

PERSONALLY SPEAKING

Special Issue

May 14, 2013

THE RESPONSIBILITY OF U.S. IMPORTERS FOR WORKING CONDITIONS IN FOREIGN COUNTRIES

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Had it taken place in the United States, the Bangladesh building collapse that has taken the lives of more than 1100 garment workers would have brought cries of outrage that such deplorable working conditions are tolerated. And likely would have led to the arrest of the building's owners and the various plant managers involved, not to mention a flurry of civil lawsuits for damages. Sadly, among Americans there seems to be little interest in this tragedy. Unlike the recent explosion and fire at a fertilizer plant in the Texas town of West that killed 15 persons, Bangladesh is "out of sight, out of mind."

Question. Do U.S. clothing wholesalers that have written contracts with manufacturing firms operating in grossly substandard working conditions outside the United States have any responsibility to intervene? Do U.S. retailers who sell clothing products manufactured under such working conditions have any responsibility? From both a legal and ethical perspective, we argue that U.S. wholesalers/retailers should and in certain cases do in fact intervene.

If, for instance, there are serious product defects originating from a manufacturer that is located in another country, even when working conditions are acceptable, the U.S. retailer/wholesaler importing that product would not hesitate to intervene. Intervention, in other words, is entirely appropriate in the case of a defective product. Indeed, the conditions under which that intervention takes place likely would be spelled out in the written agreement between the U.S. retailer/wholesaler on the one hand and the foreign supplier on the other. Simply put, tolerating defective products is bad for U.S. business.

In contrast, a U.S. retailer/wholesaler might be tempted to do nothing with regard to working conditions, especially when those conditions are *grossly* substandard, because improving those conditions is costly and would therefore add to the cost of production and the price of the product and subtract from profit margins. Simply put, tolerating substandard working conditions in other countries is good for U.S. business.

The ethical grounds for intervening in the case of substandard working conditions is provided by John Paul who asserts in *Laborem Exercens* that the subjective dimension of

work is more important than the objective dimension. In other words, the effect that work has on the person who works is more important than the effect that it has on the goods produced. In this matter, John Paul is asserting that substandard working conditions are a more compelling reason for intervention with the manufacturer than defects in the manufacturer's product. As necessary as they are to the survival of any business enterprise, the profits of the firm that derive directly from selling its products are subordinate to the well-being of the workers who make those products.

Intervention to address substandard working conditions can be implemented in two ways: agreement on the part of the private sector or action taken by the public sector. The federal government could approve a license to import a product only when the working conditions at the supplier's work site are documented as acceptable. In this case, the U.S. importer would have to provide the information necessary to establish that the supplier's working conditions meet that norm. Or U.S. companies engaged in importing products could voluntarily agree to accept only those products that are manufactured under acceptable working conditions. The definition of acceptable working conditions would begin with the standards that apply today in the United States, with any such agreement spearheaded perhaps by the National Association of Manufacturers. In this matter, the principle of subsidiarity gives preference to the private-sector remedy unless the private sector does not act.

Responsibility does not end at the water's edge. Cheap imported products are good for U.S. consumers. However, they should not be purchased at the price of human lives in countries far away. If all men truly are created equal wherever they live, worship, and work, the goods produced in other countries that Americans enjoy in abundance must include the cost of providing for the men and women who produce those goods reasonable protection from loss of life or limb.

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