revealed that, countries ratify only that conventions that is stand with national labour and employment legislation. In some countries there doesn't set up minimum guaranties on federal level, welfare of employees is depend on employer's initiative. In our days in lack of organizations which set up enough additional rights. Sustainability business is the main base for improving society welfare. In practice, social responsibility of business generates positive reaction of society, employees and increase profit of an organization. Society also may influence to employer's business by refusing or vise versa purchasing of goods and using of service of socially responsible companies.

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1. Introduction

Statistic indicates that international legislation is no effective enough to provide employee's welfare. When employers will be high responsible and create safety working place, present for employees additional guarantees (for example, additional paid leave, compensation of travel coast for employee and his family), it will create basis for society welfare.

1.1. Occupational health and safety

The ILO estimates that some 2.3 million women and men around the world succumb to work-related accidents or diseases every year; this corresponds to over 6000 deaths every single day. Worldwide, there are around 340 million occupational accidents and 160 million victims of work-related illnesses annually. The ILO updates these estimates at intervals, and the updates indicate an increase of accidents and ill health. Some of the major findings in the ILO's latest statistical data on occupational accidents and diseases, and work-related deaths on a world-wide level include the following: 1. Diseases related to work cause the most deaths among workers. Hazardous substances alone are estimated to cause 651,279 deaths a year. 2. The construction industry has a disproportionately high rate of recorded accidents. 3. Younger and older workers are particularly vulnerable. The ageing population in developed countries means that an increasing number of older persons are working and need special consideration (World Statistic of Occupational safety and health, ILO, 2016). Huge number of accidents leads to increasing numbers of disabled people. Many countries do not pay enough attention to this category and do not create conditions for increasing quality for their life.

1.2. Refusing to ratify most International Labour Organization Conventions

Many countries of the world is not ratified most ILO conventions. USA Ratified only two Fundamental ILO Conventions: Abolition of Forced Labour Convention, 1957 (No. 105) and Worst Forms of Child Labour Convention, 1999 (No. 182). To the contrary Russian Federation ratify 73 Conventions and 1 Protocol.

Average number of ILO conventions, ratify in the world consist only 37. It means that many countries in the world do not provide base employment rights for their citizens.

1.3. Social responsibility business is influence to social welfare

Social welfare is depends on not only state authority will, but social responsibility business, which guarantees presenting additional employment rights and social aid for their employees. Such activity can influence to society welfare.

2. Problem Statement

Many countries refuse to obey to international employment and labour legislation. According to a specific of international law, other countries have no opportunity to influence to rogue countries. That is why international legal guaranties in not available for many people in the world. Quality and safety of working place, additional social guarantees influence to society's welfare.

3. Research Questions

Why many countries in the world do not obey to ILO's Conventions (by the example of USA)?

What can do countries' parliaments and employers to increase employees and social welfare?

4. Research Methods

To explore competitive law method, which including study and comparison of international legislation and legislation of different countries. Also the author used general scientific to explore this problem (evaluation of labour statistic information).

5. Findings

Why Unites States refuse to observe international legislation in the form of ILO Conventions? Some American authors believe that American labour and employment legislation in better than international one. Thomas B. Moorhead gives objection. Human Rights Watch perceives that American laws by and large conflict with international labour rights standards. Many European and non-American observers believe that our laws somehow create a Darwinian workplace. American labour laws maintain good balance between workers and management. Our diversity, flexibility, adaptability to change, emphasis on the rights of the individual and the rights of the majority gives us our strength. Our labor and employment laws have frequently addressed social issues well ahead of the international community in the areas of equal opportunity, workplace safety, and the rights of the disabled to jobs. Our labor laws allows individual employees to make up their own minds while guaranteeing free speech, union rights and secret ballots. If we look closely at individual labor norms, we will find that European labor law is the usual frame of reference in the development of international labour standards. This is certainly true at the International Labour Organization where a standard setting discussion centers around a report and draft convention and recommendation prepared by the ILO office with a decidedly European bent. United States labour laws, on the contrary, are grounded in the principle of individual employee rights to organize and bargain collectively. ILO conventions are directed at establishing institutional rights and privileges for organizations (Moorhead et al., 2003). This conclusion is incorrect, because the real reason of refusing to ratify ILO Convention is inconsistency of US labour and employment legislation to ILO conventions. US Labor and employment legislation was created in the beginning of 20th century and since that time essentially had no be amended. Set up in the USA guaranties is no enough for employees. Reason of lack of employees rights in US formed during history. Since 18th century Government protected business interest. In our days US Code contains universal provision which give an opportunity to limit some employees' rights using legislative exception that some activity is interfere interstate commerce can be limited (Title 29 US Code, 2016).

When a state doesn't set up minimum guaranties, it is as a rule, leads to limiting of employees rights. For example, in 2009 in the US Congress was introduced a bill (Paid Vacation Act of 2009, 2009), which should set up annual paid leave for employees, at least 1 week per year. But it was rejected. Since 2009 year ever year in the Congress of the USA was introduced this bill, but congressman do not accepted it. Last attempt was undertake in 06/11/2015. New bill amends the Fair Labor Standards Act to require specified employers (including certain federal and state employers) who employ at least 15 employees at any time during a calendar year to provide each eligible employee at least 10 days of paid vacation time during each 12-month period, to be used on consecutive or nonconsecutive days (Guaranteed Paid Vacation Act, 2015).

Lack of legal clarity leads to violation of employee's rights to leisure activity. In the United States only employers have a right to determine whether his employees have a right to annual paid leave and its duration. As statistic shows in private industry, 77 percent of employees had access to paid vacation benefits. The percentage of private-industry workers with access to paid vacations has remained unchanged in recent years. Access to paid vacations varied significantly by occupation. Paid vacation benefits were available to 55 percent of private-industry workers in service occupations in March 2014. In contrast, over 90 percent of private-industry workers in production occupations, installation, maintenance, and repair occupations, and management, business, and financial occupations received paid vacations (Paid vacation benefits available to 77 percent of private-industry workers, 2014).

If employer is socially responsibly, he granted to his employees much guarantees. In sphere of management it characterizes as corporate social responsibility when business concerns for society's welfare. This concern is demonstrated by managers who consider both the long-range best interests of the company and the company's relationship to the society within which it operates. In management is formed new theory which is called sustainability. It means that socially responsibility companies will outperform their peers by focusing on the world's social problems and viewing them as opportunities to build profits and help the world at the same time. It is also the notion that companies cannot thrive for long (i.e., lack sustainability) in a world where billions of people are suffering and are desperately poor. It is in business's interest to find ways to attack society's ills. Only business organizations have the executive ability to do it (Lamb et al., 2010).

This theory have followers and opponents. Skeptics say business should focus on making a profit and leave social and environmental problems to nonprofit organizations (like the World Wildlife Federation or the Sierra Club) and government. Economist Milton Friedman believed that the free market, not companies, should decide what is best for the world. He asked, "If businesspeople do have a social responsibility other than making maximum profits for stockholders, how are they to know what it is?" Friedman argued that when business executives spend more money than they need to – to purchase delivery vehicles with hybrid engines or to pay higher wages in developing countries, or even to donate company funds to charity – they are spending shareholders' money to further their own agendas. It is better to pay dividends and let the shareholders give the money away, if they choose (Friedman, 1962). Another argument is that businesses are created to produce goods and services, and not to handle welfare activities. They don't have the expertise to make social decisions. And if managers take time and monies to pursue social responsibilities, it will take away from the primary goals of the firm. A final argument is that being socially responsible might damage the company in the global marketplace. That is, cleaning up the environment, ensuring product safety, and donating money and time for social causes all raise costs. This will be reflected in the final prices of the goods and services a company sells. In countries that don't emphasize social responsibility, a company will have lower costs because it doesn't engage in activities related to social responsibility (Lamb et al., 2010).

Followers of social responsibility say that some social problems have been brought about by corporations such as pollution and poverty-level wages; it is the responsibility of business to right these wrongs. Business has the resources for resolving social problems. For example, business can provide a

fair work environment, safe products, and informative advertising. If business isn't responsible, then government will create new regulations and perhaps levy fines against corporations. For example, Valero Energy was recently fined \$4.25 million for pollution at three of its refineries and required to spend an additional \$232 million on new pollution controls (Valero: Corporate Crimes, 2012). To the extent that business polices itself with self-disciplined standards and guidelines, government intervention can be avoided. A final argument for social responsibility is that it can be a profitable undertaking. Smart companies, they say, can prosper and build shareholder value by tackling global problems. For example, some companies try to save their reputation and make contracts only with General Electric, selling more wind power and energy-efficient locomotives is a no-brainer (Lichenstein et al., 2004).

Certain companies refuse to sale some equipment for business or whole countries, which violate basic human rights. Companies making a deal try to determine future risk for their good will. In practice, social responsibility of business generates positive reaction of society, employees and increase profit of an organization. Society also may influence to employer's business by refusing or vise versa purchasing of goods and using of service of socially responsible companies.

Absence of legal guaranties of leisure time and opportunity to attract for overtime job without written consent leads to health and mental problems. The World Health Organization constitution states: "Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity." An important implication of this definition is that mental health is more than just the absence of mental disorders or disabilities. Mental health is a state of well-being in which an individual realizes his or her own abilities, can cope with the normal stresses of life, can work productively and is able to make a contribution to his or her community (Mental health: strengthening our response, 2016). Without limiting of working time and presenting enough period off-duty time we can not guarantee social welfare and mention and physical health of employees.

6. Conclusions

1. The most countries of the world do not ratify ILO Conventions because their labour and employment legislation is inconsistent with ILO Conventions and economic factor preventing from ratifying international labor legislation.

2. Absence of employment and labour laws, set up base employees' guarantees leads to limiting employees' right by employers. Only social responsibility business grants their employees additional rights. To ensure employee's rights parliament should set up minimum labour and employment rights, according to ILO Conventions and allow employers to set up in-house rules, which can improve employees' rights.

3. Parliaments should encourage sustainability business and set up tax advantages concessions for them. Social oriented business creates bases for social welfare.

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