

In collaboration with the
Thinking Ahead on Societal
Change (TASC) Platform



Trade and Labour: Rethinking Policy Tools for Better Labour Outcomes

WHITE PAPER

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Foreword



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Supply chains are currently being reshaped as a result of digital and green transitions and geopolitical shifts. In such a context, it is fundamental to rethink the intricate relationship between trade and labour, and identify opportunities to leverage the ongoing transitions to improve labour standards and create a more inclusive economic system that contributes to global prosperity.

This report is part of the Trade and Labour programme jointly conducted by the Centre for Regions, Trade and Geopolitics at the World Economic Forum and the Thinking Ahead on Societal Change (TASC) Platform at the Geneva Graduate Institute, and is funded by Laudes Foundation. It delves into the different dimensions of the trade and labour nexus, exploring the progress made in recent years and the benefits trade can bring to labour outcomes, as well

as investigating the persistent and emerging challenges associated with a world of work in transition.

Through desk research and qualitative interviews with stakeholders from diverse backgrounds, this report offers invaluable insights into the evolving issues and opportunities at the intersection of trade, global supply chains and labour standards. It underscores the critical role of policy tools and mechanisms, such as multilateral instruments, regional trade agreements and corporate due diligence frameworks in shaping strengthened labour commitments and better labour outcomes. We hope that it will stimulate further attention and a constructive dialogue among stakeholders on measures and mechanisms to enhance labour standards, strengthen commitments to improve workers' rights and well-being, and build more sustainable, inclusive and resilient supply chains.

Executive summary

Labour issues deserve fresh discussion in light of geopolitical shifts, green and digital transitions and new approaches to supply chain policy.

Trade and globalization have contributed to job creation, expanded market opportunities, lifted incomes and improved working conditions across the globe. Yet they have also exacerbated longstanding labour challenges as the benefits of trade have not been distributed evenly across countries, sectors, firms or workers. Wage inequality, informal employment and forced labour persist, while millions lack access to essential social protections.

As the green and digital transitions, alongside geopolitical shifts, stand to further disrupt and reshape labour markets and supply chains, a key question is whether they will create more and better jobs, or leave more people behind. These transitions should not come at the expense of labour standards, but should present opportunities to ensure the benefits are fairly distributed and cultivate greater social justice.

This report addresses the state of play in trade-related policy instruments and frameworks addressing labour issues. Based on desk research and over 50 multistakeholder interviews, it compiles insights on the latest developments as well as persistent and emerging implementation challenges.

There has been an evolution of policy instruments over the last two decades aimed at strengthening labour outcomes and upholding labour and human rights in supply chains. This includes several multilateral instruments adopted at the International Labour Organization (ILO), the United Nations (UN), and the Organisation for Economic Co-operation and Development (OECD). These have informed the evolution of due diligence (DD) instruments, from voluntary towards mandatory approaches, with a growing number of legislations at the national level, as well as at the European Union (EU) level.

In parallel, a growing number of regional trade agreements (RTAs) contain labour provisions using a variety of approaches. This includes preambular language obligations, monitoring and cooperation, employment generation, and dispute settlement. Multistakeholder initiatives and private sector standards are playing an important role in guiding implementation and adherence to international standards and regulations. Streamlining compliance within this increasingly complex environment presents a significant challenge.

Despite the growing adoption of such instruments, key challenges remain. Based on interviewees' insights, this paper suggests the following actions:

- Strengthening synergies between trade and labour policy tools and supply chain initiatives to promote policy coherence, and encouraging international collaboration.
- Adopting a supply chain perspective to address the imbalance of bargaining power within supply chains through deeper dialogue and cooperation with stakeholders across supply chains.
- Strengthening implementation, compliance and enforcement through inclusive social dialogue and stepping up engagement with all social partners at the domestic level.

The findings underscore the need for enhanced dialogue and collaboration between the trade and labour communities, including the dissemination of information about policy tools, mechanisms and potential synergies to ensure just transitions. They highlight the role of policy interventions and commitment by all actors to harness the potential of trade in fostering better labour outcomes amidst evolving environmental, technological and geopolitical landscapes, bearing in mind specific contexts at the supply chain, domestic and regional levels.

Introduction

The trade and labour relationship warrants renewed attention in light of recent geopolitical, social and other shifts impacting supply chains.

While trade and globalization have created jobs and new pathways to market, lifted incomes and improved working conditions, they have also exacerbated significant labour challenges. The benefits of trade have not been distributed evenly, across countries, sectors, firms or workers. Inequalities have raised resistance to globalization with calls for protection from competition. Trade liberalization has been linked to higher wage inequality, especially in developing economies,¹ downward pressure on working conditions, and increases in informality.² 21% of individuals who are employed nonetheless experience poverty as a result of inadequate wages. Informal employment affects two billion individuals, or 61.2% of the global workforce, while 27.6 million people are trapped in forced labour. Globally, more than four billion people are devoid of any type of social protection.³

While geopolitical, technological and environmental shifts pose increasingly complex challenges for worker rights across supply chains (which represent around 70% of global trade), they also offer an opportunity to rethink how trade rules can support a more inclusive trading system and more equitable access to the benefits of trade for all. Addressing the trade and labour relationship as part of a broader agenda to achieve a more inclusive trading system could have a meaningful impact on both domestic inequality and global disparities.

In this context, labour standards have become an integral part of international trade discourse. Examples include key international conventions and frameworks, unilateral preferential schemes, labour provisions in regional trade agreements (RTAs), due diligence (DD) instruments and other initiatives which increased focus on unilateral policy

action at the supply chain and facility level, as well as private standards.

Despite the growing adoption of trade tools to improve labour outcomes in supply chains, stakeholders are raising several concerns. Unilateral measures by governments hosting the headquarters of large multinational enterprises (MNEs) are perceived as an imposition on developing countries, and the proliferation of private standards as pressuring small- and medium-sized enterprises (SMEs) through MNEs, in particular when the standards are *de facto* mandatory since this can potentially exclude SMEs from markets.

There is a need to reconsider how cooperation could help avoid a race towards unilateralism and support an inclusive trading system. Enhancing stakeholders' understanding of relevant agreements and initiatives, strengthening coordination for effective implementation, and fostering communication between trade and labour communities are crucial for maximizing their impact.

This paper gathers issues at the interface of trade and labour and suggests perspectives for renewed conversation and cooperation in the international arena for a just green and digital transition. It reflects findings from qualitative interviews with stakeholders from businesses, workers' organizations, governments, international organizations (IOs) and non-governmental organizations (NGOs), without intending to advocate for a particular approach nor to be exhaustive. This report's findings highlight the increasing interest in meaningful collaboration between stakeholders to strengthen synergies between trade and labour policy tools and supply chain initiatives.

“ While technological and environmental shifts pose complex challenges, they also offer an opportunity to rethink how trade rules can support a more inclusive trading system.

Labour challenges and transitions

Green and digital transitions must not come at the expense of labour standards, but ensure benefits are fairly distributed.

1.1 Addressing interconnected challenges

“ A just transition process, grounded in respect for workers’ rights and adherence to labour standards, is critical for the realization of decent work.

Will the green and digital revolutions create more jobs or leave people behind? While the transition to low-carbon and resource-efficient economies promises net job gains, significant economic and social transformations are inevitable in the short term. According to International Labour Organization (ILO) estimates,⁴ implementing the Paris Agreement on climate change can generate 25 million new jobs by 2030, yet 6 million jobs may be lost in resource-intensive industries. The picture is further complicated by the accelerating pace of technological change. A significant transformation is predicted across the global job market, with 23% of jobs expected to change within the next five years due to advancements in AI and other technologies.⁵ However, research highlights a potential disconnect, as the recent rise of generative AI hasn’t translated into improved living standards or productivity growth.⁶

These major shifts create an urgent need to reskill and upskill the workforce for the jobs of a greener and more digitalized world, since they will also cause significant disruptions to global supply chains, impacting millions of workers in trade-focused sectors. Automation is driving a shift towards production closer to consumers, potentially reshoring existing global value chains. The ILO⁷ has found that automation deployment in developed countries led to a lower reliance on offshoring, impacting employment in emerging economies. This aligns with links drawn by the Organisation for Economic Co-operation and Development (OECD)⁸ between industrial robots and slowed offshoring rates. In parallel, the quest for resilient supply chains may have unintended consequences, impacting the environment through reshoring of industry and increased extraction in contested areas, and straining the economy through pressure on public budgets.⁹ A just transition process, grounded

in respect for workers’ rights and adherence to labour standards, is critical for the realization of decent work and for ensuring a smooth transition for communities and regions most vulnerable to economic, employment and social disruptions.¹⁰

These transitions disproportionately burden disadvantaged groups already facing challenges in the labour market, such as women, older workers, people with disabilities, migrant workers and indigenous peoples, who often lack the resources or opportunities to adapt to changing realities. Digitalization and automation within these transitions may increase job insecurity, compounding the economic strain of potential increases in energy and food prices associated with the green shift. Difficulties in affording energy-efficient home improvements and green transport options further exacerbate these challenges. Furthermore, the digital divide between advanced and lagging firms widens regional disparities in economic development and social prosperity. For instance, the emergence of high-tech or AI-driven industries may not generate sufficient replacement employment opportunities in regions where traditional industries are declining.¹¹ Similarly, the creation of green jobs may not occur simultaneously or at the same rate as the loss of traditional jobs¹² and the benefits may not be evenly distributed across all regions and communities. The combined effects of the transitions will need to be considered to enable viable pathways towards inclusive growth.

For the green and digital transitions to succeed, inclusivity and equity are paramount. Crucially, these transitions must not come at the expense of labour standards, but rather present opportunities to ensure the benefits are fairly distributed, cultivating greater social justice.¹³

1.2 Building a just future with sustainable supply chains

Global supply chains now dominate world trade, encompassing developed, emerging and developing economies. They are also a significant source of employment. ILO data shows that in 40 countries, primarily emerging economies in Asia and the Americas, global supply chain jobs surged from 296 million in 1995 to 453 million in 2013.¹⁴ This growth is further underscored by more recent OECD data (2020), indicating that around 70% of international trade flows through these global supply chains, creating millions of new jobs.¹⁵

Global trade is increasingly conducted by MNEs, which oversee the exchange of inputs and outputs within complex cross-border supply chains. Recognizing the critical role of supply chains in today's world, sustainable development efforts have increasingly targeted them through unilateral DD and private standards, driving demand for companies to monitor and manage labour risks in their end-to-end supply chains. While a focus on supply chains offers avenues to address interconnected challenges through a trade lens, significant obstacles remain. Limited transparency within complex supply

chains makes it difficult to track labour practices and environmental impact throughout all tiers. Smaller suppliers in developing countries often lack the resources or expertise to implement sustainable practices. Inconsistent enforcement across countries, particularly in regions with weak governance, creates an uneven playing field for businesses and undermines efforts to protect workers' rights. The multi-tiered nature of global supply chains further complicates enforcement, making it difficult to track labour practices throughout the entire chain. Additionally, resource constraints in many countries (e.g. limited resources for inspections), as well as a lack of political will to promote the right to freedom of association (FoA) and collective bargaining hinder their ability to effectively implement and enforce labour standards.

Governments, international organizations, MNEs, SMEs, worker representatives and civil society have a significant role to play in the creation of a future where global supply chains and trade are an engine not only of economic growth, but also of decent work and a just transition for all.

“ The multi-tiered nature of global supply chains complicates enforcement of workers' rights, making it difficult to track labour practices throughout the entire chain.



2

Policy tools and mechanisms

Multilateral and multistakeholder consensus on ILO core labour standards is driving both development and debate of trade tools and mechanisms.

The past two decades have seen an increasing number of international instruments and frameworks, as well as national and supranational legislation aimed at strengthening labour outcomes aligned with ILO core labour standards (CLS) and fundamental principles and rights at work (FPRW). Also, an increasing number of RTAs contain labour provisions referring to such instruments and frameworks.

The sub-sections below outline historical developments as well as the current state of play of the policy landscape and offer insights from interviewees on the effectiveness of some policy tools.

2.1 International instruments and frameworks

BOX 1 International instruments and frameworks

- International Bill of Human Rights (IBHR), consisting of the Universal Declaration of Human Rights, 1948, the International Covenant on Economic, Social and Cultural Rights, 1966, and the International Covenant on Civil and Political Rights, 1966
- Organisation for Economic Co-operation and Development Guidelines for Multinational Enterprises (the OECD Guidelines), 1976, updated in 2000, 2011 and 2023
- ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy, 1977
- ILO Declaration on Fundamental Principles and Rights at Work (FPRW), 1998, amended in 2022
- United Nations Global Compact, 1999, containing 10 principles including labour and human rights
- United Nations Guiding Principles on Business and Human Rights (UNGPs), 2011
- OECD Due Diligence Guidance for Responsible Business Conduct (RBC), 2018

These instruments are the result of years of complex negotiations between governments at the UN and OECD, between social partners (governments, employers and workers) at the ILO, and extensive multistakeholder consultation in the case of the UNGPs.

The ILO Declaration on FPRW¹⁶ (adopted in 1998 and amended in 2022) reflects a consensus on the definition and recognition of a set of CLS among government, business and labour representatives. These principles and rights include FoA and the effective right to collective bargaining; the elimination of all forms of forced and compulsory labour; the effective abolition of child labour; the elimination of discrimination in respect of employment and occupation; and the principle and right to a safe and healthy working environment. ILO supervisory mechanisms ensure FPRW compliance through

monitoring, identifying violations and advocating for redress.

The UNGPs,¹⁷ based on a three-pillar framework endorsed in 2011, built upon the ILO declaration on FPRW and the IBHR¹⁸ are the common framework for handling human rights risks and impacts linked to business activities. They identify clear responsibilities for all states to protect human rights and fundamental freedoms, for all business enterprises to comply with applicable laws and respect human rights, and for both to provide appropriate and effective remedies.



“ The OECD Guidelines and UNGPs are widely credited for paving the way for national supply chain DD legislations.

Also, in 2011, the OECD Guidelines, jointly addressed from governments to MNEs, were reviewed to include a chapter on human rights consistent with the UNGPs, as well as a more comprehensive approach to DD and supply chain management. In 2023, the OECD Guidelines were further updated to align with the OECD DD Guidance on RBC, and to include, among others, respect for the rights of all workers in the value chain; DD over impacts associated with the enterprises' products and services; training for up- and re-skilling of workers in anticipation of future changes, including those linked to the green transition and to technological changes linked to automation and digitalization. The OECD Guidelines and UNGPs are widely credited for paving the way for national supply chain DD legislations, and for playing a critical role in increasing interest in and implementation of responsible supply chain and labour practices. In addition, most of

the International Framework Agreements (IFAs) negotiated globally between trade unions and multinational corporations refer to ILO Conventions.

Despite steady progress, significant implementation challenges remain. On the one hand, many governments have not ratified the entire set of legally binding ILO core conventions or do not fully enforce them. On the other hand, the UNGPs, as well as the OECD instruments above, are mainly non-binding. The 10-year review of the UNGPs noted the persisting implementation challenges in preventing and protecting against adverse human rights impacts, as well as ensuring access to remedy.¹⁹ In some stakeholders' opinion, the role of the OECD National Contact Points (NCPs), responsible for the implementation of the guidelines, as well as for handling cases as a non-judicial grievance mechanism, should be further strengthened.

2.2 Legislation at the national and supranational level

Efforts towards more mandatory requirements to tackle human rights and labour rights violations across supply chains have been multiplying at the national and supranational level, taking the shape of legislations on modern slavery, forced labour import bans, due diligence and sustainability reporting. An indicative list of these instruments can be found in Annex 1.

Regarding specific instruments adopted at the national level, legislations on modern slavery were the first addressing human rights and labour rights violations in supply chains. Interviewed stakeholders highlighted that strengthening domestic legislations, and enforcing labour bans at the border (such as the ones adopted by the US, Canada, Mexico, the UK and the EU), are key to effectively tackling modern slavery in supply chains. Thus, they consider it essential to have well-designed legislation addressing issues in a comprehensive manner, taking into account the context and domestic structural issues, with clear enforcement guidelines and penalties for non-compliance.

For many NGOs and labour unions, the implementation of human rights DD legislations around the world, as well as of domestic labour laws, with effective enforcement mechanisms, is a fundamental policy priority. In this regard, many interviewees referred to the EU Corporate Sustainability Due Diligence Directive (CSDDD), which, together with the EU Corporate Sustainability

Reporting Directive (CSRD), is part of the EU Green Deal. The CSDDD (in its final stages of adoption by the full European Parliament) aims to enhance and expand sustainability, due diligence and accountability within large EU and non-EU-based companies conducting a set level of business in the EU, for human rights violations and environmental damage across their supply chains.²⁰ Overall, the CSDDD has been welcomed as a necessary regulatory framework to guide businesses and other stakeholders towards ensuring more sustainable and transparent supply chains. Nevertheless, stakeholders highlighted the practical implementation challenges that may result from its level of requirements, as well as the complexities deriving from the differences in scope and coverage in legislations (see Annex 1). For this reason, they called for harmonization through the development of common standards, with some suggesting the ongoing elaboration of a legally binding instrument on Transnational Corporations and Other Business Enterprises, mandated by the UN Human Rights Council, as a potential avenue for the negotiation of such standards.

The CSRD, which requires sustainability reporting, and other legislations on disclosure lead to sharing of otherwise siloed data on supply chains, and can contribute to standardization of reporting and data sharing requirements. Stakeholders working on data managements across supply chains advocate for open data principles to be introduced into such legislations.

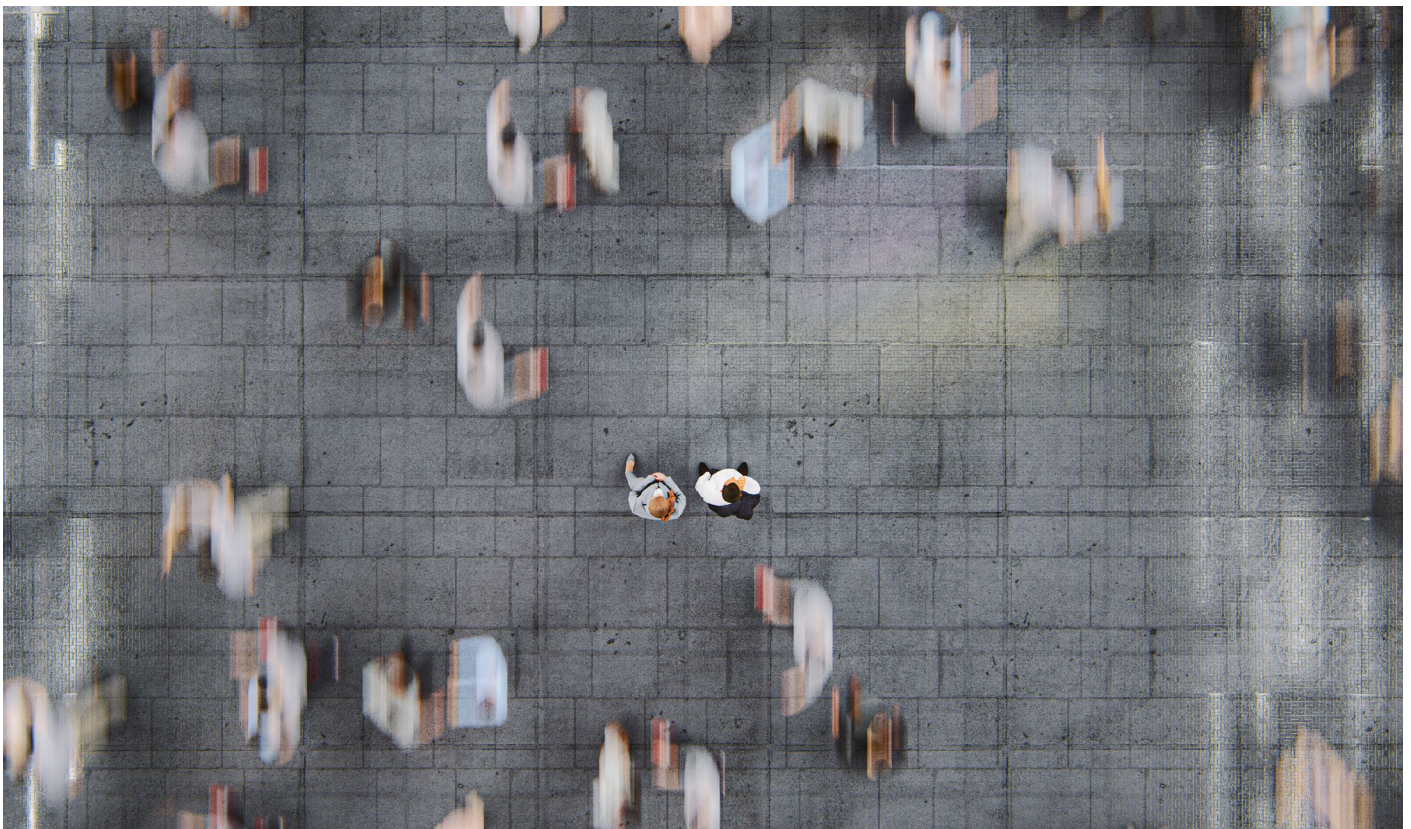
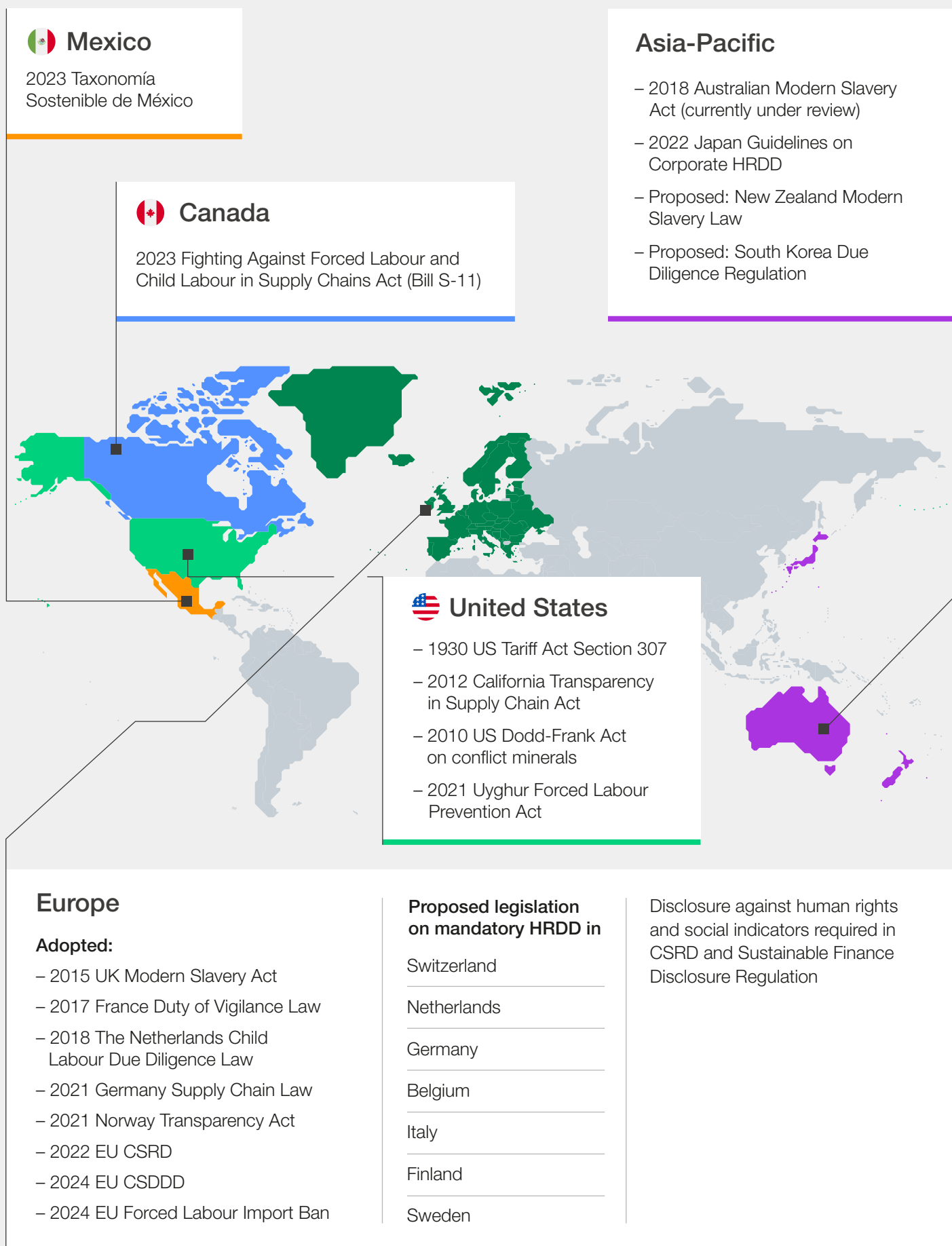


FIGURE 1 | Examples of legal instruments addressing labour rights in supply chains



Source: Adapted from Principles for Responsible Investment (PRI). For more information on DD tools and remedy laws, refer to BHR ([bhr-law.org](https://www.bhr-law.org)).

2.3 International trade agreements



115 out of 365

regional trade agreements included labor provisions as of December 2023, according to the ILO LP Hub.

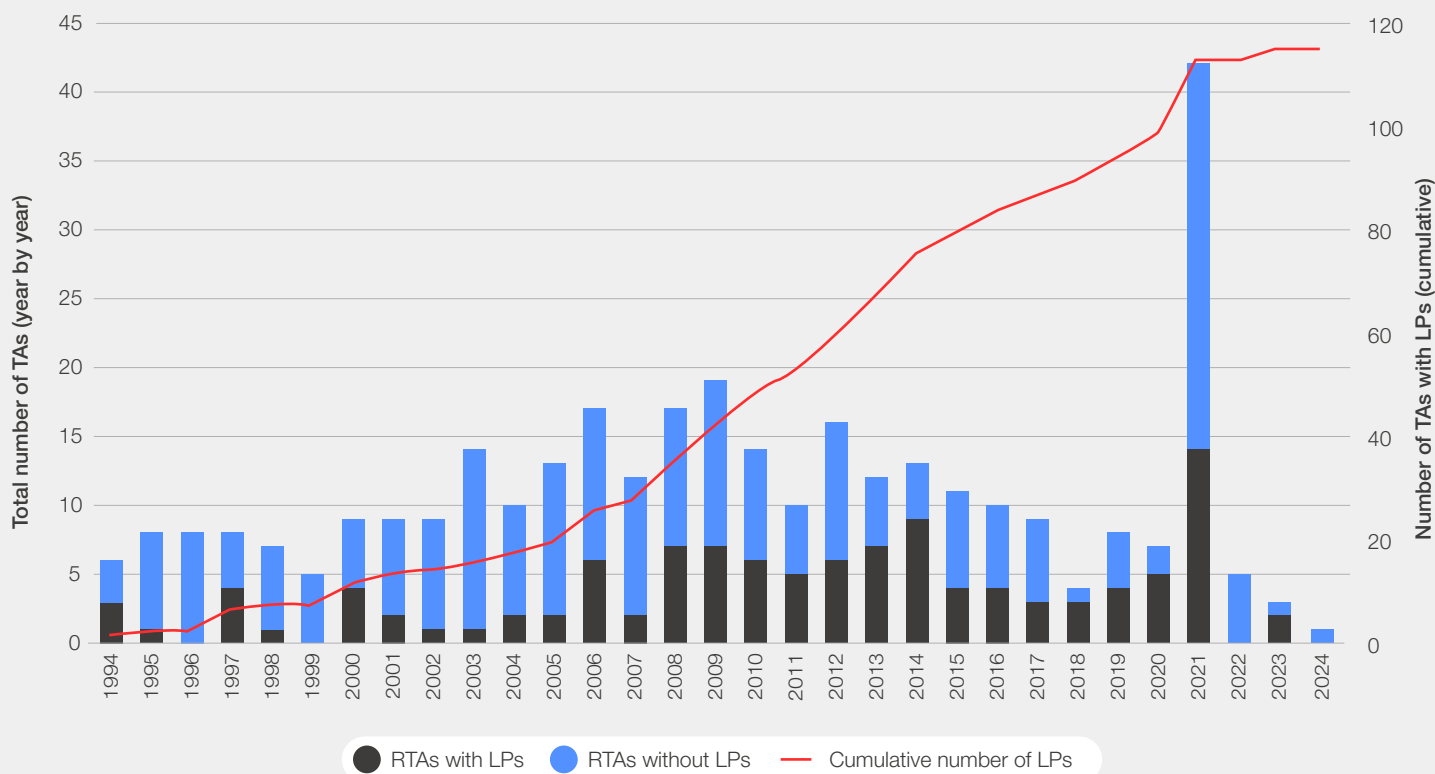
Efforts to formalize the link between international trade and labour at the multilateral level were first made through the 1948 Havana Charter, which, though never adopted, called for the establishment of an international trade organization in which members would take measures against unfair labour conditions in cooperation with the ILO. The discussion gained momentum again during the negotiations leading to the establishment of the World Trade Organization (WTO) in 1994, without consensus. Following an intense debate at the WTO's First Ministerial Conference in Singapore in 1996, WTO members agreed that the ILO should function as the competent body to set and deal with internationally recognized CLS. The issue of trade and labour standards was unsuccessfully raised again at the subsequent WTO Ministerial Conference (Seattle, 1999). More recently, labour-related issues were introduced into the plurilateral negotiations of the Agreement on Investment Facilitation for Development, finalized in 2023, through the insertion of Article 37 on RBC, and into the negotiations of the Agreement on Fisheries Subsidies, based on a proposal on forced labour submitted by the US delegation in 2021.²¹

Trade and labour standards are not discussed at the WTO and the issue remains controversial among WTO members. Nevertheless, this

relationship has been addressed through preferential trade schemes (providing beneficiaries with non-reciprocal market access for certain exports contingent upon compliance with labour and human rights), as well as through the insertion of labour clauses in regional trade agreements (RTAs).

The past two decades have seen an increasing number of RTAs containing labour provisions, dating back to the 1994 North American Free Trade Agreement (NAFTA) between the US, Canada and Mexico, through the North American Agreement on Labor Cooperation. According to the ILO Labour Provisions in Trade Agreements Hub (LP Hub), as of December 2023, 115 out of 364 RTAs in force included labour provisions.²² The scope of such provisions is progressively widening, as well as the range of trading partners including labour provisions in RTAs. While nearly half of such RTAs have been concluded by the EU, Canada and the US, Chile, the European Free Trade Association (EFTA), New Zealand, the Republic of Korea and the United Kingdom (in 2021 following the departure from the EU, as per the graph below) are very active in this area. Moreover, approximately 19% of RTAs including labour provisions are concluded between developing and emerging economies.²³

FIGURE 2 RTAs with and without labour provisions in force, cumulative and year by year, 1994-2024



Source: ILO Labour Provisions in Trade Agreements Hub.

In addition to promoting labour rights, experts note that labour provisions in RTAs reflect governments' views on the role of international trade as an engine for economic growth while avoiding its potential negative impacts on domestic labour markets. They also highlight the increasing trend to attain such goals through enhanced transparency, stakeholder engagement, cooperation, and capacity building.²⁴ In a recent development, the India-EFTA Trade and Economic Partnership Agreement (TEPA) included a provision aimed at facilitating the generation of 1 million jobs resulting from inflows of foreign direct investment from EFTA States into India.

In terms of enforcement of labour provisions, some experts make a distinction between the approach followed by the North American RTAs and the EU model. The former are based on binding dispute settlement, while the latter contains non-binding adjudicatory procedures (except the agreement with New Zealand providing for binding dispute resolution for some labour and environment provisions).²⁵ These approaches have evolved over the years and contain different standards to determine the level of compliance by trading partners.

BOX 2 USMCA Facility-Specific Rapid Response Labour Mechanism (RRM)

In 2019, a year after the renegotiation of NAFTA, which created the United States-Mexico-Canada Agreement (USMCA), the parties signed a Protocol of Amendment to the USMCA. One of its main elements is a Facility-Specific Rapid Response Labour Mechanism (RRM), which was the outcome of complex negotiations²⁶ that also included a reform to Mexico's labour legislation. This reform encompassed new labour justice procedural mechanisms, a new system for worker representation and collective bargaining, and a new centre for labour conciliation at the Federal level, for a registry of labour associations, collective agreements and regulations, and for verification and follow-up on labour democracy processes.²⁷ In case of an alleged denial of rights at a covered facility in a priority sector, as defined in the USMCA, a party can choose to invoke the RRM.

The negotiation and implementation of the USMCA, and the RRM, has elicited contrasting views on its impact and replicability as an example for future policy tools and mechanisms.

Some consider the USMCA's RRM as a positive development towards empowering Mexican

workers and ensuring the enforcement of labour rights, such as workers' representation and collective bargaining rights, as well as towards building capacity in Mexico, with US support, to implement the new labour justice system. However, several concerns are raised regarding the RRM asymmetry in the protection of workers' rights (it does not provide for equal utilization by all three USMCA parties), the lack of predictability for the importer (no objective parameters have been established for the final settlement of customs accounts related to imports of goods from the covered facility),²⁸ as well as its high implementation cost for the US (\$210 million for USMCA-implementation activities).²⁹

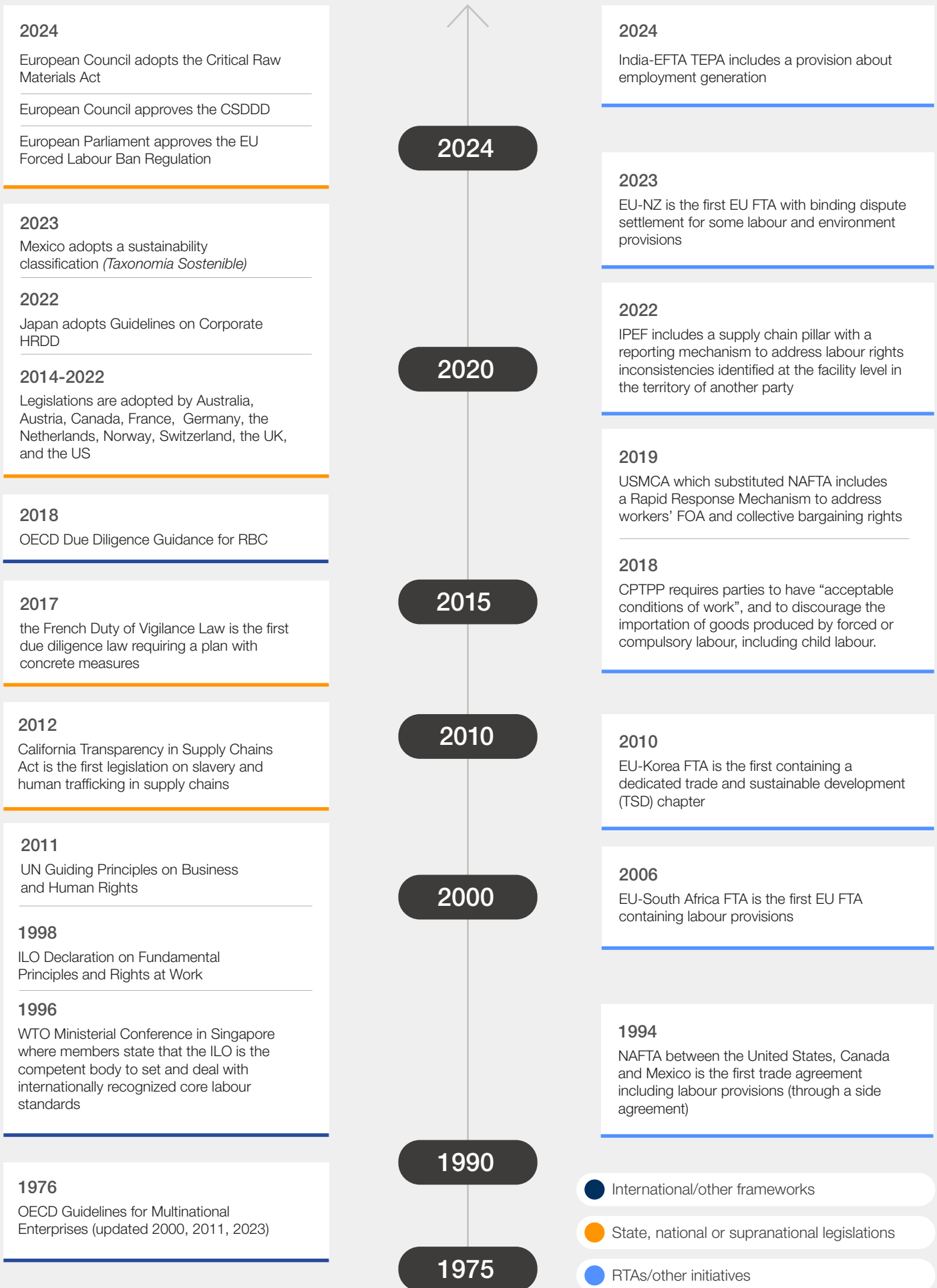
Drawing from this example, some believe that RTAs can have a role to play in enforcing living wage requirements through labour provisions and have highlighted the need to align trade policies and labour standards. That said, it was also noted that the RRM negotiation took place in very specific and complex circumstances and, for this reason, its replicability in other negotiations remains an open question.

In other developments, the Indo-Pacific Economic Framework for Prosperity (IPEF), based on four pillars, includes a supply chain pillar³⁰ with a reporting mechanism to address labour rights inconsistencies identified at the facility level in the territory of another party (IPEF parties are not required to adopt all pillars). Under the EU-US

negotiations of a Critical Minerals Agreement,³¹ aimed at fostering EU-US supply chains in critical raw materials (CRM) to produce electric vehicle batteries, parties are discussing the inclusion of specific mechanisms to address reported breaches of fundamental labour rights.



FIGURE 3 | Timeline of important milestones in the trade-labour nexus



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