

## LABOR LAW

The World Justice Project (WJP) is honored to count on your expertise for this questionnaire, which will be answered by highly qualified individuals around the world.

The questionnaire consists of 28 questions, and will take approximately 25 minutes to complete. Your responses will be aggregated with those of other experts and supplemented by the results of a randomized general population poll (GPP) conducted in the three largest cities of your country of practice. Together, this data will be used to evaluate adherence to the rule of law. The results will be published, alongside those of over 100 other countries worldwide, in the WJP Rule of Law Index® 2018-2019 report, and in other reports produced by the WJP.

Your contribution will be acknowledged in the *WJP Rule of Law Index® 2018-2019* report, as well as on The World Justice Project's web page and other WJP materials (unless you choose to remain anonymous).

Thank you in advance for your time and attention. With your participation, this joint endeavor will contribute to strengthening the rule of law worldwide.

### ***INSTRUCTIONS***

Please answer the following 28 questions according to your perception of how the laws are applied **in practice** in your country. Please indicate in the box below which country you are responding to in this survey:

<b>COUNTRY:</b>
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When you have completed the survey, please submit your answers by email or fax at:

- Email: [ruleoflawindex@worldjusticeproject.org](mailto:ruleoflawindex@worldjusticeproject.org)
- Fax: +1 (202) 747-5816

If you have comments or questions, please contact a member of The World Justice Project's (WJP) Rule of Law Index staff, at [ruleoflawindex@worldjusticeproject.org](mailto:ruleoflawindex@worldjusticeproject.org).

### **CONFIDENTIALITY**

The World Justice Project constructs the WJP Rule of Law Index report with strict guidelines in regard to the confidentiality of the data gathered and the privacy of the respondents. In the box below, please select if you would like to be either a **Publicly Acknowledged** contributor (meaning your name and organization will be published in the Contributing Experts section of the *WJP Rule of Law Index 2018-2019* report and on the WJP website), OR you can select to be an **Anonymous** contributor (meaning your name will not be published in the WJP report, on the WJP website, or in any WJP materials, and your name and particulars will not be made known in any way).

**In all cases, your individual responses will remain strictly confidential.** Responses are aggregated preceding any statistical analysis or reporting of results to ensure that individual responses cannot be ascertained.

### TYPE OF CONTRIBUTION

In the space below, **please select one** of the two options indicating if you would like to respond to this questionnaire as an Anonymous Contributor or as a Publicly Acknowledged Contributor. In both cases, your individual answers to the questionnaire will remain strictly confidential.

**PUBLICLY ACKNOWLEDGED** Contributor:

I would like to be **Publicly Acknowledged** as a contributor. I understand that my name, organizational affiliation, and country will be listed in the QRQ Contributing Experts section of the *Rule of Law Index 2018-2019* report, and on the WJP's website, exactly as it is written below:

Name:	
Firm, Company, or organization:	

**ANONYMOUS** Contributor:

I would like to remain an **Anonymous** contributor. WJP will not reveal my name, organizational affiliation, or any other identifiable information in the *Rule of Law Index* report or any associated materials.

Please answer the following questions according to your perception of how the laws are applied in practice in your country. Please mark your answers with an X in the appropriate box.

### SECTION I

The following questions describe hypothetical situations. In each question, we will provide you with a set of assumptions. Please select the option that best represents your views.

#### Hypothetical Scenario No. 1

A medium-size private company (employer) refuses to pay a worker's salary for three months. The worker continues working during this time and his/her performance is satisfactory. After three months without pay, the worker is finally dismissed by the employer without any explanation or justification. Assume that the unpaid salary amounts to **0.15 times the GDP per capita** of your country.

1. How likely is the worker (plaintiff) to resort to the following mechanisms to solve this conflict?

	Very likely	Likely	Unlikely	Very unlikely	Don't know/ Not applicable
(a) File a regular (labor) court lawsuit <sup>1</sup>					
(b) File a claim before a small-claims court					
(c) Use a labor arbitration mechanism					
(d) Bring the issue before a mediator or a community leader					
(e) Use a state enforcement agency, or other administrative body					
(f) Take no action ( <i>i.e.</i> , resign himself/herself to losing the money)					

2. In practice, how long would it take to obtain a decision, or a judgment – starting from the moment the case is filed to the moment a decision or agreement is reached – if the worker uses the following mechanisms?

	Less than 1 month	Between 1 month and 1 year	Between 1 and 3 years	More than 3 years	More than 5 years	Don't know/ Not applicable
(a) Regular (labor) court lawsuit						
(b) Small-claims court claim						
(c) Labor arbitration mechanism						
(d) Administrative body						

<sup>1</sup> If there are no specialized labor courts, please refer to the regular court that is most likely to hear this case.

3. In practice, after a decision or agreement is reached, how long would it take for the worker to enforce this decision (compel the employer to pay), and collect the payment or compensation if the worker uses each of the following mechanisms?

	Less than 1 month	Between 1 month and 1 year	Between 1 and 3 years	More than 3 years	More than 5 years	Don't know/ Not applicable
(a) Court judgment						
(b) Small-claims court decision						
(c) Labor arbitration award or decision						
(d) Administrative body decision						

4. Based on your experience, what would be the expected costs<sup>2</sup> that the worker would incur, as a percentage of the claim (in this example 0.15 times the GDP per capita), to collect the unpaid salary if he/she:

	About 15% of the claim	About 30% of the claim	About 40% of the claim	More than 50% of the claim	Don't know/ Not applicable
(a) Files a regular (labor) court lawsuit?					
(b) Files a claim before a small-claims court?					
(c) Files a claim before a labor inspector or labor arbitration mechanism?					
(d) Files a claim before an administrative body?					

5. Based on your experience, how much would a typical lawyer charge to represent the worker in a case like this (in your country's local currency) if the worker uses a civil or labor court?

Cost: \_\_\_\_\_ Currency (e.g. USD, EURO, BRR, RUR, INR, CNY, etc.): \_\_\_\_\_

6. In a case like this, how likely are the following people to request a bribe (or other monetary inducement) from either party to perform their duties or to expedite the process?

	Very likely	Likely	Unlikely	Very unlikely	Don't know/ Not applicable
(a) Judge or Magistrate					
(b) Court personnel					
(c) Labor inspector					
(d) Mediator or arbitrator					
(e) Police or law enforcement officer					

<sup>2</sup> Please consider only the direct costs involved in the claim, such as attorney fees, court fees, and if relevant, bribes or other monetary inducements

7. Finally, assume that the worker sues the employer in a regular labor or commercial court. If the worker cannot afford a lawyer, how likely is he/she to be able to obtain pro-bono (subsidized or free-of-charge) legal representation from the government, a legal-aid-center, a non-governmental organization (NGO), etc.?

Very likely	
Likely	
Unlikely	
Very unlikely	
Don't know/Not applicable	

**Hypothetical Scenario No. 2**

8. Please assume that the manager of a large public hospital in your city requests an illegal payment from a hospital worker in exchange for a promotion, and the worker reports this conduct to the competent authority and provides sufficient evidence to prove it. Which one of the following outcomes is most likely? **(PLEASE CHOOSE ONLY ONE SINGLE ANSWER)**

(a) The accusation is completely ignored by the authorities	
(b) An investigation is opened, but it never reaches any conclusions	
(c) The manager is investigated and disciplined	
(d) Don't know/Not applicable	

**Hypothetical Scenario No. 3**

9. Assume that a company fires a worker because he/she is promoting the creation of a labor union in a factory, and assume that the worker complains before the relevant authority. Which of the following outcomes is most likely? **(PLEASE CHOOSE ONLY ONE SINGLE ANSWER)**

(a) The worker's complaint is completely ignored by the authorities	
(b) An investigation is opened, but it never reaches any conclusions	
(c) The authorities ensure that the company compensates the worker or reinstates him/her to his/her job	
(d) The company bribes or influences the authorities to ignore the violation	
(e) Don't know/Not applicable	

**SECTION II**

10. The following question aims to examine the reasons why poor people in your country do not use labor or civil courts to settle their disputes. Please tell us how important the following factors are in influencing poor people's decisions on whether or not to go to court to resolve a labor dispute in the city where you live?

	Very important	Somewhat important	Not very important	Not important at all	Don't know/ Not applicable
(a) Court fees (filing fees) are too high					
(b) Attorney fees are too high					
(c) Lack of pro-bono (free-of-charge) legal aid					
(d) Lack of paralegals or legal clinics					
(e) Language barriers (unavailability of translators)					
(f) Physical location of courthouses (courts are too far away)					
(g) Duration of cases (they take too much time)					
(h) Bias against marginalized people (discrimination based on social or economic status)					
(i) Procedures are too cumbersome and complex					
(j) Corruption of judges and judicial officers					
(k) Lack of public information about court procedures					
(l) Lack of awareness of available remedies					

11. Based on your experience during the past year with labor dispute cases (cases between private parties) decided by labor or civil trial courts, what percentage (%) of cases reflected the following outcomes?

	100%	75%	50%	25%	5%	0%	Don't know/ Not applicable
(a) The final decision reflected the judges' honest evaluation of the available evidence and applicable law							
(b) The final decision was influenced by undue pressure from one of the parties, or was influenced by corruption							

12. Please answer:

	100%	75%	50%	25%	5%	0%	Don't know/ Not applicable
Based on your experience, out of all the cases in which the government had an interest (as a litigant or third party), in what percentage (%) of them did the government exercise undue influence to affect the outcome of the case?							

13. In your opinion, how likely are the following criteria to put a person at a disadvantage before a labor or civil court? The person is:

	Very likely	Likely	Unlikely	Very unlikely	Don't know/Not applicable
(a) A poor person					
(b) A woman					
(c) A member of an ethnic minority					
(d) A member of a religious minority					
(e) A foreigner (immigrant)					
(f) Gay, lesbian, bisexual, or transgender					

Or:

(g) None of the above	
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14. In your opinion, how aware is the general population about the formal justice mechanisms through which grievances could be addressed?

Very aware	
Somewhat aware	
Slightly aware	
Not aware at all	
Don't know/Not applicable	

15. Please choose the statement that is closest to your views on how labor authorities respond to the following labor violations:

	<b>Very effective</b> [Labor authorities are effective in investigating violations. Negative findings draw prompt corrective action]	<b>Slightly effective</b> [Labor authorities might start investigations into violations, but are limited in their effectiveness to implement sanctions or corrective actions. They may be slow or unwilling to take on powerful corporations]	<b>Not effective at all</b> [Labor authorities do not effectively investigate violations]	Don't know/ Not applicable
(a) Workplace safety violations				
(b) Child labor violations				
(c) Forced labor violations				
(d) Violations against workers' right to engage in collective bargaining				
(e) Violations against workers' freedom of association				

**SECTION III**

16. Imagine that a well-qualified person applies for a junior position at a **government agency**. In your opinion, how likely is the applicant to be at a disadvantage during the hiring process because he/she is:

	Very likely	Likely	Unlikely	Very unlikely	Don't know/ Not applicable
(a) A poor person					
(b) A woman					
(c) A member of an ethnic minority					
(d) A member of a religious minority					
(e) A foreigner (immigrant)					
(f) Gay, lesbian, bisexual, or transgender					

Or:

(g) None of the above	
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17. How frequently do people (or private companies) have to pay bribes, informal payments, or other monetary inducements to:

	Almost always	In most cases	In some cases	Almost never	Don't know/ Not applicable
(a) Receive welfare benefits from the government (for example, for people with disabilities, or for elderly people)					
(b) Receive retirement benefits from the government					
(c) Obtain service of process in a labor lawsuit					
(d) Obtain a driver's license					
(e) Expedite the delivery of an occupational health and safety permit					

18. Please answer:

	Very likely	Likely	Unlikely	Very unlikely	Don't know/ Not applicable
(a) How likely is a mid-size manufacturing firm to be audited/inspected by the labor authorities as a result of an employee filing a complaint about a safety violation at work?					
(b) How likely is a mid-size manufacturing firm to be routinely audited/inspected by the labor authorities?					
(c) How likely are the labor authorities to impose sanctions if occupational safety violations are detected?					



(d) How likely are the labor authorities to request or receive bribes or other undue advantages to turn a blind eye on the safety violations?					
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19. In practice, in your country, the “Due Process of Law”<sup>3</sup> is respected in administrative proceedings conducted by the following authorities:

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know/ Not applicable
(a) National labor authorities					
(b) National Environmental Protection Authorities					
(c) National tax authorities					
(d) Local authorities					

20. Please choose the statement that is closest to your views on how accessible the following information is in your country:

	<b>Very accessible</b> [Citizens, journalists, and NGOs can access detailed figures, subject to narrow and well justified exceptions defined by law. This information is easily available and up to date]	<b>Slightly accessible</b> [Citizens, journalists, and NGOs can access detailed figures, but this information may be difficult to access, incomplete, or out of date]	<b>Not accessible at all</b> [Citizens, journalists, and NGOs cannot access detailed figures, due to secrecy, prohibitive barriers, or government inefficiency]	Don't know/ Not applicable
(a) Budget figures of government agencies				
(b) Copies of government contracts				
(c) Sources of campaign financing of elected officials and legislators				
(d) Disclosure records of senior government officials				
(e) Reports of the National Human Rights Institution (ombudsman)				
(f) Copies of administrative decisions applicable to the general public made by national government agencies				
(g) Copies of administrative decisions applicable to the general public made by local government agencies				
(h) Transcripts of administrative proceedings				

<sup>3</sup> The “Due Process of Law” includes the right to be presumed innocent until proven guilty, the right to be duly notified of the investigation against you, the right to be informed of all evidence used against you, and the opportunity to challenge such evidence.

21. How frequently would you say that:

	Almost always	In most cases	In some cases	Almost never	Don't know/ Not applicable
(a) In practice, the government provides easy-to-understand information on workers' basic rights					
(b) The basic laws are publicly available in all official languages					
(c) In practice, the government strives to make the laws accessible in languages spoken by significant segments of the population, even if they are not "official" languages					
(d) In practice, labor regulations are published on a timely basis					
(e) In practice, the government collaborates with civil society organizations in designing public policy					
(f) In practice, local labor regulations can be obtained at little cost, such as by mail, or on-line					
(g) In practice, judicial decisions of the highest court are published on a timely basis					
(h) In practice, labor regulations are sufficiently stable to permit workers and small businesses to ascertain what conduct is permitted and prohibited					
(i) In practice, labor administrative proceedings at the <b>national level</b> are conducted without unreasonable delay					
(j) In practice, labor administrative proceedings at the <b>local level</b> are conducted without unreasonable delay					

#### SECTION IV

22. Please choose the statement that is closest to your views on the occupational health and safety conditions in manufacturing sectors in your country: **(PLEASE CHOOSE ONLY ONE SINGLE ANSWER)**

(a) Most manufacturing firms provide a safe and healthy workplace. Occupational fatalities and injuries are rare.	
(b) Manufacturing firms abide by basic safety and health regulations, but many workers still remain exposed to dangerous machinery and harmful chemicals. While fatalities are rare, workplace injuries are common.	
(c) Most manufacturing workers work in unsafe and unhealthy conditions. Workplace fatalities and injuries are common.	
(d) Don't know/Not applicable	

23. To what extent do you agree with the following statements:

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know/ Not applicable
(a) In practice, workers in manufacturing can effectively organize into labor unions					
(b) In practice, workers in manufacturing can effectively bargain for their rights with their employers					
(c) In practice, workers in manufacturing can go on strike without fear of retaliation					
(d) In practice, workers in agriculture can effectively organize into labor unions					
(e) In practice, workers in agriculture can effectively bargain for their rights with their employers					
(f) In practice, the prohibition of child labor is effectively enforced					
(g) In practice, the prohibition of forced or compulsory labor is effectively enforced					

24. To what extent do you agree with the following statements:

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know/ Not applicable
(a) In practice, the government's power is not concentrated in one person, but is distributed among different independent branches, for instance the President or Prime Minister, the Congress or Legislative body, and the judges					
(b) In practice, the national courts in your country are free of political influence in their application of power					
(c) In practice, the local courts in your country are free of political influence in their application of power					
(d) The government always obeys the decisions of the high courts, even when they disagree with these decisions					
(e) In practice, the reports issued by the government auditor (supreme audit institution, comptroller, etc.) are taken seriously by the authorities, with negative findings drawing prompt corrective action					
(f) In practice, members of the legislature abusing					

their power are sanctioned for misconduct					
(g) In practice, members of the legislature who commit crimes are prosecuted and punished					
(h) In practice, members of the judiciary abusing their power are sanctioned for misconduct					

25. To what extent do you agree with the following statements:

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know/ Not applicable
(a) The chief executive (President, Prime Minister, etc.) of your country was elected through a clean process					
(b) The chief executive (President, Prime Minister, etc.) of your country was elected in accordance with the rules and procedures set forth in the constitution					
(c) In your country, detailed election results are readily available for public scrutiny					
(d) In practice, the electoral appeals court is free of political influence in its application of power					
(e) In practice, proper checks and balances exist to maintain public confidence in the electoral process					
(f) In practice, in your country, local government officials are elected through a clean process					
(g) In practice, in your country, people can vote freely without feeling harassed or pressured					
(h) In practice, <i>opposition parties</i> can freely express opinions against government policies without fear of retaliation					
(i) In practice, <i>opposing factions within the dominant party</i> can freely express opinions in public without fear of facing substantial negative consequences					
(j) In practice, the chief executive (President, Prime Minister, etc.) of your country rules without regard to legislative checks					

26. Please answer the following questions:

	Very likely	Likely	Unlikely	Very unlikely	Don't know/ Not applicable
(a) How likely is a citizen to be beaten by the police, without justification, for participating in a non-violent public demonstration in your country?					

(b) How likely is a journalist to be attacked by the police, without justification, for covering a non-violent public demonstration in your country?					
(c) How likely is it that a powerful or politically connected person avoids or escapes legal consequences for a non-violent criminal breach of the law?					
(d) What is the likelihood that a newspaper in your country declines to run a credible exposé of corruption because of threats of violence or legal action?					
(e) How likely is it that a high-ranking government official illegally diverts public funds to finance personal lifestyle or political campaigning costs?					
(f) How likely is it that a member of the Legislature/Parliament solicits or receives illegal payments or bribes in exchange for political favors or a favorable vote on a bill?					
(g) How likely is it that corporations make illegal payments to high-ranking government officials in exchange for favorable treatment, such as awards of government contracts?					

27. Assume that you submit a request to have access to information held by the Ministry of Education about how that agency's budget is allocated and/or spent. How likely is it that:

	Very likely	Likely	Unlikely	Very unlikely	Don't know/Not applicable
(a) The government agency in charge will grant such information, assuming it is properly requested?					
(b) The information provided is pertinent to the request made and complete?					
(c) The government agency will grant such information at a reasonable cost?					
(d) The government agency will grant such information within a reasonable time period?					
(e) The government agency will grant such information without the requestor having to pay a bribe?					

28. To what extent do you agree with the following statements:

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know/Not applicable
(a) By law, if a government agency denies a citizen's request for information, that citizen has the right to challenge this decision before another government agency or a judge					

(b) In practice, if a government agency denies a citizen's request for information, that citizen can effectively challenge this decision before another government agency or a judge					
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### **ALMOST FINISHED!**

If you have any feedback or comments regarding the questionnaire, we would be grateful if you would let us know in the space below.

**1.) Are there any relevant topics, issues, or questions that you think were left out?**

**2.) Additional Information:** We are grateful for your contribution as an expert respondent to the WJP Rule of Law Index. Many of the World Justice Project's rule of law experts contribute their time and expertise year after year to create one of the world's most comprehensive data sets measuring countries' adherence to the rule of law. To ensure that we have the most up to date records in our database, we would greatly appreciate if you would take the time to fill out your contact information below. This information will remain strictly anonymous, and will not be shared with any third parties. Your contact information will be securely stored in our database for further engagement and for future editions of the WJP Rule of Law Index.

<i>Please fill out the information below:</i>	
Title (Mr., Ms., Dr., etc.):	
First Name:	
Last Name/Surname:	
E-mail:	
Gender:	

Do you teach at the university level? Yes  No  Which courses? \_\_\_\_\_

Are you an attorney? Yes  No

If yes, how many years have you practiced law? \_\_\_\_\_

<b>If you are an attorney, what are your areas of practice?</b>					
Antitrust	<input type="checkbox"/>	Contracts	<input type="checkbox"/>	International law	<input type="checkbox"/>
Bankruptcy	<input type="checkbox"/>	Corporate law	<input type="checkbox"/>	Labor law	<input type="checkbox"/>
Business law	<input type="checkbox"/>	Criminal law	<input type="checkbox"/>	Litigation/Arbitration	<input type="checkbox"/>
Civil law	<input type="checkbox"/>	Employment law	<input type="checkbox"/>	Medical malpractice	<input type="checkbox"/>
Civil rights	<input type="checkbox"/>	Environmental law	<input type="checkbox"/>	Property law	<input type="checkbox"/>
Commercial law	<input type="checkbox"/>	Family law	<input type="checkbox"/>	Taxation	<input type="checkbox"/>
Constitutional law	<input type="checkbox"/>	General practice	<input type="checkbox"/>		<input type="checkbox"/>
Consumer law	<input type="checkbox"/>	Intellectual property	<input type="checkbox"/>		<input type="checkbox"/>

**3.) As a token of our appreciation to your invaluable contribution, we would like to mail you a complimentary copy of the WJP Rule of Law Index 2018-2019 report when it is published later this year. If you would like to receive a complimentary hard copy of the report, please enter your preferred mailing address below.**

**Please fill out the information below if you would like us to mail you a copy of the Index 2018-2019 report later this year:**

Street address:	
Other (i.e. apartment/ post office box)	
City:	
Province/State:	
Postal code:	
Country:	

**4.) Finally, as an expert in your field, we would welcome referrals or suggestions of colleagues who may be willing to contribute by completing one of the four questionnaires best aligned with their expertise:**

- Civil and Commercial Law
- Constitutional Law, Civil Liberties, and Criminal Law
- Labor Law
- Public Health

	Name	Email	Area of Expertise
Referral #1			
Referral #2			
Referral #3			

## **Thank you very much for your collaboration**

Thank you for completing the questionnaire. We are honored to include your expertise in the 2018-2019 administration of the WJP Rule of Law Index. For more information on the Rule of Law Index and the other program areas of the World Justice Project, please visit:

**[www.worldjusticeproject.org](http://www.worldjusticeproject.org)**