



Women Workers Strike For Decent Work And Living Wage

Regional Feminist Participatory Action Research (FPAR) Report
2017-2019



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PREFACE

“When women stop, the world stops.”

This catchphrase tells the crucial role of women as drivers of economy and the society, in general. Yet, women’s labour and leadership have remained largely unrecognised and undervalued as the prevailing patriarchal structures and neoliberal globalisation continue to oppress women and manipulate women’s labour and body for profits.

The onslaught of neoliberal globalisation and corporate capitalism on workers have always been ruthless and relentless—driving workers to a global race to the bottom in all aspects of labour rights and decent work standards. Meanwhile, patriarchal systems exacerbate neoliberalism’s impact on women—relegating women’s labour as cheap and flexible while perpetuating the gender division of labour. Even though an increasing number of women participate in “productive” work, women continue to bear the bulk of unpaid domestic, care and maternal roles. Further, to a great extent, women’s “paid” work is considered merely as an extension of their domestic roles, rendering it cheap and flexible with no need for legal guarantees and protection.

This regional report records the solidarity journey of the Asia Pacific Forum on Women, Law and Development (APWLD) and 11 women-led organisations for women’s rights to decent work and a living wage in Asia. The Feminist Participatory Action Research on women’s labour rights (Labour FPAR) was designed to build and strengthen the organising power of women workers and their unions that generates positive changes and challenges the systems that oppress and take advantage of women and their communities.

We publish this report at a time when a global pandemic is seen to wreak havoc on the livelihood and safety of workers, especially in the Global South. Again and again, women are disproportionately affected by the massive job loss, the spread of COVID-19 in the

workplaces and communities and the lack of access to sanitation and health services. We hope that this report—which highlights not only the dire realities of women workers in Asia but more importantly, the struggles and victories of women uniting and striking to reclaim their rights to decent work and a living wage—will inspire us to persevere and strengthen our resolve to continue our interconnected struggles for a just and equitable future for women. Feminist movements must be at the centre of the struggle for decent work, as achieving decent work is integral to our fight for gender justice. Our task is daunting, but we must not stop; because when women stop, the world stops.

ACKNOWLEDGEMENT

This report is the result of the collective work and collaboration of 11 women-led organisations from nine countries in Asia: AWAJ foundation, Bangladesh; Independent Democracy of Informal Economy Association (IDEA), Cambodia; Nething - All Assam Adivasi Women's Association, and Garments and Fashion Workers Union, India (GAFWU), India; Palangkaraya Ecological and Human Rights Studies (PROGRESS), Indonesia; National Union of Bank Employee (NUBE), Malaysia; Solidarity of Trade Union of Myanmar (STUM), Burma/Myanmar; Home Based Workers Union (HBWU), Pakistan; BPO Industry Employees Network, the Philippines; Nurses Union of Thailand (NUOT), Thailand, and Chemical Workers Union Alliance (CWUA), Thailand. We thank them for their hard work and dedication to advance decent work and gender equality for women workers in the region.

We thank our Labour Programme Organising Committee members Daisy Arago (CUTHR, the Philippines), Nazma Akhter (AWAJ Foundation, Bangladesh), Sring Atin (IMWU, Hong Kong), and Triana Kurnia Wardani (Seruni, Indonesia), our trainers, for sharing their knowledge and experience, especially during the Labour FPAR trainings, and for their valuable advice and comments in completing this report.

This work would not have been possible without the generous support of Swedish International Development Cooperation Agency (SIDA), Norwegian Agency for Development Cooperation (Norad) and Foundation for a Just Society that share our vision and goal in empowering women workers in the region.

We also thank our colleagues and staff at APWLD for sharing their insights which enriched this report.

Special thanks to the APWLD's Research and Publications, Information and Communications teams for lending their expertise in copy-editing and lay-outing this report.

EXECUTIVE SUMMARY

WOMEN WORKERS IN ASIA: Our Stories through FPAR

This report is the result of the APWLD's Labour Feminist Participatory Action Research (FPAR) programme conducted by 11 women-led labour organisations in nine countries in Asia from 2017 to 2019. It details the deficits and challenges (can it be wins/victories? Challenges and barriers are the same) in achieving women's right to decent work as well as barriers to gender justice that confront women workers in Asia.

Key findings from the report examine the deficits of decent work which are a reality of women workers today: women's labour in Asia has become synonymous to flexible and precarious work, wages of workers in Asia sorely lag behind the living wage while big companies amass profits, and low wages prevent workers from affording decent homes for themselves, let alone their families.

This report also identifies that in many FPAR sites, women are deprived of their reproductive and maternal health needs and benefits. Pregnant women are discriminated against and could hardly get a job; women workers are not allowed to take leaves even if they are in pain due to reproductive health problems which proved to be fatal for some women; and trade union rights are integral to the attainment of decent work. However, the FPAR indicates the rights are under attack because of outright suppression of state and capitalist forces or due to the neoliberal spread of precarious employment. Further, unions mirror the patriarchal culture in society, leading to underrepresentation of women and a lack of women's leadership.

From 2017 to 2019, the Labour FPAR worked with women workers and their organisations to

strengthen their capacity on labour and women's human rights and built the capacity of grassroots organisations by developing new leaders and activists in building knowledge and resources from the ground, documenting their experience and producing their own narratives from a feminist perspective, advocating for policies, prodding authorities on their demands for decent work, living wage and women's human rights and challenging oppressive structures through mobilising in various fronts and organising more women workers and building cross-sectoral alliances.

As a result, they expanded union membership and created women's committees in their unions which challenged patriarchal cultures within unions and ensured that women-specific concerns were addressed. Women built cross-sectoral alliances with other civil society groups, media and other supporting organisations, broadening the movement for decent work, living wage and Development Justice.

In many respects, the Labour FPAR programme has been successful in empowering women to demand decent work, living wage and Development Justice, but there is still a long way to go. Major roadblocks and policy gaps on decent work at various levels remain. And to address these, the following concrete policy recommendations are advised: advance policies to protect job security and promote standard employment; repeal wage-setting mechanisms to promote living wage; respect international labour standards; end impunity on human rights violations against labour rights defenders and enact law for their protection; actively promote decent work for all workers including informal workers; ensure decent living standards and promote women's human rights in national labour policies; end sexual and gender-based violence and harassment in the world of work and protect the right to freedom of association.



INDIA

Nothing All Adivasi Women's Association of Assam (AAWAA), is a feminist organisation that advocates for social justice and securing the rights of women in the conflict area in Northeastern India. Through FPAR, they worked with women workers in tea plantations to claim their rights to health and child care, social security, job security and a living wage.

Young Feminist Researcher: Sangeeta Tete
Mentor: Banamallika Choudhury

"AAWAA members are playing active roles in the FPAR discussions, and we have been regularly discussing and talking with other women's groups. We have been able to connect with all women workers in the four gardens that we are working in.... Women workers are interested in knowing about their rights, and they are eager to share their stories and experiences of exploitation."

(Sangeeta Tete and Banamallika Choudhury, young researcher and mentor, Nothing, India)

Garment and Fashion Workers Union, India (GAFWU) was formed from the organising of Penn Thozhilalargal Sangam (Women Workers Union), a union of informal workers in Tamil. Led by women labour activists, they documented labour rights violations in the garment sector in Special Economic Zones (SEZs), organised women workers and pushed for higher wages and better working conditions for all.

Young Feminist Researcher: Sumathi Pitchaimani
Mentor: Selvi Palani

PAKISTAN

Home Based Workers Union (HBWU), through FPAR, documented unfair payment and labour practices faced by informal women workers in packaging, garment and envelopemaking industries. They organised and mobilised women workers for minimum wage and social protection.

Young Feminist Researcher: Irfana Qureshi
Mentor: Abira Ashfaq

"As a woman, I gained strength from the other organizers in the FPAR community – and I have learned at multiple levels – socially, morally and see things in national, regional and international perspective. Before FPAR, I had little to no knowledge of tools used to build research - tools such as workplace and power mapping were very useful to our work. This in turn also helped me build the union leaders. The community and union members also benefitted from these tools when they actively participated in the events and exercises."

(Irfana Qureshi, young researcher, HBWU, Pakistan)

BANGLADESH

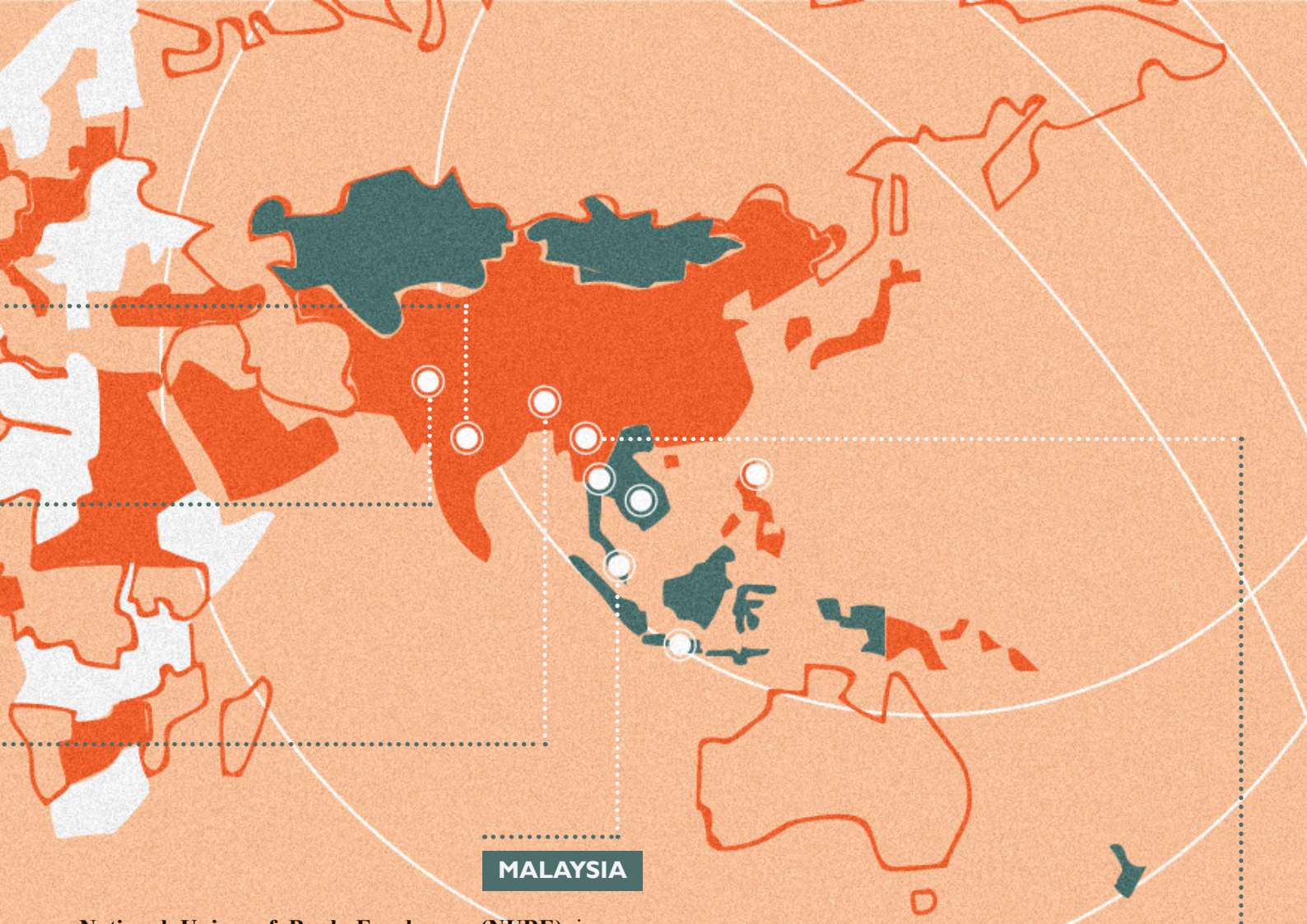
Through their FPAR, **AWAJ foundation** focused on organising workers who are in precarious employment and mobilised them to address workers' priority concerns such as living wages, overtime payment, holidays and maternity leave in various parts of the global supply chain.

Young Feminist Researcher: Khadiza Akter
Mentor: Nurfa Khatun

"The FPAR has built our capacity on research which we did not achieve earlier. The FPAR is our great platform to learn new topics, as a result we will be able to enhance our knowledge day by day."

(Khadiza and Nurfa, young researcher and mentor, AWAJ Foundation, Bangladesh)

LABOUR FPAR PARTNERS



MALAYSIA

National Union of Bank Employees (NUBE) is an organisation working for national and migrant workers in Peninsular Malaysia. Their FPAR focused on promoting women's human rights by organising and recruiting local and migrant workers in manufacturing and services industries to widen the reach of trade unions in other industries.

Young Feminist Researcher: Erlinda Binti Joseph
Mentor: Janarthani

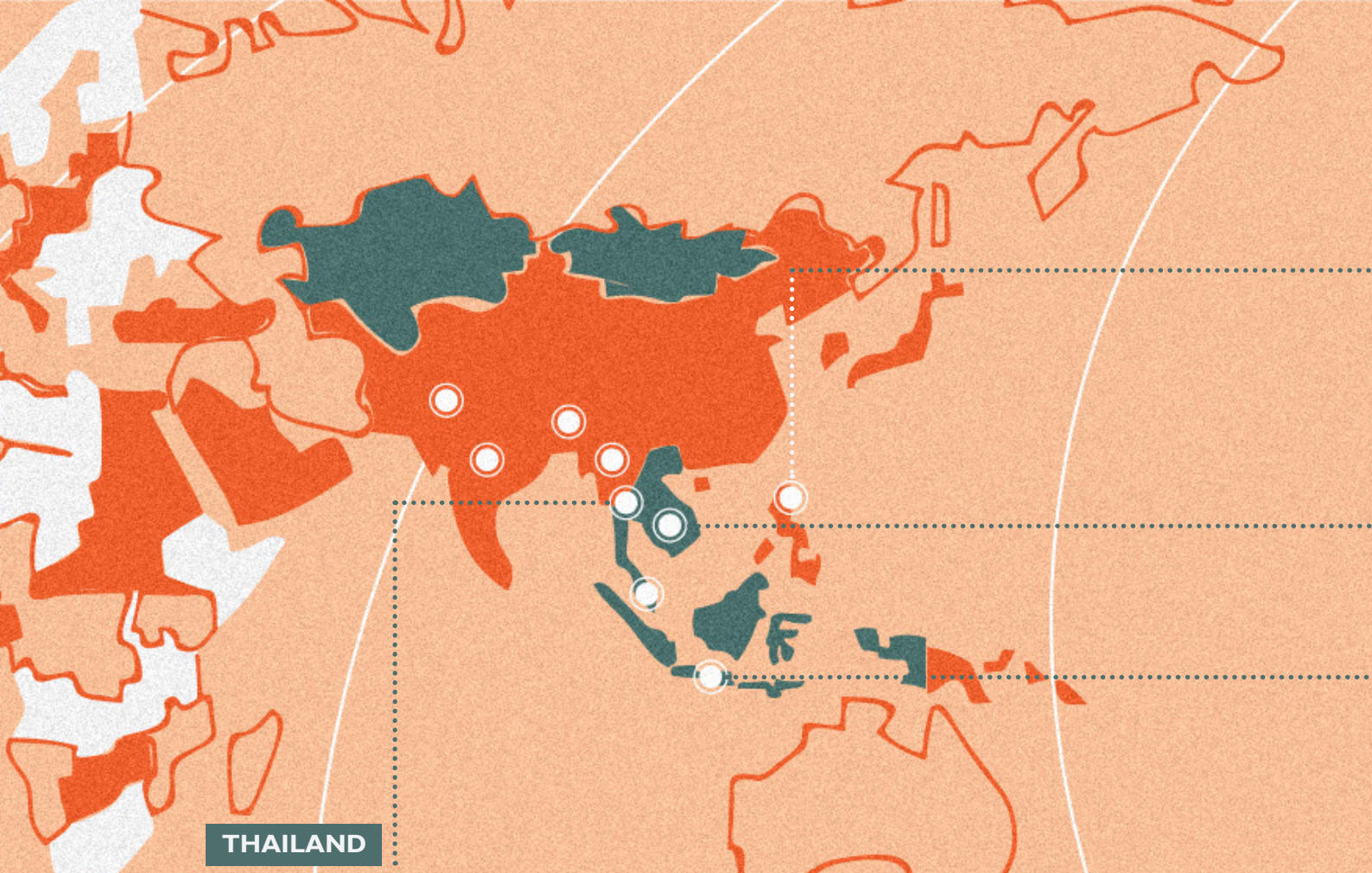
BURMA/MYANMAR

Solidarity of Trade Union of Myanmar (STUM) is a subdivision of the Myanmar Trade Union Federation (MTUF) engaged with the Ministry of Labour, Immigration and Population and the Labour Ministry to ensure that workers' rights are protected and social protection is provided. Through FPAR, they documented labour rights violations, including the issues of the lack of paid leave, sick leave, health care and social services for women workers.

Young Feminist Researcher: Thin Htet San
Mentors: Nang Saw, Myo Myo Aye

"The feminist perspective is very important for the Myanmar peace process because it makes us understand women's needs and demands. We have to know everyone's needs and demands for public peacebuilding and the peace process in Myanmar. So in future, she (a young researcher) will apply for the FPAR knowledge and tool not only for labour rights but also for women's participation in leadership roles of peacebuilding. Both of our FPAR journeys are remarkable in our experiences and we have to learn knowledge, tools and resources of FPAR like a lever, the FPAR principle these are like a steering, the women collective power is energy for our way to the structure change. We have got a feminist approach and a women's rights concept. These are becoming the value of our lives in the future."

(Thin Htet San and Nang Saw, young researcher and mentor, STUM, Burma/Myanmar)



THAILAND

The Nurses Union of Thailand (NUOT), through FPAR, investigated working conditions and health hazards in public hospitals in Thailand and advocated for better working conditions, occupational health and safety and formal recognition of the nurses' union in public hospitals.

Young Feminist Researcher: Jarujit Prajit
Mentor: Mullika Lunnajak

"FPAR Project has enabled a meeting with the FPAR network to exchange ideas for work in women's struggles and equality of rights. This has allowed the NUOT to learn and train skills to actively advance the movement, learn the lessons from the pressure actions and fight for the recognition of its members among the public and top management positions, learn the techniques and processes to analyse the problems and carry out negotiations, increase legal knowledge related to labour rights and human rights, develop new skills to utilise online media, and increase English communication skills to attend international conferences, which are beneficial for fostering understanding and cohesion among international allies and sharing experiences, which can be adapted to the situation/context in which Thai nurses are facing."

(Jarujit and Mullika, Young feminist researcher and mentor, NUOT, Thailand)

The Chemical Workers Union Alliance (CWUA) is an umbrella organisation of local unions that build solidarity among women workers, precariously-employed workers and migrant workers in Samutprakarn and Ayutthaya provinces. CWUA focused their FPAR in organising janitorial workers and cleaners towards improving their working conditions, social security protection and collective bargaining capacity.

Young feminist Researcher: Aranya Pakapath
Mentor: Chatchai Phaiyasen

"It was a great opportunity because all hospital workers were side-by-side during the activity and it was like they were one. They normally don't have the opportunity to talk to each other because of work. This strategy (FPAR) made it possible for all to talk to each other."

(Aranya Pakapath, Young feminist researcher, CWUA, Thailand)

THE PHILIPPINES

The **BPO Industry Employees Network (BIEN)** is a national organisation of workers in the business process outsourcing industry in the Philippines. Their FPAR focused on job security, work flexibility and health and safety issues as well as the gender-differentiated impact on women workers in call centres as a way to widen its women workers base.

Young Feminist Researcher: Roxanne Gale Villaflor
Mentors: Mylene Cabalona, Sarah Prestoza, Mary Jean Azaña and Emmadee Joy Pangaliman

“These (issues) would not have emerged if our questions were not sensitive to the needs and experiences of women workers. Having a feminist perspective also made us see how BPO companies neglect the needs and rights of women workers. It is (also) very empowering for the researcher and mentors to learn how research can be a tool not only for giving voices to women but also in social movement building by making women realise their condition and their collective power. Research is an important tool for organising as long as it is participatory and action-oriented.”

(Roxanne Gale Villaflor, young woman researcher, BIEN, the Philippines)

CAMBODIA

Independent Democracy of Informal Economy Association (IDEA) is an organisation of informal workers Tuk Tuk (rickshaw) drivers, domestic workers, street vendors and market vendors. IDEA’s FPAR aimed at organising informal workers, particularly rickshaw drivers in the border provinces of Cambodia and pushed for social protection and equal rights among workers.

Young Feminist Researcher: Von Samphous
Mentor: Ken Sophal

“It’s changed me a lot of knowledge and experiences since I joined the FPAR training and practice with the community, including the advocate strategy to reach the goal or impact objective. When I went to the community to conduct interviews with street vendors, I could know the problem they are facing, even though it is hard to advocate to reach the impact objective for our target group under the current politics of my country. I understand clearly how to reach it regarding the first and second training and we are just waiting for a good chance to do this.”

(Von Samphous, young researcher of IDEA, Cambodia)

INDONESIA

The Palangkaraya Ecological and Human Rights Studies (PROGRESS) is a non-profit organisation conducting research, campaign and advocacy on ecological and human rights issues. Through FPAR, they worked with women workers in palm oil plantations in Central Kalimantan to advance their labour rights.

Young Feminist Researcher: Kartika Sari
Mentor: Nur Syamsiyah

“The FPAR also changes the women, gives them the spirit of unity, gives them strength to hold hands and learn to fight together, also makes the women more brave and feel safe to learn to amplify their own voices.”

(Kartika Sari, young researcher of PROGRESS, Indonesia)

LABOUR FPAR PARTNERS



2017 - 2019

Labour FPAR Participants

SECTION 1

WOMEN'S LABOUR IN THE GLOBALISING WORLD OF WORK

In the last half-century, a significant transformation in the world economy has increasingly integrated women's labour into the world of work.¹ The so-called *feminisation*² of labour has become a tangible reality and a global phenomenon that transpired alongside the advent of neoliberal globalisation. Women's labour has gone beyond the confinement of unpaid domestic work, as more women are now found in many industries. While some have considered this development to improve women's overall status in society, there is so much left to be desired for women's human rights and gender equality, let alone decent work.

Women's entry into the global workforce is underpinned by persisting gender biases, historical injustices of colonisation that preserve the underdevelopment in the Global South, and a crisis of capital accumulation that cheapens labour by dragging down wages, destroying secure jobs, privatisation and attacking labour rights. Consequently, despite the growing number of women engaged in paid labour, women's productive and reproductive roles remain largely "invisible" within our patriarchal society and profit-driven economic system, subjecting women's labour to intensified flexibilisation in this era of globalisation.

¹As opposed to the physical workplace, the world of work pertains to all entities and relations of production. It is therefore an inclusive concept that covers all types of workers, new modes of production brought about by technological change that affect employment patterns and recognises outside factors that may also affect decent work (e.g., domestic violence).

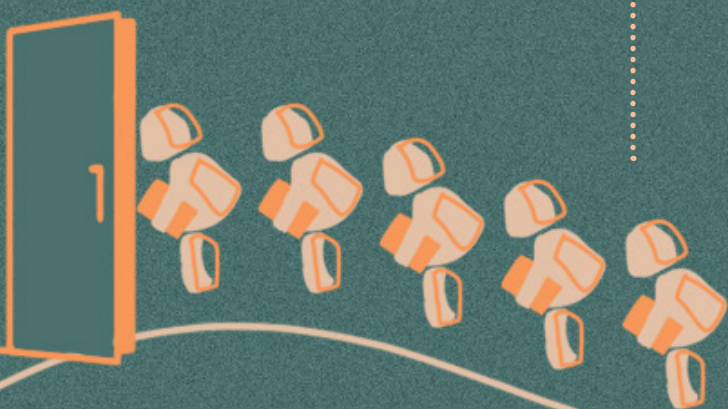
²Feminisation of labour was observed by Standing (1999) as a phenomenon that can pertain to two things: a) increasing participation of women in the labour force wherein jobs previously assigned to men can now be taken by women b) the transformation of certain jobs towards having "characteristics associated with women's historical pattern of labour force participation" that are akin to flexible and precarious (i.e. unpaid or low-paying and job security).

Global labour forces as of 2019 are 3.5 billion:

3.3 billion are employed
188 million are unemployed

45% of the employed are in vulnerable employment. Vulnerable employment includes both own-account workers (34%) and contributing family workers (11%).

They are considered vulnerable because they are not commonly protected by employment contracts and statutory laws.



GLOBAL LABOUR FORCE IN NUMBERS³

Roughly two in every five (39%) of the employed population is a woman.

630 million or one in every five workers (19%) is living in moderate or extreme poverty.



over 740 million informal workers or 37% are women, a great majority of whom do not enjoy the legal protection of minimum wage, social insurance and labour standards.⁴

³International Labour Organization (2020). World Employment and Social Outlook: Trends 2020. Geneva: International Labour Office. pp. 127. Retrieved from https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_734455.pdf

⁴International Labour Organisation (2018). Women and men in the informal economy: a statistical picture (third edition) / International Labour Office – Geneva: ILO

1.1. The crisis of neoliberal globalisation and its impact on workers

Global integration in the last five decades followed a particular economic and political development model that only benefits a few and impoverishes the great majority of the world's population, mostly based in the Global South. Globalisation⁵ promoted by international financial institutions (IFIs) and big corporations and adopted by nearly all governments across the world, advanced the unhampered movement of capital across national borders through the policies of liberalisation, deregulation, privatisation and corporate controlled re-regulation.

These policies promote unfair trade and investment agreements, cut government spending on public services, and a government guarantee of corporate profits using taxpayers' money. All of these adversely affect working people and the poor while benefiting big corporations. For instance, liberalisation of agriculture disproportionately affects farmers in developing countries as cheap imported agricultural products flood domestic economies. The privatisation of social services and public utility companies renders public services inaccessible or unaffordable for ordinary people.

Further, government rationalisation and austerity measures reduce public spending, resulting in job losses and contractualisation in the public sector. The liberalisation of trade in services also has the potential to significantly increase women's burden of unpaid work and drive women into deeper poverty. For instance, the introduction of market-based user fees is not just a regressive measure that deters women from accessing essential services, such as healthcare and education but also forces women to fill the gaps in such service and care provision. As women's burden of domestic and household work increases, they are further precluded from seeking employment, education, or exercising their political rights to sustain their life with dignity.

To seamlessly connect global supply chains and facilitate capital mobility, Special Economic Zones (SEZs) were set up and have been flourishing, extracting profits from the workers and the people in the Global South. Governments provide investors in SEZs with minimal or even zero taxes in the form of tax holidays and incentives while guaranteeing the absence of unions in these industrial and post-industrial zones either by law or by practice. Meanwhile, a heavy tax burden, through consumer goods taxes or by so-called "transfer pricing", is imposed on the great majority of the population to compensate for the revenue loss due to corporate incentives.

Neoliberal globalisation continues to perpetuate historical injustices of colonisation. It ossifies the Global South's neo-colonial ties to the Global North by relegating the former to the lower end of global production. The development in Asia is a case in point. Its integration into the global economy is characterised by its heavy dependence on foreign capital and markets. Except for East Asian economies, national industries in many Asian countries remain underdeveloped. The whole of Asia has arguably become a global factory and a continent of labour for Multinational Corporations (MNCs) and Transnational Corporations (TNCs) based in the industrialised North.⁶ Former Asian colonies remain at the periphery of the world economy as sources of raw materials and cheap(ened) labour, including women's work.

Under the neoliberal regime, the global economy has experienced significant economic crises and slow recovery with the severest impact on the working-class people. Meanwhile, the world's wealth has become more and more concentrated in the hands of a few individuals and corporations. From 2010-2019, the decade following the global financial crisis

⁵APWLD defines globalisation as the phenomenon of mass movements of people and goods across borders and throughout the globe, facilitated by policies that prioritise trade liberalisation, deregulation, privatisation and corporate controlled re-regulation. These neoliberal policies are presented as driving forces of economic growth, but they have not improved standards of living or advanced human rights for a majority of the world's poor. Research by APWLD and others suggests that unconstrained neo-liberalism has exacerbated the gap between rich and poor, and in many cases, has led to further feminisation of poverty.

⁶Chang, D. (2015) 'From a Global Factory to Continent of Labour: Labour and Development in Asia', in *Asian Labour Review* Vol 1: pp 1-48

of 2008-2009, the world economy grew only by an average of three (3) per cent year on year.⁷ In 2019, the 26 wealthiest people in the world owned the same amount of wealth as the world's poorest half, most of whom were women.⁸ The combined revenues of the 10 wealthiest corporations in 2015 surpassed the 180 poorest countries' combined revenues. In Asia and the Pacific, the region's billionaires' wealth was more than seven times the combined wealth of the region's poorest countries.⁹

Particularly for workers, the deepening inequality and promotion of neoliberal policies translate to dwindling real wages, rising living costs and reducing social protection and social security. Consequently, a large portion of workers cannot afford a decent life despite having a job. One in five workers (19.2 per cent) is among the working poor (moderately or extremely poor) with a daily income of USD 3.20 and below. About one in every 15 (7.1 per cent) are in extreme poverty with a daily income of less than USD 1.90.¹⁰ In Asia and the Pacific region, the working poor accounts for 22 per cent of the regional labour force or 410 million workers in extreme or moderate poverty.¹¹

The onslaught of neoliberal policies also promoted informalisation of the workforce and precarious jobs. A staggering 61 per cent of 3.3 billion or about two billion are informal workers—individuals informally employed in the formal sector or are in vulnerable employment in the informal sector.¹² Unlike workers with formal employment, informal workers have little to no legal protection in employment security, income, social protection and labour rights including their right to organise.

Increasing global integration within the framework of neoliberalism sorely failed to deliver human rights and Development Justice for the working majority and developing nations. Instead, it has widened inequalities and perpetuated social and gender injustices. As governments facilitate corporate domination through neoliberal policies, workers' long and hard-won rights are attacked through brutal or regressive labour law reforms. The imperative to resolutely advance decent work and a just and sustainable alternative to neoliberal globalisation is thus an urgent task of the feminist movement.

1.2 Decent work is a Feminist Issue

Neoliberalism and globalisation are not gender neutral. Increasing global integration may have facilitated the entry of more women into the world of work, but such a phenomenon is underpinned by persisting gender stereotypes and intensifying labour exploitation. Feminisation of labour is not simply characterised by the growth in the number of women in the labour force but more notably by the transformation of jobs towards having “characteristics associated with women's historical pattern of labour force participation” that is akin to flexible, precarious, unpaid or low paying.¹³

At the outset, women have been prevented from entering the labour market because of the gendered roles imposed on them by the society. Traditionally, women are expected to take care of

⁷World Bank (no date). “GDP Growth Annual” from the World Bank website. Retrieved from <https://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?end=2019&start=2000&view=chart>

⁸Lawson, Max, et al. (2019). Public Good or Private Wealth: Universal Health, Education and Other Public Services Reduce the Gap between Rich and Poor, and between Women and Men. Fairer Taxation of the Wealthiest Can Help Pay for Them. Oxford: Oxfam GB. Pp. 105 retrieved from <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/620599/bp-public-good-or-private-wealth-210119-en.pdf>

⁹United Nations Economic and Social Commission in Asia and the Pacific (UNESCAP) (2018). Inequality in Asia and the Pacific in the era of the 2030 Agenda for Sustainable Development. Bangkok: UNESCAP. Retrieved from <https://www.unescap.org/publications/inequality-asia-and-pacific-era-2030-agenda-sustainable-development>

¹⁰ILO (2020)

¹¹International Labour Organization (ILO) (2019). “The working poor or how a job is no guarantee of decent living conditions” in ILOSTAT Spotlight on Work Statistics. Pp. 11. Retrieved from https://www.ilo.org/global/statistics-and-databases/publications/WCMS_696387/lang-en/index.htm

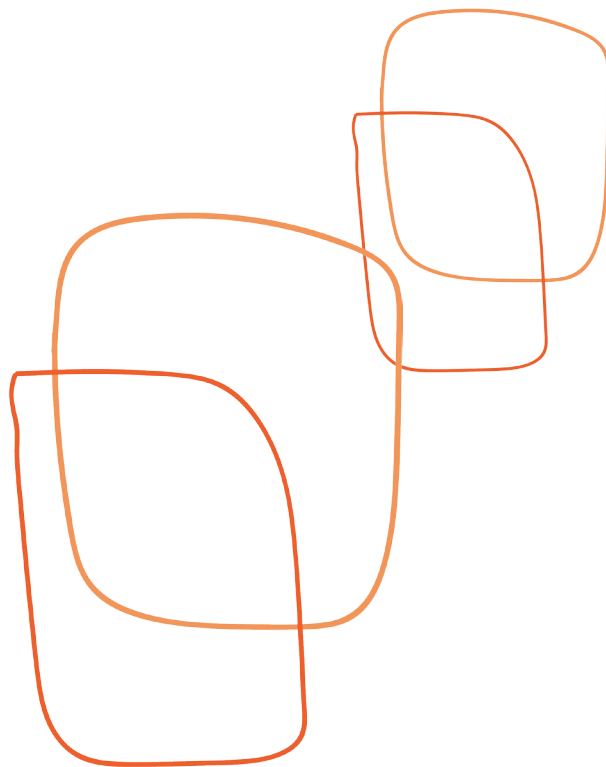
¹²ILO (2020)

¹³Standing, G. (1999). “Global Feminization Through Flexible Labor: A Theme Revisited” in World Development. 27(3) pp. 583-602.

the household, which puts them secondary to men when accessing the education and training necessary for their participation in paid employment later in life.¹⁴ This pervasive woman-as-homemaker and man-as-breadwinner bias¹⁵ did not disappear even if more women are already engaging in paid work. Instead, the logic of capital accumulation went hand in hand with patriarchal values to further take advantage of women by intensifying labour flexibility while at the same time keeping women's domestic work unpaid or invisible.

In Asia, the particularity of the crisis faced by women workers is further compounded by the

region's long history of colonisation that extends to its current place in the global economy and in the distinct political and social norms that shape gender relations in Asian countries. As patriarchy in most Asian societies remains dominant, Asia's full integration into the global economy through neoliberal policies has subsumed women's labour to increasing informalisation and precarity. On the one hand, Asia became a major outsourcing destination of global production; while on the other hand, patriarchy perpetuated gendered divisions of labour that rendered women's labour cheap in the factories of global brands, call centres, plantations of crops for export and home-based work.



¹⁴ILO (2018c). *Game Changers: Women and The Future of Work in Asia and the Pacific*. Bangkok: ILO Asia Pacific. Pp. 89. Retrieved from https://www.ilo.org/asia/publications/WCMS_645601/lang-en/index.htm

¹⁵Ghosh, J (2004). *Informalisation and Women's Workforce Participation: A Consideration for Recent Trends in Asia*. Geneva: United Nations Research Institute for Social Development (UNRISD). Pp. 38. Retrieved from [https://www.unrisd.org/80256B3C005BCCF9/\(httpAuxPages\)/24EF649B47EEDBFEC1256FDC003BB860/\\$file/goshjaya.pdf](https://www.unrisd.org/80256B3C005BCCF9/(httpAuxPages)/24EF649B47EEDBFEC1256FDC003BB860/$file/goshjaya.pdf)

GENDER INEQUALITIES IN LABOUR FORCE¹⁶

UN/DER/EMPLOYMENT

GLOBAL LABOUR FORCE PARTICIPATION

27.6%

(South Asia, 2018)

47%

74%

79%

(South Asia, 2018)

NEITHER IN EDUCATION, EMPLOYMENT,

31%

14%

EXTREME WORKING POVERTY (Earning less than USD 1.90 a day)

7.5%

6.9%

UNEMPLOYMENT

6%

5.2%

3 in every **5**
(57%)
underemployed are women;

in South Asia,
66.7%

of employed women work less than 35 hours a week, almost twice the global average of 34.2% of employed women (2016).

¹⁶Multiple sources: ILO (2020); ILO (2018b). Asia-Pacific Employment and Social Outlook 2018: Advancing decent work for sustainable development. Geneva: International Labour Office. 2018 pp. 110. Retrieved from https://www.ilo.org/asia/publications/WCMS_649885/lang--en/index.htm
ILO (2018e). World Employment and Social Outlook: Trends for Women 2018 – Global snapshot. Geneva: International Labour Office. Pp. 13. Retrieved from https://www.ilo.org/global/research/global-reports/weso/trends-for-women2018/WCMS_619577/lang--en/index.htm
ILO (2020). World Employment and Social Outlook: Trends 2020. Geneva: International Labour Office. pp. 127. Retrieved from https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_734455.pdf

OCCUPATIONAL STEREOTYPES

6 in every **10** women employed are in the service sector compared to only four in ten employed male (2016).

As agriculture declined, men's share in the manufacturing industry increased by

5.3%

while women's share in manufacturing simultaneously declined by

5.6%

(2016)

Women are mostly found in labour-intensive industries in agriculture and garments:

60%

of employed women are in labour-intensive agriculture (2016).

PRECARIOUS EMPLOYMENT

Informality is higher for women by 4.6% than for men in low-income and lower-middle-income countries (2019).

4.6%

There is a wide gap between the percentage of employed women who work as contributing (unpaid) family workers compared to men (2019)

17.9%

6.5%

In Asia and the Pacific, the gender gap in employment as contributing family work is wider than global average

13.1%

22.2%

(East Asia, 2018)

(Southeast Asia & The Pacific)

3.7%

(East Asia, 2018)

7.8%

(Southeast Asia & The Pacific)

31.9%

(South Asia, 2019)

9.1%

(South Asia, 2019)



Wage gaps and lack of social protection

On average, women are paid

20%

less than men globally (2018).

The gender wage gap in most Asian countries proves wider than global average:

in India **32.6%**

in Indonesia **21.5%**

in Sri Lanka **17.9%**

in Bangladesh women receive **23.1%**

less than men per hour of work

in Pakistan, women in agricultural work are paid **43%**

less than men.¹⁷

South Korea registers the highest gender pay gap

among OECD countries at **32.5%**

(2018)

Roughly

6 in every **10**

employed women are not covered by statutory maternity leaves and maternity cash benefits.

Unpaid work and motherhood penalties



Women spend four hours and 25 minutes every day or 201 days/year doing unpaid care work compared to one hour and 23 minutes every day or 63 days a year for men.



A total of 606 million working-age women performs full-time care work compared to only 41 million men.



Mothers of young children earn less by as much as 30% than women who do not have young children.

¹⁷Oxfam International (2016) "Underpaid and Undervalued: How Inequality Defines Women's Work in Asia" in Oxfam Issue Briefing (June 2016) Oxford: Oxfam GB. pp. 24. Retrieved from <https://policy-practice.oxfam.org/resources/underpaid-and-undervalued-how-inequality-defines-womens-work-in-asia-611297/>

Women's employment and gender stereotypes

Women's employment patterns reflect deeply embedded gender stereotypes. The division between so-called "feminine" and "masculine" jobs often confines women to certain occupations that would typically require care-work, emotionality and interpersonal skills. Conversely, occupations that require physical work, risk-taking and rationality are assigned to men.¹⁸ This occupational segregation became starker as employment shares across sectors changed from 1995 to 2015.

In this period, which was generally characterised by a decline in agriculture, women's employment shifted from agriculture to services, mainly wholesale, retail trade, cleaning, catering and services, health, education and social work. About six in every 10 employed women are found in the service sector compared to only four in every 10 employed men. Meanwhile, female employment in manufacturing also declined by 5.6 per cent, but this was accompanied by an increase of 5.3 per cent for male jobs in manufacturing, including construction.¹⁹ This employment trend demonstrates a gender divide in employment wherein women's work is seen as a mere extension of traditional maternal and domestic roles.

This gender bias against women in the labour market is manifested in almost all labour and employment indicators. Globally, there remains a wide gender gap in labour force participation rates which in 2019 is 27 points wide: 74 per cent for men versus 47 per cent for women.²⁰ Women are at the losing end of the gendered division of labour as most of the jobs assigned to women are low-pay and low-skill. In 2016, the ILO reported that among 142 countries, women tend to be overrepresented in "clerical, service and sales" and in "elementary occupations"—

remained underrepresented in high-status jobs and high pay, such as "legislators, senior officials or managers" when comparing data in two-time points for a sample of 14 countries.²

Women's work in Asia and The Pacific: low paid and precarious work

Lacking access to education and training, women are often left to do labour-intensive jobs, which are also typically low-paid and precarious. For instance, in South Asia, 60 per cent of employed women are found in labour-intensive agricultural activities.²² In the manufacturing sector, where new technologies are introduced to hasten production, women are concentrated in labour-intensive garments and similar industries where the gender stereotyping for women's work has been perpetuated. In both labour-intensive agriculture and the garment industry, different subcontracting methods happen down to the level of home-based work. It is not uncommon that women are paid on a piece-rate basis in these situations.

Women's lack of access to education and training further disadvantages women in poor countries especially technological advancement in the production process continues subsequently requiring a high-skilled labour force. This has been the trend from 1995 to 2015 wherein the increase in the number of male workers in high-skilled occupations in developing countries outpaced that of women.²³ Thus, shifts towards digitalisation and automation in many industries can heighten economic and gender inequality, leading to greater marginalisation of poor women and preserving occupational segregation between men and women.²⁴

⁸Lawson, Max, et al. (2019). Public Good or Private Wealth: Universal Health, Education and Other Public Services Reduce the Gap between Rich and Poor, and between Women and Men. Fairer Taxation of the Wealthiest Can Help Pay for Them. Oxford: Oxfam GB. Pp. 105 retrieved from <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/620599/bp-public-good-or-private-wealth-210119-en.pdf>

⁹United Nations Economic and Social Commission in Asia and the Pacific (UNESCAP) (2018). Inequality in Asia and the Pacific in the era of the 2030 Agenda for Sustainable Development. Bangkok: UNESCAP. Retrieved from

<https://www.unescap.org/publications/inequality-asia-and-pacific-era-2030-agenda-sustainable-development>

¹⁹Ibid.

²⁰ILO

²¹Ibid.

²²Ibid.

²³Ibid.

²⁴Shaeffer 2005; Drudy 2008 as cited in ILO (2016a)

In terms of pay, women are systematically paid less than men, on average, by 20 per cent globally.²⁵ In Asia and the Pacific, evidence from several countries confirms that there is a wide gender pay gap even in formal employment where women are paid much less than men by as much as 49.6 per cent.²⁶ This gender pay gap can be attributed partly because women are more commonly found in low-paying and informal jobs and partly because of low labour standards and lack of collective bargaining rights.²⁷ But in some countries in Asia and the Pacific, the gender pay gap is not only because of the concentration of women in informal employment since women in formal jobs are also paid much less than men.²⁸ Seniority and tenure in one's job, differences in work hours and outright discrimination are also factors that can affect the gender wage gap.²⁹ In many Asian countries, gender pay gap proves wider than the global average of gender wage gap: in India, the gender wage gap is at 32.6 per cent; in Indonesia, 21.5 per cent; in Sri Lanka, 17.9 per cent; in Bangladesh, women received 23.1 per cent less than men per hour of work, and in Pakistan, women in agricultural work are paid 43 per cent less than men.³⁰ South Korea registers the highest wage gap among OECD countries at 32.5 per cent.³¹

Gender disparity in terms of poverty is also very stark. For every 100 men in poor households, there are 104 women.³² It was also observed that there are more poor households with only one female employed than average. At a global level, the extreme working poverty (with less than USD 1.90 a day) rate is higher for women (7.5 per cent) than men (6.9 per cent).³³ But in some areas in Asia and the Pacific, the gap between working poor women and men is much wider. For instance, in South and South-West Asia,

the rate of working poor among women is 30.9 per cent compared to 25.4 per cent for men.³⁴

Gender stereotypes and economic underdevelopment lead to the informalisation of female labour, most especially in poor regions. Globally, roughly two billion of the 3.3 billion employed population are informal workers. Around 740 million of these two billion informal workers are women. It means globally, there are more male informal workers than female informal workers. But in lower and lower-middle-income economies where the share of informal employment to overall employment is overwhelmingly high—90 per cent and 84 per cent, respectively—an opposite pattern is observed. In these countries, informality is higher for women than men by 4.6 per cent.³⁵ In Asia and the Pacific, informal employment comprises 71.4 per cent of total employment in developing and emerging economies and 21.7 per cent in developed economies.³⁶ In South Asia and Southeast Asia, more women than men are found in informal non-agricultural jobs. Some countries like Timor Leste have more women in informal non-agricultural jobs than men.³⁷

Relatedly, women are often found in vulnerable employment where there is no legal guarantee of labour rights and standards and limited social protection. Vulnerable employment consists of own-account (self-employed) workers and contributing (unpaid) family workers. In 2019, the proportion of women employed as contributing family workers was almost three times higher (17.9 per cent) than for men (6.5 per cent) globally.³⁸

²⁵ ILO (2016b). *Global Wage Report 2016/17: Wage inequality in the workplace*. Geneva: International Labour Office. pp. 131. Retrieved April 22, 2020, from https://www.ilo.org/global/research/global-reports/global-wage-report/2016/WCMS_537846/lang--en/index.htm

²⁶ ADB and UN Women (2018)

²⁷ ILO (2016b)

²⁸ Ibid.

²⁹ Oxfam (2016)

³⁰ Ibid.

³¹ ILO (2018a). *Global Wage Report 2018/19: What lies behind gender pay gaps*. Geneva: International Labour Office. Pp. 159. Retrieved April 11, 2020, from https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_650553.pdf

³² UN Women and World Bank (2018)

³³ ILO (2020)

³⁴ ADB and UN Women (2018)

³⁵ ILO (2020)

³⁶ ILO (2018d). *Women and men in the informal economy: A statistical picture*. Third edition. Geneva: International Labour Office. pp. 156. Retrieved on April 18, 2020, from

https://www.ilo.org/global/publications/books/WCMS_626831/lang--en/index.htm

³⁷ ADB and UN Women (2018)

³⁸ ILO (2020)

The gender gap is even wider in each of the Asian subregions. In East Asia, contributing family members account for 13.1 per cent of women workers than only 3.7 per cent for men (2018).³⁹ In Southeast Asia and the Pacific, the same category accounts for 22.2 percent of female employment versus 7.8 per cent of male employment. In South Asia, 31.9 per cent of employed women contribute to family work compared to 9.1 per cent for men.⁴⁰

On the other hand, there is a higher percentage of men than women who are wage and salaried workers except in high-income countries.⁴¹ Although 40 per cent of wage and salaried employment is still considered informal,⁴² pay and salaried jobs are preferred in terms of security and legal coverage of labour rights, standards and benefits. The overrepresentation of women employed as contributing family workers further indicates societies' strong gender bias that marginalises women and undervalues women's labour.

Prone to Gender Based Violence at workplaces, leaving women without access to remedy and social protection

Women's relegation to low-skilled, low-pay, informal and vulnerable work also makes them susceptible to poor working conditions and various forms of gender-based discrimination, harassment and violence. Worldwide, around 35 per cent of women experience physical harassment while 40 to 50 per cent of women experience various forms of sexual harassment at work (e.g., unwanted sexual advances, physical contact etc.).⁴³

Particularly in Asian countries such as Japan, Malaysia, the Philippines and South Korea, studies reveal that 30 to 40 per cent of women suffer workplace sexual harassment.⁴⁴

Government's cuts on social protection coverage among the working population as part of the neoliberal shift towards austerity also disproportionately affect women.⁴⁵ By the types of jobs assigned to them, women workers find themselves excluded from social protection. More women than men are often excluded from contributory nature pensions because more women are not part of the labour force or not in formal employment.⁴⁶

Gender injustice in unpaid care work

Women spend much of their time performing unpaid care work, and it is one of the main reasons they are unable to join the labour force.⁴⁷ On average, women spend four hours and 25 minutes per day doing unpaid care work, which is equivalent to 201 working days in a year, whereas men spend only one hour and 23 minutes for unpaid care work or about 63 days in a year.⁴⁸ There are 606 million women in their working age who perform full-time care work across the world compared to only 41 million men. Asia and the Pacific region ranks second to Arab states with the highest proportion of women who engage full-time in unpaid care work.⁴⁹ Compared to men, women in Asia and the Pacific spend 4.1 times more on performing care work and 76 per cent of the time women are unpaid.⁵⁰

³⁹ ILO (2018e). World Employment and Social Outlook: Trends for Women 2018 – Global snapshot. Geneva: International Labour Office. Pp. 13. Retrieved April 18, 2020, from https://www.ilo.org/global/research/global-reports/weso/trends-for-women2018/WCMS_619577/lang-en/index.htm

⁴⁰ Ibid.

⁴¹ ILO (2021)

⁴² Ibid.

⁴³ International Trade Union Confederation (2016). *Stop Gender Based Violence at Work! Support an ILO Convention*. Brussels: ITUC. pp. 12 Retrieved from https://www.ituc-csi.org/IMG/pdf/stop_gender_based_violence_at_work_en_final.pdf

⁴⁴ Pillinger, J. (2017) *Violence and harassment against women and men in the world of work: trade union perspectives and action*. Geneva: International Labour Office, Bureau for Workers' Activities (ACTRAV). Pp. 154. Retrieved from https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publication/wcms_546645.pdf

⁴⁵ ILO (2017). *World Social Protection Report 2017–19: Universal social protection to achieve the Sustainable Development Goals*. Geneva: International Labour Office. Pp. 431. Retrieved from https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_604882.pdf

⁴⁶ Ibid.

⁴⁷ Beghini, V., Cattaneo, U. and Pozzan, E. (2019). *A quantum leap for gender equality: for a better future of work for all*. Geneva: International Labour Organization. retrieved April 2, 2020, from https://www.ilo.org/global/publications/books/WCMS_674831/lang-en/index.htm

⁴⁸ Ibid.

⁴⁹ Addati, L., Cattaneo, U., Esquivel, V., and Valarino, I. (2018). *Care work and care jobs for the future of decent work*. Geneva: International Labour Office. pp. 478. Retrieved April 26, 2020, from https://www.ilo.org/global/publications/books/WCMS_633135/lang-en/index.htm

⁵⁰ Ibid.

Employed women work longer hours for both paid jobs and unpaid care work, compared to men. Women in Asia and the Pacific work the longest hours in the world. On average, women in the region worked 7.7 hours daily, of which only 3.3 hours are paid, and the rest are dedicated to unpaid care work. If included in measurement of Gross Domestic Product (GDP), unpaid care work undertaken by women in Asia and the Pacific would add USD 3.8 trillion to the total regional GDP, and globally would add USD 10.8 trillion annually.⁵¹

Women's leadership roles in the union remain limited

Patriarchy has systematically barred women from decision-making which infringes on their liberty, human rights and overall development. By confining women to mainly childbearing and housekeeping roles, patriarchal culture has curtailed women's independence and silenced women's voices. As women are expected to spend much of their time to perform their gender roles at home, they stay out of the labour force or engage in flexible work arrangements, which leave them economically dependent on their male partners or household heads. It ossifies patriarchal relationships and pushes women to be submissive to authority. Patriarchy assumes women have no knowledge and skills other than the household roles assigned to them, keeping women from making their own decisions, voicing their opinions and participating in activities in the public sphere.

Patriarchy also exists within unions, and as a result, women's participation, especially in leadership roles, remains limited. In some countries in Asia, the deeply entrenched culture of a domesticated woman and the stigma attached to trade unions and labour organisations prevent women workers from going out of their homes to engage in the union and political activities. According to the ILO, female membership in national social dialogue institutions only ranges from 20 to 35 per cent, even if there is strong

evidence suggesting that women's participation in the collective bargaining process is essential to ensure outcomes that benefit women.⁵²

Neoliberal globalisation reinforces gender roles and stereotypes where women are seen as a source of cheap, low-skilled and flexible labour. Such feminisation of work that leads to informalisation and precarious employment is also linked to declining union membership which undermines workers' overall capacity to fight for decent jobs.⁵³ Women's underrepresentation in trade unions and social dialogue institutions is thus another crucial challenge in ensuring changes that will benefit women workers.

These gender injustices may have brought women workers compounding challenges that continue to perpetuate women's marginalisation. However, women have also been at the forefront of workers' struggle. Women led the historic strike of workers in Haymarket Square in 1886 that demanded an 8-hour workday. In 1972, women workers in garment factories in the Bataan Export Processing Zone in the Philippines led the fight to stop trade union attacks and implement labour protection by conducting massive protest actions in support of striking InterAsia workers.⁵⁴ In the tail-end of the Suharto dictatorship, women workers in Indonesia resisted state violence by relentlessly organising themselves leading towards successive general strikes for wage increases, better working conditions and secure employment between 2011 and 2013.⁵⁵ From 2010 to 2017, women workers in Cambodia's garment industry held successive local and general strikes in their bid to attain a living wage. And in March 2020, over one million women from 59 countries went on a women's global strike in a unified call of women for decent work, gender justice and a sustainable future.⁵⁶ Indeed, women collectively possess the power to challenge and bring about social change to benefit women and marginalised people.

⁵¹ United Nations Economic and Social Commission in Asia and the Pacific (UNESCAP) (2019). *Unpaid Work in Asia and the Pacific. Social Development Policy Paper*. Bangkok: UNESCAP. Retrieved February 3, 2022 from <https://womensglobalstrike.com/latest-news/over-1-million-women-go-on-a-womens-global-strike-across-the-world/>

⁵² Beghini et al. (2019)

⁵³ Beneria, L. (2001). "Shifting the Risk: New Employment Patterns, Informalization, and Women's Work" in *International Journal of Politics, Culture and Society* 15(1): pp. 27-53

⁵⁴ Sheill, K. (2019). *A Dangerous Unselfishness: Learning from Strike Actions*. Chiang Mai: Asia Pacific Forum on Women Law and Development. Pp. 76. Retrieved 2 September 2021 from https://womensglobalstrike.com/pdf/A_dangerous_unselfishness_2019.pdf

⁵⁵ ibid.

⁵⁶ Women's Global Strike (9 March 2020). "Over 1 million Women Go on A Women's Global Strike Across the World" in *Women's Global Strike Website* Retrieved 2 September 2021 from <https://womensglobalstrike.com/latest-news/over-1-million-women-go-on-a-womens-global-strike-across-the-world/>

1.3 Labour FPAR as a Tool to Advance Women's Labour Rights and Organising Power

Feminist movements, grounded in local struggle and experiences, are the key to making real changes. The Feminist Participatory Action Research (FPAR) is one tool for building feminist movements by integrating and applying all the principles that make it feminist, participatory and action-oriented and not in isolation to each other.

By putting women's human rights and voices at the centre, FPAR creates new forms of solidarity that are essential to empowering women and their communities. FPAR is political. It starts with the belief that knowledge production is gendered and constructed to create privileged authorities.



With FPAR, women collect evidence and use their perspectives to analyse their realities critically. Ultimately, FPAR brings forward women's knowledge and expertise and utilises these to frame policy and decision-making.

The purpose of FPAR is structural change:

The purpose of our research is to bring about structural changes that women identify as critical to their enjoyment of human rights.

01

FPAR is owned by the community: Research decisions are made by the community of women who are the stakeholders of the research project.

03

04

FPAR takes an intersectional approach: FPAR takes an intersectional approach to identity and experiences of discrimination, exclusion and marginalisation: recognising the diversity of women's experiences, identities and power.

06

FPAR fosters movement building / collective action: The research process itself should be seen as a collective process that strengthens solidarity but in addition the research aims to empower women to work collectively for long-term structural change.

09

FPAR prioritises safety, care and solidarity: Safety, care and solidarity with participants is essential.

FPAR amplifies women's voice: The research gives voice to women as the experts and authors of their own lives and policy decisions. It strategically places them as researchers and experts and promotes them into policy dialogue.

02

FPAR aims to shift power: The research seeks to reconstruct traditional power imbalances such as researcher / subject and also aims to challenge and shift gendered sources of personal, political and structural power.

05

07

FPAR builds capacity of all: FPAR always involves capacity building but also recognises that capacity building and learning is a collective, political action of all the players involved.

08

FPAR involves Free Prior and Informed Consent: Free, Prior and Informed Consent of all participants is prioritised in FPAR.



FPAR is conducted by and for women. With robust and locally produced research and documented evidence from 11 grassroots and women-led organisations in nine different countries in Asia, Labour FPAR enabled women to challenge gendered power inequalities in the world of work and beyond; and contributed to building a feminist movement and mobilised women workers for decent work, living wage and Development Justice.

What is Decent Work?

Decent work and a living wage are human rights. They are integral to attaining Development Justice. Decent work consists of four main elements namely:

Right to full employment: all people have the right to work. National labour policies should aim to provide dignified, local employment and sustainable livelihoods.

Rights at work, including a Living Wage: Workers' rights include the right to just and favourable conditions, days off, 8-hour workdays, non-discrimination and living wages for them and their families, among others.

Social Protection: workers should have safe working conditions, adequate free time and rest, access to benefits like healthcare, pension and parental leave, among many others.

Social Dialogue: workers should be able to exercise workplace democracy through their unions and negotiate their workplace conditions as well as national and international labour and development policies.

Decent work is also Goal 8 of the Sustainable Development Goals (SDGs) and is crucial for achieving labour rights and attaining sustainable development. Together with a living wage, decent work is imperative to challenge growing income inequality and promote participatory democracy in society.⁵⁷

What is Development Justice?⁵⁸

Development Justice embodies an alternative model of development to neoliberal globalisation and corporate capitalism. Development Justice is anchored on five transformational shifts, namely:

Redistributive justice: redistribution of resources, wealth, power and opportunities from a selected few to all human beings equitably

Economic justice: development of economies that enable dignified lives, accommodate needs, and facilitate capabilities, employment and livelihoods available to all, and is not based on exploitation of people or natural resources or environmental destruction

Social and gender justice: elimination of all forms of discrimination, marginalisation and exclusion that pervade our communities such as patriarchal systems and fundamentalisms at the same time promote sexual and reproductive justice, and guarantee human rights for all peoples

Environmental justice: recognition of the historical responsibility of countries, and elites within countries whose production, consumption and extraction patterns have led to human rights violations, climate crisis and environmental disasters

Accountability to peoples: requiring democratic and just governance that enables people to make informed decisions over their own lives, communities and futures.

⁵⁷ Lappin, K. and Lamubol, S. (2018). "Just and Equitable Transitions for a Feminist, Fossil Fuel Free Future" in *Asia Pacific Forum on Women Law and Development* (APWLD) website. Retrieved Jan. 18, 2020, from <https://apwld.org/new-resource-just-and-equitable-transitions-briefer/>

⁵⁸ APWLD (2019). *We Need Development Justice*. Chiang Mai: APWLD. pp.2. Retrieved 31 July 2020 from https://apwld.org/wp-content/uploads/2019/07/2019_Development_Justice_Brief_update.pdf

SECTION 2

SITUATION OF HUMAN RIGHTS OF WOMEN WORKERS IN ASIA: OUR FINDINGS FROM FPAR

Asia and the Pacific region have the largest share of the world's working population with over 1.9 billion labour forces, 700 million of whom are women.⁵⁹ The region experienced tremendous growth in recent years and now accounts for 60 per cent of the world's economic growth.⁶⁰ However, a paradoxical pattern of growth and increasing inequality hounds working people in the region. The United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) reported in 2018 that regional inequality increased by five points, with income

inequality rising in 40 per cent of Asia-Pacific countries. Same with the global trend, the income gap is widening in Asia and the Pacific with a further concentration of wealth in the wealthiest one per cent. By 2017, the combined net worth of billionaires in Asia and the Pacific was more than seven times the combined gross domestic product of the region's poorest countries.⁶¹ The region also registered about a five-point increase in income inequality measured by the Gini coefficient from the 1990s to 2010s, and countries like Indonesia (8.2), Bangladesh (4.6) and India (4.3) are among the top countries that registered the highest increase in income inequality.⁶² Meanwhile, despite the relative decline in income inequality, measures of Gini coefficient in Cambodia (37.9), Malaysia (41), Burma/Myanmar (30.7), Pakistan (33.5) and the Philippines (44.4) remain considerably high.

Gini Coefficient

One of the indicators to measure income inequality is by applying the Gini coefficient. It provides a general impression of the unequal income distribution in society. The Gini coefficient is calculated by comparing cumulative proportions of the population to cumulative proportions of income they receive.

Despite the region's economic growth, Asian economies remained at the peripheries of global capitalism. They serve the lower end of the global production chain and utilise their so-called comparative advantage in cheap labour and raw materials (See Sidebar: palm oil plantations). Combined with deeply embedded patriarchal culture in society in general and in many Asia-Pacific countries in particular, the dynamics of global capitalism in the context of neo-colonies in Asia and pervasive patriarchal values leave women in a more disadvantageous position in the world of work. Women workers in Asia thus tend to bear

the disproportionate impact of many decent work deficits. Decent work deficits pertain to the lack or absence of productive work (in the form of poverty wages, lack of work security and/or social protection, poor working conditions) and abuse or curtailment of labour rights (lack of freedom of association, collective bargaining and representation). In Indonesia and India, women plantation workers hardly earn enough to support a living due to piece rate and poverty wage rates. In Bangladesh, Burma/Myanmar, the Philippines and Thailand, contractual and outsource work prove to undervalue and take advantage of

⁵⁹ILO (2018b)

⁶⁰ International Monetary Fund (IMF) (2018). *Asia and Pacific Asia at the Forefront: Growth Challenges for the Next Decade and Beyond*. Washington DC: IMF. Pp 22. Retrieved July 23, 2020, from <https://www.imf.org/en/Publications/REO/APAC/Issues/2018/10/05/areo1012>

⁶¹ UNESCAP (2018)

⁶² (ibid.)

⁶³ World Population Review (2021) "Gini Coefficient by Country 2021" in *World Population Review* website. Retrieved 3 September 2021 from <https://worldpopulationreview.com/country-rankings/gini-coefficient-by-country>; World Bank (no date) "Gini Index Myanmar" in *World Bank* website. Retrieved on 3 September 2021 from <https://data.worldbank.org/indicator/SI.POV.GINI?end=2018&locations=MM&start=1960&view=chart>

women's labour with little employment protection and poor working conditions. In Cambodia, Pakistan and India, women dominate informal employment as street vendors, home-based workers and domestic workers whose labour rights and welfare are hardly protected due to absence or inadequacy of existing labour laws.

Palm oil plantations: A continuing history of dispossession and exploitation

Large scale plantations in Indonesia date back to the Dutch colonial rule. From self-sufficient farming, lands were converted by colonial masters into single-crop plantations whose produce was oriented towards a foreign market's needs. Control and ownership of land were transferred to big landlords from small farmers and indigenous peoples. This lopsided monopoly system and mono-crop plantations continued and expanded in Indonesia (as in other post-colonial nations) in the neoliberal era. As the global market's needs for cheap raw agricultural products increased, new crops for export such as palm oil were introduced. Palm oil is one of the most high-value commodities globally; it is an essential raw material for both consumer and industrial products. Today, Indonesia is the number one producer of palm oil globally and hosts the giant palm oil plantations, with over 12 million hectares of forest land converted into large scale palm oil plantations.

“I work so hard, but I just earn around IDR 1,500,000 (around USD 103.85), while the UMP (Province Minimum Wage) is IDR 2,550,000 (around USD 176.54). Company fooled me, they think that because we are just workers, they can do anything, playing with our lives.”

- Sauwiyah, Women workers in Palm Oil Plantation, Kalimantan, Indonesia

Big corporations control most of the lands used for palm oil production. Apart from environmental degradation, the expansion of palm oil plantations also resulted in over 300 agrarian reform conflicts involving lands of small farmers and land grabbing of ancestral domains of indigenous peoples by private or state-owned companies. Farmers and indigenous peoples were dispossessed of their lands and forced into a new way of life. Farmers end up giving their land certificate to palm oil companies and get a meagre share of 20 to 30 per cent during harvest season. With no more land to till, farmers and indigenous peoples have turned into workers in a wage-slave capitalist system dominated by big palm oil companies.

For women who were likewise dispossessed in this context, the impact was disproportionate because of gendered norms, violence and exploitation perpetrated by capitalist relations. PROGRESS, Labour FPAR partner in Indonesia, finds that the Indonesian palm oil plantation workers are paid only IDR 900.000–2.000.000 (USD 66-147) per month. Due to unreasonably high quotas and extremely low pay, wives of male workers in palm oil plantations are practically coerced to render unpaid work by helping their partners deliver their workload. Despite frequent exposure to many pesticides that pose serious reproductive health risks, women plantation workers are unable to access to adequate healthcare services, clean and safe water supply and provisions (i.e., milk and medicines) to mitigate the adverse impact of constant chemical exposure.⁶⁵

⁶⁴ PROGRESS (2019). Labour FPAR Country Report

⁶⁵ *ibid.*

2.1. Widespread precarious employment

Women's labour has become synonymous with flexible and precarious work. Asia's full integration into global capitalism has turned the region into an outsourcing destination, subjecting women's labour to widespread precarious employment regardless of sector or industry. In agriculture, a significant portion of workers hold temporary status. Five in every 12 workers employed in the tea plantations in Assam, India has provisional status. In Indonesia's palm oil plantations where 40 per cent of the workforce are women, casual employees also abound.⁶⁶

The same is true in the manufacturing hubs of multinational fashion brands in Bangladesh and Burma/Myanmar, where most female garment workers are contractual employees. Apart from lacking job security, contractual workers frequently lack social security benefits such as health benefits, maternity benefits and pension. They do not enjoy paid leaves which disproportionately affects women. For instance, when suffering from reproductive health issues (e.g., dysmenorrhea) women contractual employees have no choice but to continue working due to lack of paid leave. Compared to permanent employees, contractual workers often find themselves with poorer working conditions: they have less and limited break time, poorer health and safety protections and inadequate hygiene facilities.

In Bangladesh, contractual garment workers—most of whom are women—are treated badly in the industry. They do not have employment ID cards, service books or appointment cards, which prevents them from enjoying the statutory benefits normally accorded to permanent workers. These benefits include maternity leave, fixed working hours, service benefits, health facilities and toilet breaks. They are the first to be fired whenever there is a slowdown in production. They do not have leave benefits, nor can they go on holiday. Contractual workers cannot afford to be absent even for a single day, or else they will be replaced immediately. They are deemed dispensable and replaceable, and this, to a large extent, explains the poor treatment they receive from their employers.

Whether public or private, subcontracting has become a common strategy to reduce costs in the services sector. In Thailand's public hospitals and the Philippines' call centres, women's labour is further cheapened by subcontracting agencies and their clients. Public hospitals in Thailand subcontract cleaning functions to third parties, and such practice has had a deleterious impact on workers' job security, benefits and working conditions. Hospital cleaners are assured of being re-hired whenever a new contractor wins the bidding and replaces the old contractor. However, new contractors impose new policies that mostly result in poorer working conditions and even lower pay. Furthermore, hospital cleaners under a new contractor are forced to work seven days a week to avoid the reduction in wages. As daily workers under a subcontractor, hospital cleaners are deprived of their sick-leave benefits in contrast to the Thai Labour Law.

In the Philippines, the Business Process Outsourcing (BPO) is considered an economic growth driver. Companies from the Global North, mostly from the United States, outsource specific jobs (i.e., call centre, chat and email support, animation, information technology) to third party BPO companies (also called 'vendors') to reduce labour costs. The Philippine government even lifted the prohibition on night work for women workers to systematically take advantage of the large pool of available female labour for the booming industry. However, BPO workers, the majority of whom are women, face highly insecure jobs. They are at the receiving end of tight competition between BPO companies for their clients. Like manpower agencies or contractors, BPO companies have to offer their clients the most "cost-efficient services" to keep their contracts, which means slashing expenses on labour but assigning more tasks to an individual employee with no additional pay, slashing benefits or even replacing tenured employees with new ones who have lower wage rates. If a client ends (or pulls out) its contract with a BPO company, many workers find themselves in "floating status". Workers in floating status remain technically employed by the BPO company but they will not receive pay until such time that they are transferred to a new client. Philippine laws allow workers to be in floating status for up to six months. But no worker can afford to have no pay for such a

⁶⁶ *ibid.*

long time, so workers are “forced” to resign when they are placed in floating status. However, the practice of floating in the BPO industry is even more problematic because many BPO companies place workers in floating status while they are continuously hiring new employees for other clients. This practice is known as “floating while hiring” which is observed to be preferred by BPO companies since new employees tend to have lower pay than tenured workers. Tight competition for clients among BPO companies is also often reflected in strict company policies such as attendance and performance scores, and intensified labour flexibility to the detriment of workers’ rights in general with a specific impact on women workers’ health and well-being.⁶⁷

2.2 Women in Informal Sectors

Women workers in the informal sector bear the worst form of insecurity and precarious employment. Unlike formal sector workers whose rights are protected by national laws, albeit in paper, informal sector workers such as street vendors in Cambodia, home-based workers in Pakistan and domestic workers in India are oftentimes not covered by labour standards and government regulations on decent work and social security (See Sidebar).

Informality and Women’s Labour in Cambodia’s street vendors, Pakistan’s home-based workers and domestic workers in India



Image 1 Women street vendors joined FPAR in Cambodia

In Cambodia, informal employment is overwhelmingly high at 93.1 per cent of total employment, the highest in Asia.⁶⁸ Street business accounts for a significant portion of Cambodia’s informal sector. Roughly one in every 12 Cambodian enterprises is a street business, and over three in every four people engaged in street vending in Cambodia are women. Women vendors sell a variety of goods—food, clothes and retail goods—as consumer demands in urban and tourist centres grow.⁶⁹

In Pakistan, an estimated 72 per cent of the working population is found in the informal economy. This includes 20 million home-based workers, 12 million

of whom are women. Factory jobs, such as bangle production, packaging, sewing clothes, making packets and envelopes, are outsourced to contractors (thekay dar) or subcontractors (pale-daar). Most of the time, women only see or interact with the subcontractors who bring them the factory jobs. Home-based women workers, who come from different age groups including girls below 15 years old, are paid on a piece-rate basis. Roughly, the minimum daily wage for “unskilled” workers is USD 2.82 (PKR 500) a day. The amount they receive is less than a tenth of the daily minimum wage rate that a worker should receive under the law.⁷⁰

⁶⁷ BIEN (2019). Labour FPAR Country Report.

⁶⁸ ILO (2018d)

⁶⁹ IDEA (2019) Labour FPAR Country Report

⁷⁰ IDEA (2019) Labour FPAR Country Report

In India, urbanisation combined with the decline of agriculture and withdrawal of support to small farmers by the government induced a mass diaspora of the rural working-age population to the city. Women from rural communities mostly work as domestic workers while men work as construction workers. According to the ILO, while official statistics peg domestic workers in India to be around 4.75 million (three million of which are women), the actual number can go as high as between 20 and 80 million.⁷¹ A vast majority come from marginalised communities – Adivasis, Dalits or landless farmers.⁷²

Domestic workers in India enter their jobs without written contracts, and employment terms are talked about verbally. Many domestic workers in India are educated with at least 10 years of education, but the lack of employment opportunities leaves them with no choice but to work as domestic workers.

Women employed in the informal sector are not protected by labour laws, which consequently excludes them from minimum wage and statutory rights accorded to workers in the formal sector, including access to social protection and social security benefits, right to collective bargaining and freedom of association.

The overrepresentation of women in the informal sector reflects the intersection of gender and class—the historically disadvantaged position of women and the deepening crisis endured by the working class in the period of neoliberal globalisation.



Image 2 Women domestic workers in India discussing rise in common wage, organised by Penn Thozhilalargal Sangam (PTS)

On the one hand, poor women in traditional and highly patriarchal societies have much more limited access to education than men. Women are confined in their homes, whereas men are freer to go out in public space to find formal jobs. To a large extent, these factors prevent women from landing formal and decent jobs. In these societies where women are deemed “domestic”, any kind of paid employment, even if cheap and precarious, is already considered a fortune. On the other hand, decent employment opportunities are generally limited for both men and women in developing countries like Cambodia, Pakistan and India. It is precisely the impoverished condition of the working-class households that drives women to find other means of livelihood—no matter how low-paid or precarious. These realities only affirm that prevailing and persisting norm in our supposedly ‘modern’ society: women’s productive labour is still considered as a mere adjunct to male labour.

2.3 Poverty wages

Poverty wages persist across the world, deepening especially in the poorest regions and countries while big corporations amass profits (See sidebar: The Other Side of Fast Fashion in Asian Garment Factories). While the world economy grew, albeit marginally in the last decade, workers’ real wages lagged behind. From a growth rate of 3.4 per cent in 2007, real wages of workers increased by a meagre

1.8 per cent in 2017—the slowest since the 2008-2009 financial crisis.⁷³ The same trend is observed in Asia and the Pacific. Real wage growth in Asia decreased from 5.5 per cent in 2007 to 3.5 per cent in 2017. Without China, this figure will only be halved at 1.6 per cent.⁷⁴ Such declining growth in real wages widens the gap between minimum wage and living wage in many Asian countries.

⁷¹ ILO (no date) “About Domestic Work” in ILO website. Retrieved from https://www.ilo.org/newdelhi/areasofwork/WCMS_141187/lang--en/index.htm

⁷² PTS (2019) Labour FPAR Country Report

⁷³ ILO (2018a)

⁷⁴ *ibid.*

The Other Side of Fast Fashion in Asian Garment Factories

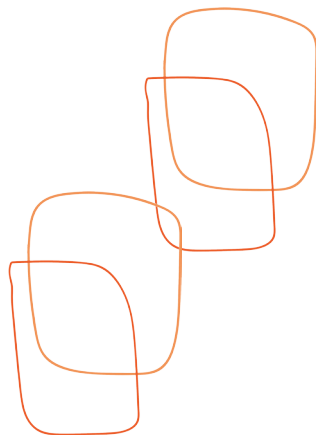
Economic liberalisation paved the way for the expansion of the global garment industry. Following the end of the Multi-fibre Agreement in 2005, the global garment industry entered a “post-quota” era, opening access to other Asian countries to export goods. As a result, the global garment industry has dramatically grown in the last two decades. From 20 million employees in 2000, the sector employed between 60 and 75 million employees by 2015.⁷⁵

Asia and the Pacific region is considered the world’s garment factory following the dramatic growth in exports, which in 2019 accounted for over 60 per cent of global garments’ export.⁷⁶ Garment and footwear industry comprise a significant portion of the economies of many South and Southeast Asian countries. For instance, in Bangladesh, about 4.5 million workers are employed in the sector, 70 per cent of whom are women. Similarly, in Burma/Myanmar, the garment industry has steadily grown in the last decade with over 450,000 workers, accounting for 10 per cent of the country’s GDP.⁷⁷

Garment workers are typically contractual workers with no job security or social security benefits. Although garment workers are wage and salaried workers and therefore covered by the minimum wage protection, there still exist piece-rate workers in informal subcontractors.

Low safety standards cost the lives of thousands of garment workers in Asian factories as in the case of Rana Plaza collapse on 24 April 2013 when 1,134 workers died and about 2,500 others were injured.⁷⁸

The contrast between the incomes of garment workers and executives of fashion brands is merely obscene. A garment factory worker in Bangladesh earns on average about USD 60 to USD 70 a month or USD 720 to USD 840 a year, while the chief executive of H&M, a leading fashion brand, can earn as much as USD 125,500 a year in bonuses alone.⁷⁹ This means that under current wage rates and the pattern of wealth distribution, a female garment worker in Bangladesh will not earn as much as half of a CEO’s annual bonus in her entire lifetime. The wealth produced in the world’s fashion industry rests on fast and ruthless squeezing of profits from women workers in Asia’s garment factories.



⁷⁵ Clean Clothes Campaign (2015). “General Factsheet Garment’s Industry” in the Clean Clothes Campaign website. Retrieved from <https://cleanclothes.org/file-repository/resources-publications-factsheets-general-factsheet-garment-industry-february-2015.pdf/view>

⁷⁶ Lu, S. (4 August 2021) “WTO Reports World Textiles and Apparel Trade in 2020” in FASH455 *Global Apparel & Textile Trade and Sourcing*. Retrieved from <https://shenglufashion.com/2021/08/04/wto-reports-world-textiles-and-apparel-trade-in-2020/>

⁷⁷ The ASEAN Post Team (16 July 2019). “Revamping Myanmar’s Garments Industry” in *The ASEAN Post*. Retrieved from <https://theaseanpost.com/article/revamping-myanmars-garment-industry>

⁷⁸ ILO website (no date) “The Rana Plaza Accident and its aftermath” Retrieved from https://www.ilo.org/global/topics/geip/WCMS_614394/lang--en/index.htm

⁷⁹ Clean Clothes Campaign (CCC) (2015). “General Factsheet Garment’s Industry” in *Clean Clothes Campaign* website. Retrieved from <https://cleanclothes.org/file-repository/resources-publications-factsheets-general-factsheet-garment-industry-february-2015.pdf/view>

With the rising cost of living in Asian countries, workers in various sectors struggle to make ends meet. Two in every five workers in the region are among the working poor (extremely poor, moderately poor or near poor).⁸⁰ In Thailand, hospital cleaners earn a bare minimum wage of USD 10.20 (THB 320) a day or USD 265 (THB 8,320) a month. Workers in tea plantations in North India receive as low as USD 1.05 (INR 77) a day. Garment sector workers in Bangladesh earn USD 63 (BDT 5,300) a month, and in Burma/Myanmar, garment workers receive a daily wage of only USD 3 (MMK 4,800). While nurses in Thailand and BPO workers in the Philippines earn USD 350 and USD 300 a month, respectively, these wage rates are still insufficient to support a family. Workers' wages across Asia and the Pacific countries sorely lag behind a living wage.

“Why do we have to endure these conditions? Many things have changed: higher living costs, more difficult jobs, higher risks, but our salary and benefits got worse. We can’t stand it any longer.”

- A nurse in a Thai public hospital



Image 3 Women Garment Workers in Burma/Myanmar discussed on their labour law reforms

Minimum wage hikes or company-sanctioned appraisals are too little and rare that wages can hardly keep up with rising living costs. Workers get mired in debts in order to survive. Street vendors in Cambodia rely on loans from the users who impose high interest rates. Similarly, in Burma/Myanmar, garment workers end up borrowing money from users, oftentimes their supervisors. In Thailand, hospital cleaners end up pawning their payroll ATM cards.

Poverty wages ultimately push down the quality of lives of workers and their families. In Pakistan, households of home-based workers can hardly afford sufficient meals for the day, let alone a balanced diet. There are times when they are forced to borrow money to buy food or left-over food sold for a much lower price or simply skip meals. The meagre income they receive is simply not enough to send their children to school, which invariably affects more girls. Home-based workers in Pakistan survive living in slums because they cannot afford adequate housing. The situation is almost the same even in the formal sector. Because of poverty income and the high cost of living in the city, even nurses in Thai public hospitals cannot afford to rent adequate housing for their families (More on Section 2.5).



Image 4 Home-based workers in Pakistan gathered for the FPAR activities, 2018

⁸⁰ ILO (2018b)

2.4 Wage theft

Wage theft is not uncommon in the region as workers sometimes don't get paid for additional work hours or extra workload. Hospital cleaners in Thailand must be in the hospital for two hours before their official shift begins to prepare, and they are hardly paid for these extra hours. They also do not receive pay slips to cross-check if their salaries match the total hours they spend working. Similarly, BPO workers spend about 15 to 30 minutes in their workstation prior to their shift, to get their tools ready. BPO workers also typically take on multiple tasks (also called super-agent) with no additional compensation. Piece-rate contractual garment workers in Bangladesh and palm oil workers in Indonesia do not receive overtime pay, even if they work beyond eight hours a day or five days a week.

The informal nature of contracts between domestic workers and their employers, and the lack of government regulation on working hours also make domestic workers vulnerable to wage theft. Domestic workers in India earn roughly USD 0.60 (INR 42 to INR45) per hour. However, they do not use any tools to record the work hours and calculate wages. Employers often ask domestic workers to work on additional tasks and additional hours without extra pay. Often, employers invent performance issues to avoid paying extra to domestic workers for their extra work.⁸¹



Image 5: Nurses in public hospitals in Thailand discussed on labour rights, 2017

Long, arduous work for starvation pay. To earn more, workers have no choice but to work additional hours. Nurses in Thailand work longer hours, as much as 10 shifts per month, to raise their take-home pay. Garment workers in Burma/Myanmar have similarly long work hours. They work 44 hours a week, including weekends, when they work half a shift and are forced to go overtime. In Bangladesh, contractual garment workers are usually paid on a piece-rate scheme working seven days a week to increase their take-home pay and earn the minimum wage.

“We are supposed to get money based on piece-rate. However, we really don't know the price per piece or how much money we are getting per piece. We are deprived of all the rights, essential for a healthy living. I wanted to know when the law will recognise us to provide all kinds of facilities like a permanent worker?”

- Asma, women garment worker, Bangladesh.

⁸¹ PTS (2019). Labour FPAR Country Report

Palm oil workers in Central Kalimantan, Indonesia and home-based workers in Pakistan are impoverished and unjustly paid due to the piece-rate system. Palm oil workers render longer hours, practically every day only to meet the required quota needed to earn the minimum salary. Similarly, home-based workers in Pakistan earn only a fraction (between 1/10 to 1/3) of the minimum wage even if they spend four to nine hours working a day.



Image 6 Women Palm Oil Plantation Workers in Kalimantan, Indonesia, 2018

Piece-rate system in Palm Oil plantations in Indonesia

Piece-rate system is common practice in palm oil plantations in Indonesia. In this system, workers are paid in accordance with the quotas set by the employer. In Central Kalimantan, the provincial minimum wage (UMP) in 2018 was USD 187 (IDR 2,550,000) a month for 25 days of active work. On a daily rate, this is equivalent to USD 7.5 (IDR 102,000). But in the piece-rate system, even if a worker has completed seven work hours/six days a week, if she fails to meet the target, she will be paid only a fraction of the minimum wage. Thus, it is common for palm oil workers to work longer hours or full seven straight days a week to meet the quotas and get paid the minimum wage.

Women workers are susceptible to wage theft as they are employed in the types of jobs where the piece-rate system applies. Women are often found working as sprayers, mixers of fertilisers, pickers of loose fruits, removers of grass and pests, and as personnel in pruning, seedling, Agronomy Support Team (AST), day care and cleaning service.

A sprayer must cover five to six hectares of palm oil trees a day to meet their standard minimum wage. A worker will have to work until late in the afternoon, beyond her 6 am to 2 pm shift, to meet her target. Fertiliser mixers must make 200 packs (roughly equivalent to five sacks of 50 kg/sack) of mixed fertilisers a day. They would often work on Sundays to earn the minimum payment. The pickers, those who pick the fallen palm oil fruits, are paid a meagre wage of USD 0.37 (IDR 5,000) per kilogram. This means they must pick about 485 kilograms of palm oil fruits

Women are at the receiving end of this unfair wage system. At times, women and their children render unpaid work to help their husbands meet their quotas. Women workers are also discriminated against as they do not receive the family benefits provided to male workers. This discriminatory practice perpetuates patriarchal relations within the family; wherein women are treated as “mere” support to their husbands who are the leading providers and therefore, can be paid less than men.

This practice of a piece-rate system has been exposed and challenged by unions and civil society organisations.⁸² The pressure from the groups forced palm oil companies to provide “top-up” to workers’ piece-rate wages, so the workers who fall short of the targets can receive the prescribed minimum wage. However, employers also set specific performance criteria for workers to qualify for a “top-up” wage. For instance, only those who have a complete attendance of 25 days a month are eligible to receive top-up wages. Workers have also observed its enforcement as inconsistent and arbitrary. Oftentimes, companies will only apply top-up wages whenever there are workers’ protests and when there is an upcoming audit of the Roundtable for Sustainable Palm Oil (RPSO),⁸³ a non-profit association of various stakeholders in Indonesia’s palm oil industry.

⁸² Amnesty International (2016). *The Great Palm Oil Scandal: Labour Abuses Behind Big Brand Names*. London: Amnesty International, Ltd. pp. 146 Retrieved 12 December 2020 <https://www.amnesty.org/download/Documents/ASA2151842016ENGLISH.PDF>

⁸³ RPSO was formed in 2004 to promote the growth and use of sustainable palm oil products through credible global standards and engagement of stakeholders. It has representation from seven sectors of the palm oil industry: producers, processors or traders, consumer goods manufacturers, retailers, banks and investors, environmental or nature conservation NGOs and social or developmental NGOs.

Work-related expenses further slash workers' income. Informal workers like street vendors in Cambodia, who earn as low as USD 5 a day, are further reduced by the rental payments and other overhead costs. In some instances, street vendors in Cambodia also encounter abusive police authorities who violently evict them and illegally confiscate or throw away the goods they are selling. In night markets like in Throng Mean, Phnom Penh, Cambodia, street vendors fall prey to abusive house owners who illegally collect rental and utility fees as much as USD 150 a month, three times the average rate in regular markets. Meanwhile, home-based workers in Pakistan also shoulder operational costs such as water and electricity. They sometimes incur unfair deductions for alleged loss of materials. When they ask for a raise, the contractors threaten them with termination. Contractors of hospital cleaners in Thailand also collect uniform fees from workers, and palm oil plantation workers in Indonesia must buy new personal protective equipment such as masks or gloves from their own pocket once those issued by the company have worn out.

2.5 Poor working conditions and inadequate access to safe workplaces

Safe and healthy workplaces are integral to decent work, ensuring that workers will remain productive and protected from occupational hazards and diseases as they grow old. Ensuring humane conditions at work and safe workplaces is even more critical for women with specific needs, mostly because their reproductive years also coincide with the working age. However, FPAR partners found that there are many gaps in this aspect. Women workers across countries and different industries are exposed to many health risks brought about by poor working conditions, inadequate sanitation facilities, lack of health benefits and sheer violation of occupational safety and health (OSH) standards.

Heavy workload, long hours of work and exposure to occupational hazards. The shortage of nurses in Thailand stands at 30,000 nurses per year. As a result, nurses in Thailand are overworked, needing

to attend to 15 to 20 patients per work shift. This is more than twice the recommended number of patients which is only eight patients per work shift. The toll of the workload and long work hours result in sleep deprivation, leading to burnout and stress. Overwhelmed with work and exposed to various infections in hospitals, hospital workers become more prone to illnesses and accidents. When work-related accidents occur, nurses hardly get any proper compensation. Worse, nurses also run the risk of losing their jobs as in the case of a public hospital nurse who lost her chance to gain a permanent position after becoming incapacitated following an accident. These bad labour practices, supported by the absence of legal guarantee of humane working conditions and employment security under the Thai Civil Servants Act of 2008, leave nurses in virtually dead-end jobs. It is not surprising that significant portion of nurses (30 per cent) want to quit their jobs⁸⁴ leading to high turnover rate among women nurses.

“Nowadays, nurses often go on night shift, working damn hard without adequate rest but not earning enough to feed the family. Most of us have to have a second job. In the end, we get sick and slowly die under stressful conditions at work and in family life. Is this the reward for public service work?”

- A nurse in a Thai public hospital

In Indonesia's palm oil plantations, women engage in back-breaking, long hours working with no rest day only to meet their quotas. They are exposed to various chemicals from pesticides and fertilisers, and their work is physically demanding. For instance, a sprayer woman must cover five to six hectares of land daily, which can cause physical strain in the long run. While personal protective equipment (PPE) is necessary in their work, most workers refuse using PPEs because it slows down their process and interferes with their daily targets.

Home-based workers in Pakistan spend long hours working at home with poor ergonomics that can strain their eyes and cause muscle pain in different

⁸⁴W. Srisuphan and K. Sawaengdee, (2012). “Policy proposal to solve the shortage of professional nurses in Thailand,” *Thai Journal of Nursing Council*, vol. 27, no. 1, pp. 1–12.

parts of the body. Depending on their work, the home-based workers (HBW) can have prolonged exposure to chemicals (thinners), heat or textiles with no protective equipment. These can lead to migraines, tuberculosis or reproductive health problems. Women cutting dates or bending metals are also prone to cuts in their skin and other injuries. Older women HBW have become disabled after decades of working. HBW must pay for their own treatment with no health insurance from their contractors when they get sick or injured while doing home-based work.

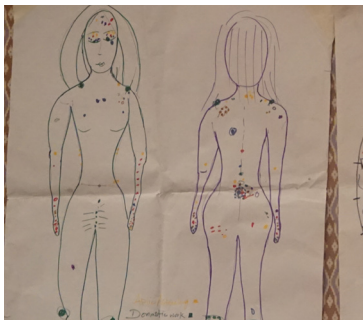


Image 7 According to their body mapping, Home Based Workers in Pakistan shared health concerns. For those who use industrial scissors to cut dates and plastic toys complained of pain and distortion in their hands and fingers; while those who sit still in strained positions before flames (to melt open mouths of bangles) complained of reproductive health concerns and aches in shoulders. (Labour FPAR, May 2018).

Similarly, women workers in milk manufacturing companies such as Yakult in Malaysia are exposed to chemicals. This makes them more at risk of developing reproductive health problems like breast and other types of cancers.

Working long hours per day and seven days a week, domestic workers in India suffer from severe body aches and physical strain due to repetitive tasks. The absence of a rest day also causes mental distress as domestic workers have no time to rest. Women are prone to develop gynaecological and urinary tract problems because of little toilet breaks. They are exposed to cold weather during the rainy season. Some domestic workers shared that they have to wash dishes and clothes outside the house without any protection even during heavy rains. Like other informal workers, domestic workers are not entitled to sick leave, social security, medical insurance or accident protection.

Lack of health benefits. In Thailand, subcontractors of hospital cleaners outrightly violate the Labour Protection Act, which mandates that employers should provide workers compensation for sick

leaves not exceeding 30 days a year. Instead, the no-work-no-pay scheme applies for daily workers even if they catch an accident on their way to work or get sick. The hospital cleaners, even though they keep the hospital environment clear, need to pay for their own medical care including regular check-ups.

Poor work situation of hospital cleaners and nurses in Thailand is perpetuated by the Compensation Fund Act, which excludes civil servants from labour law coverage and legitimises stratification of employees in state hospitals and other state agencies. In Bangladesh, casual workers in the garments industry lack insurance coverage for work-related injury or illness, both in law and in practice. Unlike permanent workers whose health costs are covered by the company health insurance, casual workers must shoulder the health costs in case they need to seek health services outside the company clinic and if the company doctor is not adequately equipped to address their health concerns.

Poor sanitation and inadequate access to drinking water. Poor sanitation and access to potable water are a serious concern for plantation workers and street vendors. In Indonesia's palm oil plantations, the inadequate supply of clean water and toilets affect living conditions and women's health. Similarly, street vendors in Phsar Deomkor, Cambodia complain about the lack of access to public toilet facilities. Workers must pay USD 0.12 (KHR 500) each time they use the toilet in a private coffee shop. There is no running water supply, and vendors have to pay an extra USD 0.12 (KHR 500) for every 30 litres of water, way above the usual price of USD 0.1 (KHR 400) per 1,000 litres. Some women vendors along the street also must endure the smelly and unsanitary solid wastes beside their stores. The absence of this basic sanitation and water supply adversely affects women vendors who work 10 to 16 hours a day as they become more prone to urinary tract problems and have specific needs to keep their reproductive health.



Image 8 Women workers in tea plantations in Assam, India created their workplace mapping, 2017

Women's Health and Sanitation Facilities in Assam Tea Plantations

One of our society's most glaring contradictions is the glaring underdevelopment of communities in wealth-producing estates, like huge tea plantations in India.

Assam tea plantations in Northern India is one of the world's largest tea plantations in the world with over 700,000 workers, and the majority are women.⁸⁵ Despite its massive contribution to the local economy, accounting for 15 per cent of the state's gross income,⁸⁶ primary human necessities such as water and sanitation remain scant and inaccessible to workers. In a survey conducted during the FPAR among tea plantation workers, many reported that they had no access to clean potable water. Workers also reported they had to defecate openly due to lack of toilets. Garbage disposal is also a problem as there is no proper waste disposal system, which can cause health problems for the community.

Poor sanitation and lack of clean water impact women disproportionately. Women are embarrassed to openly defecate or urinate in public, especially in front of men; and this can pose health hazards for women in the long run. Access to clean water is essential to human survival and is especially important for women during pregnancy and childbirth. The

constant lack of clean drinking water in Assam tea plantations has caused women to fall seriously ill.

Health services are substandard, and healthcare facilities for pregnant women in tea plantations in Assam are practically non-existent. Workers have to pay for health services and supplies if they need to. Such a lack of services ultimately contributes to maternal deaths. Lactating mothers are not provided with basic needs such as facilities and nutritious food, which can lead to mothers' malnourishment and illness and stunted growth of their children.

⁸⁵ Mondal (no date). "The Economic Significance of Tea Plantations in India" in *Yourarticlelibrary.com*. Retrieved 12 December 2020 from <https://www.yourarticlelibrary.com/plantations/the-economic-significance-of-tea-plantations-in-india/5471>

⁸⁶ *ibid.*

Health hazards of night and flexible work. BPO workers work at night, making them more susceptible to degenerative diseases such as cancer, diabetes or hypertension. Flexible work schedules are also an occupational risk as workers cannot eat at the proper time because of long queues of calls. Their sleeping pattern is interrupted because schedules can change monthly, weekly or even on a daily basis. High-performance targets and irate or racist customers cause a

lot of mental and emotional stress to workers, affecting their psychological well-being. Even if companies provide annual five days' service incentive leaves and 15 paid sick leave, it is still hard for workers to get their leaves approved even if they feel sick. There are some reported instances when workers die at work because of heart attacks. As BPO companies cut on costs, workers also have to deal with unhygienic practices like sharing headsets.



Image 9 Garment workers in Bangladesh demand labour rights for the contractual workers, 2018

Lack of social protection and leave benefits. Precarious and informal employment comes with a deficiency in terms of statutory benefits and social protection. In Asia, informal and contractual women workers such as street vendors, plantation workers or home-based workers hardly enjoy maternity and sickness benefits, protection of occupational health and safety rights, pension and financial support.

Subcontracted hospital cleaners in Thailand are not covered by social security. They cannot expect a pension during old age, child support, maternity protection, unemployment, disability, sickness and accident or death benefits. Similarly, in Burma/Myanmar, one in every three garment workers interviewed does not have social security cards as their employers fail to register them despite it being a legal requirement for employers who have more than five employees. Workers are also unaware of benefits such as medical care, funeral grant, sickness-cash benefit, maternity and paternity benefit as well as work injury benefits that they are entitled to. Contractual workers in Bangladesh also do not enjoy medical and other social security benefits normally provided to permanent workers. In Cambodia and Pakistan, street vendors and home-based workers are excluded from the government's social security benefits and loans.

“I went to Sangkat (Phnom Penh) to request an ID (to register health equity cards) for my family but Sangkat authorities said that I don't have a house or land so they can't register (health equity cards) for my family. I am wondering how the poor families can have the house and land in Phnom Penh.”

- Heang Yat, Phnom Penh



Image 10 Garment workers in Bangladesh gathered in a Focus Group Discussion (FGD)

Case Study

Lack of benefits, social security and job security: Tales of two contractual garment workers in Bangladesh

Tania, 19 years old, is the eldest of three siblings. Her mother is deceased, and her father is sick. She came to Dhaka from another province and started working in the garment industry when she was 14 years old to help her family. She took a job in a garment factory as a helper.

She only earned USD 52.97 (BDT 4,500) per month with overtime, and her monthly pay was eventually increased to USD 64.74 (BDT 5,500) a month. The amount is still not sufficient for her family's needs. To increase her take-home pay, she decided to work as a contractual worker who is paid on a piece-rate basis. But to her dismay, she only received USD 76.51 (BDT 6,500) at the end of the month when she knew she should receive more based on her actual work. However, it was difficult to question the pay she received because of her contractual status. Worse, each time she asked for an explanation, her supervisor threatened her with termination.

Sumi, 23 years old, started working in the garment factory when she was 12 to support her family. She got married when she was 16 years old because of the social and family pressure for women to marry at a young age. Her husband works in a garment factory too, but since he is not earning enough, Sumi is also obliged to support her husband's family. She works tirelessly as an operation post. As a contractual worker who is paid weekly based on her output, she can earn four times what a permanent worker would earn on a monthly payroll. However, unlike permanent workers, contractual workers like Sumi do not have access to social security and other facilities provided by the company even if she contributes to the company in the same way that a permanent worker would.

Women contractual workers in Bangladesh demand that they should be protected by law in the same way that permanent workers are. Tania and Sumi, women workers who are spending the prime of their youth producing clothes sold expensively at the global market, deserve a living wage, and they deserve equal benefits and protections afforded to permanent workers.

Lack of maternity benefits and services, exposure to reproductive health hazards. Reproductive health, maternity protection and maternal rights are integral to women's human rights and dignified life. These are needed to ensure both mother and child's safety and hold women's employment security. Despite statutory laws and international standards set that oblige employers to provide maternity leave benefits—such as cash benefits, to ensure the mother can support herself and her child during leave; medical care; health protection for the health of pregnant and breastfeeding women and their children, from workplace risks; protection from dismissal and discrimination; and breastfeeding on return to work (ILO)—, women workers in various settings still find themselves in a very disadvantageous position whenever they become mothers.

Roughly six in every 10 employed women are not covered by statutory maternity leaves and maternity cash benefits, globally.⁸⁷ Meanwhile, adequate coverage only reaches less than 30 per cent of employed

women due to poor implementation of law and regulations, discriminatory practices and informality. For instance, in Asia and Africa, less than 15 per cent of women are covered by maternity cash benefits.⁸⁸

By the law, garment workers in Bangladesh are entitled to work leave for as much as 46 days a year, plus 15 days for paternity or 14 weeks (84-98 days) for maternity leaves. However, employers practically deprive garment workers of availing their leaves, whether for personal or health issues. This practice has had a fatal effect on women who are suffering from reproductive health issues. The specific needs of women during their menstrual period, pregnancy, breastfeeding and child-caring tasks at home are not taken into consideration in many workplaces, putting at risk the lives and welfare of women and their children.

In Assam, India, a significant portion of tea garden workers do not enjoy sufficient maternity benefits. Instead of 6.5 months of maternity leave as guaran-

⁸⁷ ILO(2016a)

⁸⁸ *ibid.*

ted by law, tea garden workers only receive three months of maternity leave. The Maternal Mortality Rate (MMR) is high at 404 deaths per 100,000 live births in Assam tea plantations, significantly higher than MMR in India which is 113 deaths (2016-2018).⁸⁹ It is a clear indication of profound poverty among tea plantation workers, lack of access to maternity health services and benefits and poor service delivery for childbearing women.

Child labour. The deeply embedded patriarchal cultures in Asian societies and the increasing informalisation of work in the region lead to a vicious cycle of poverty for generations of women and girls. In Pakistan, patriarchy plays a significant role in women workers' access to formal and informal jobs. Unlike men who are free to go out in public spaces and look for jobs, women are mainly confined in their homes. Coming from poor backgrounds, women home-based workers in Pakistan start working while they are still young up until their old age. Over time, these women workers develop injuries and illnesses because of work, then they send their daughters as alternate workers until such time that their daughters can take on their job. Child labour is also a problem among HBWs. Many girls are not attending school, and mothers often enjoin their daughters as unpaid family workers to work either as an alternate or additional workforce to earn more.

The same is true for Assam plantation workers where families live in precarious employment. As mothers work on the plantations with poverty wages, daughters are more likely to skip and stop schooling to take care of the household chores. Majority of female tea plantation workers did not attend school, and only a handful attended high school. As daughters in tea plantations inherit the lack of human capital, they will end up in the same, if not worse, conditions—working in tea plantations with meagre wages.

2.6 Inadequate housing and sub-humane accommodation

Decent work is needed to ensure that workers and their families can afford decent living, including adequate living accommodations with access to essential utilities and water. However, they cannot afford

to buy or rent adequate housing because of poverty wages afflicting workers in Asia. Industrial workers in Bangladesh and BPO workers in the Philippines typically rent spaces for sleeping or share rental homes with other co-workers. Domestic workers in India pay high rental rates for their housing that is often situated near affluent communities of their employers, which slashes their net income.



Image 11 Nurses in Thailand work extra hours and have to spend their own salary on housing near hospitals.

Public hospitals in Thailand do not provide housing benefits or decent accommodations for nurses after long hours of duty. Workers have to endure poorly ventilated resting areas where hospital staff cannot sleep. As a result, nurses and staff are forced to spend their own money on housing near hospitals or take long commutes from their homes.

In plantations, workers may be provided with housing by the company, but access to clean water, sanitation and power facilities may be limited. In Indonesia, palm oil companies provide accommodation for the workers, but workers have to buy drinking water for USD 8.38 (IDR 120,000) due to the absence of free and potable drinking water. Electricity services are also limited, available only for 10 hours each day. The same is the case for workers in tea plantations in India where about only one in every three workers reported having access to electricity. Assam tea plantation workers also have poor access to clean water and toilets, leaving household members to defecate openly.

Meanwhile, home-based workers in Pakistan typically live in poverty-stricken slum communities where

⁸⁹ Ministry of Health and Family Welfare, Republic of India (2021). "Maternal Mortality Rate (MMR)". Retrieved 13 December 2021 from <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1697441>

living spaces are limited and sub-humane. The scant space further shrinks as materials used for home-based work (e.g., packing dates, materials for bangle making) eat up many of their home areas. In essence, the private space of home-based workers' families is converted into a make-shift factory. Limited living space can negatively impact overall well-being as it limits one's room for rest and leisure activities.⁹⁰ Further, unlike men who are freer to go out, women in poor households in Pakistan are virtually imprisoned inside their homes. The merging of home and workspace in a make-shift house can doubly burden women and girls as they are the ones who are expected to maintain its cleanliness and orderliness. With limited living space, women and girls can barely have their private space, which can also make them prone to sexual abuse and violence.

2.7 Multiple and intersecting forms of discrimination

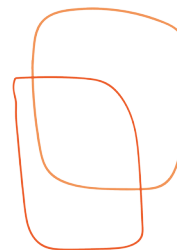
The concentration of women in low-paying jobs marginalises and discriminates against women. Patriarchy and capitalism continue to undervalue women's labour leading to various forms of discrimination at work—from gendered division of labour that is mirrored by gender pay gaps, structural barriers to women that lead to employment and career discrimination, to lack of needed support for maternal needs of women workers.

Deeply entrenched gender division of labour unjustly designates women to take the sole responsibility of raising children. Street vendors in Cambodia, tea plantation workers in Indonesia and India and home-based workers in Pakistan have to attend to their children while performing their jobs in the market, in the plantations and in their homes. More importantly, the gendered nature of child-rearing hampers women's employment opportunities and development. Compared with women who do not have young children, mothers with very young children experience so-called “motherhood penalties” in employment, hours of work, pay and leadership roles.⁹¹ Most of the time, women with very young children have to temporarily stop their occupation, take unpaid leaves, or forgo career opportunities to take care of the children the moment they give birth. As

these ‘penalties’ lead to lost opportunities or years in employment, gaps in pay and longer work hours. Women who are mothers of young children generally have lower employment rates than women who do not have young children. Mothers with young children (aged three or below) also tend to have fewer earnings by 30 per cent than women who do not have young children. Additionally, mothers of children five years old and below are the least likely to be in managerial and leadership positions.⁹² In the Philippines, women BPO workers attest that they tend to forego opportunities for career promotion because they cannot afford to participate in extra hours of training. After their shift, women have to practically run straight back to their homes to attend to their children's needs.

Wage disparity, discrimination and job segregation. The wage gap between nurses and doctors in Thailand is high despite the long working hours and heavy duties that nurses deal with (NUOT, 2019). In the survey conducted among tea plantation workers in Assam, India, one in every six female workers reported that they didn't receive equal pay compared to male workers for the equal value of work. In palm oil plantations, office-based workers-dominated by men are paid based on the minimum wage compared to field workers—many of whom are women—who perform back-breaking work, but receive wages based on piece-rate schemes.

Lack of career opportunities and other discriminatory practices. Domestic and motherhood roles limit the time and energy women can allocate for their work, consequently affecting their careers. There are also cases wherein common practice tends to discriminate against women invariably. In the case of public sector nurses in Thailand, for instance, career discrimination against nurses disproportionately affects women as they comprise many public sector nurses.



⁹¹ Beghini et al. (2019)

⁹² *ibid.*

“The nurses do not want to stay. Sometimes money is not the main priority, but it is because the system does not support workers, does not provide incentives and rewards for workers. Excuses include the budget to allocate resources to workers, thus leading to uncomfortable housing, hot rooms, difficulties to sleep, etc. The nurse supervisors prioritise doctors and are afraid of doctors’ orders. Less importance is given to fellow nurses and no protection is provided for the subordinates who experience threats/intimidation from doctors.”

- a nurse in a Thai public hospital

Thai legislation, Civil Servants Act 2008, articles 46 to 48, tags nurses as “knowledge persons”, and nurses play an integral part in the healthcare system. However, their capacity to lead or their expertise is not adequately acknowledged. Nurses are structurally barred from holding managerial positions even though nurses possess comprehensive knowledge and professional skills – from health promotion, disease prevention, treatment, rehabilitation, delivering babies to minor operations. They also possess procedural skills; they conduct house visits and have a holistic approach when it comes to taking care of the patients as well as the patient’s guardians.



Image 12 A woman facilitated the discussion on labour issues that encountered by women in tea plantations, Assam, India

In Burma/Myanmar’s garment factories, women workers are discriminated against because of their reproductive needs and motherhood roles. There is discrimination against hiring pregnant women. Furthermore, when women workers become pregnant, they have to continue working and could not enjoy the maternity leaves, especially in the early stage of their pregnancy.

Similarly, women BPO workers in the Philippines experience discrimination as companies require them to sign pregnancy waivers to relieve the company of responsibility in case something unfortunate happens to a pregnant employee. In some BPO companies, women are also not allowed to bring menstrual pads. Combined with little toilet breaks, these discriminatory practices can adversely affect women workers’ reproductive health.

Even in workplaces where women dominate the workforce, childcare facilities are the least priority. For plantation workers and street vendors, limited childcare alternatives force women to bring their children to the field or to their stalls. There are also no proper facilities for lactating mothers. Women in palm oil plantations face severe risks to their reproductive health. There are reports of miscarriages because of exposure to pesticides and the hard labour that women have to endure while working in the plantations. Health care facilities are very scant with a ratio of one clinic, one midwife for every 1,200 workers. Similarly, absence of maternity benefits for domestic workers in India forces them to work late into their pregnancies which is a significant concern. Women garment workers in Burma/Myanmar also find it doubly hard to take care of their young kids while working in the factory because of the absence

of maternity facilities in garment factories, even if such is mandated by law. As a result, women garment workers find themselves having to sacrifice their jobs to attend to their motherhood roles.



Image 13 Women garment workers in Burma/Myanmar organised International Women's Day (IWD), 2018

Case Study

Depriving women workers' menstruation leave can be fatal

Yu Yu Naing, 22 years old, was working in the Bar Tack, Buma/Myanmar, section of the Honeys Garment in January 2017 when she experienced bloating, a swollen stomach, pain in the lower part of the abdomen, lack of concentration, mood swings, clumsiness and tiredness during menstruation. She and her co-workers requested that she be allowed to rest for the day, but her request was denied. She went back to work until she collapsed and was taken to the hospital.

Another worker, San San Way, started working in the Quality Control section of AMG Garments in the Shwe Lin Ban Industrial Zone, Shwe Pyi Thar, Burma/Myanmar, in March 2018 to support her family. Sometime in May 2018, she fell ill during her monthly period. Despite feeling sick, she still came to work because she cannot afford not to be paid even for a day. She was also afraid that taking a leave might cost her job. During her shift, she felt seriously ill. San San Way tried to ask permission from the management to rest and go to the clinic. She was denied

the request and was forced to go back to work. After a while, she fainted and fell unconscious. She was brought to the clinic, and it was only after an hour that she was rushed to the hospital. Unfortunately, she passed away along the way. Losing their breadwinner, her family became even more impoverished. Without union representation, the management gave the family some compensation. No cases were filed to hold the company accountable for her death.

Women workers have the right to enjoy full employment, but various forms of gender-based discriminatory practices at work undermine this right. Without institutional protection or strict enforcement of regulations that will ensure gender-specific support to women workers (i.e., reproductive health and/or maternity benefits, childcare facilities in the workplace) and paternity benefits for male workers to facilitate sharing of childcare among partners, women will continue to be forced to take on informal and flexible work. Their right to full and secure employment will be undermined, reinforcing gender inequality and perpetuating decent work deficits.⁹³

⁹³ UNICEF and ILO (2012). Supporting workers with family responsibilities: Supporting workers with family responsibilities: connecting child development and the decent work agenda connecting child development and the decent work agenda. Working paper presented at the Annual Ministerial Review of the High-Level Segment of Economic and Social Council, New York, 2–9 July 2012. Geneva: International Labour Office; UNICEF. Pp. 93. Retrieved 12 December 2020 from https://www.unicef.org/earlychildhood/files/ECD_for_Workers_with_Family_Responsibilities_-_Final_Web_Version_-_5_July_2013.pdf

2.8 Women's care work and gender-based violence in the world of work

Unrecognised and under/valued women's care work

Prevailing patriarchal norms force women to bear the brunt of domestic and care work even if they are tired from a whole day's work. Women workers in plantations and street vendors do not have any other option than to bring their children to the workplace because of lack of facilities, and because male partners seldom share the care work. Before or right after work, women in BPOs, in public hospitals and garment factories have to spend the rest of their time attending to their children's needs—preparing and sending them to schools and preparing their meals. Home-based workers juggle work, domestic chores and taking care of the households - all in one place.

For single mothers, the situation can be more burdensome as they solely perform both the provider and homemaker roles. Women BPO workers who are single parents have to make sure that they keep their jobs because they are solely responsible for the needs of their children. At the same time, they attend to the daily needs of their children, bringing them to school, preparing their food and looking after them when they are sick.

As a result, working women, especially mothers, have very little time left for themselves, limiting their capability to engage in extra-curricular activities. This double burden—of having to perform unpaid care work on top of women's 'paid' jobs—perpetuates the invisibility of women's domestic and unpaid care roles. It provides false justification to the unpaid character of women's contribution to the family and society at large, legitimises the undervaluing of women's labour, and consequently contributes to systematised patriarchal inequality.

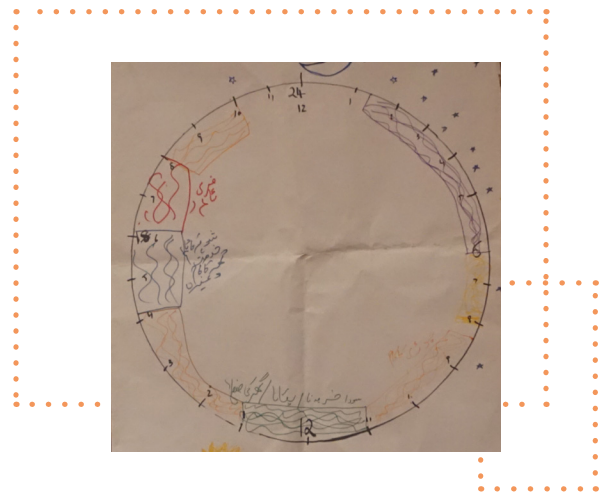


Image 14 Daily Clock made by women home-based workers in FPAR community, Pakistan, 2018.

Although the women work intermittently through the day, they spend a significant portion of their time in HBW, and the 24-hour clock exercise confirmed that women have very little personal time and spend anywhere between 4 to 9 hours in HBW.

Sexual and gender-based violence at workplaces

Freedom from gender-based violence and harassment in the world of work is essential for decent work. However, prevailing patriarchal beliefs make women more vulnerable to gender-based violence and harassment. Women experience domestic violence from their intimate partners at their homes, while many also experience harassment, abuse, and violence from their superiors, co-workers, and customers.

In garment factories in India and Bangladesh, 60 per cent of women workers reported harassment.⁹⁴ In Indonesia, roughly 85 per cent of female workers said they are concerned about sexual harassment.⁹⁵ In Cambodia, 23 per cent of female workers in the garment industry reported that their managers or supervisors offered benefits (i.e. better treatment or pay, hiring, promotion, ending probationary period, or reporting one meets the quota) in exchange for sexual favours or sexual relationships.⁹⁶

⁹⁴ Fair Wear Foundation as cited in Pillinger, J. (2017) *Violence and harassment against women and men in the world of work: trade union perspectives and action*. Geneva: International Labour Office, Bureau for Workers' Activities (ACTRAV). Pp. 154. Retrieved 7 December 2020 https://www.ilo.org/actrav/info/pubs/WCMS_546645/lang--en/index.htm

⁹⁵ International Finance Corporation (IFC) and ILO (2019). "Sexual harassment at work: Insights from the Global Garment Industry." Better Work policy briefs in *Betterwork.org*. Pp 16. Retrieved from 7 December 2020 <https://betterwork.org/portfolio/sexual-harassment-at-work-insights-from-the-global-garment-industry/>

⁹⁶ *ibid.*

Workers in the service sector, such as hospitals and call centres, also experience violence and harassment at work from their supervisors, third-party customers or clients. In both sectors, discrimination, harassment and violence are intrinsically linked to decent work standards. Due to their insecure employment, women workers have a high demand for performance or low pay, lack of access to justice/remedies and become easy targets for sexual harassment and violence.

Domestic violence. In tea plantations, Indian women workers reported that some of them came home tired after work only to be beaten by their drunken husbands. The impact of domestic violence on the victim does not stay at home. It adversely affects a person's psychological and overall well-being, which in turn affects one's work performance. Domestic violence can negatively impact one's employment security, work hours, or occupational safety, all of which are important in attaining decent work.

Sexual assault, abuse, violence and harassment from superiors and third parties. In Bangladesh, garment workers experience verbal sexual abuse daily from their male co-workers. Since many women lack knowledge on their rights and patriarchal power relations, they are left to ignore and accept the abuse as part of their realities. Women factory workers in Malaysia also experience sexual harassment from their superiors. Although workers will try to seek redress from company welfare officers, their complaints are often ignored and neglected.

In BPO companies, women workers constantly deal with irate, racist or even sexually abusive customers. Filipino call centre workers are sometimes looked down upon by customers calling from developed countries. Even so, BPO companies rarely have programmes to address these concerns frequently faced by BPO workers. In Cambodia, garment workers suffer from verbal and even physical abuse from their managers and supervisors if they deem that workers failed to meet the product's quality. Garment workers in Burma/Myanmar experience harassment through work-related communications as the employers attempt to limit their restroom breaks.

In one garment factory, a CCTV camera is installed in front of the restroom to monitor their pee breaks. Having to take care of the sick in overcrowded and understaffed hospitals, women nurses in Thailand become susceptible to physical and emotional abuse

from patients, patients' relatives and colleagues. They are at the receiving end of complaints from frustrated patients who have been waiting for hours for treatment. The inferiority assigned to their roles as women and nurses vis-à-vis their male colleagues and doctors translates to various forms of gender-based discrimination and sexual violence. They are subjected to maltreatment and abuse from doctors and colleagues when work becomes tough. For instance, a female nurse was hit by a male doctor with a roll of papers in front of hundreds of patients in a community hospital in Kalasin province, Thailand.

Thai nurses also suffer from various kinds of gender-based violence and sexual harassment from their superiors and patients due to the male-dominated hospital hierarchy. In 2017, a nurse in a public hospital in Thailand reported sexual assault committed by a doctor while on duty. The nurse reported it to the police, but the case moved at a snail's pace. When the nurse reported the case to the media using a recorded CCTV as evidence, hospital leadership tried to negotiate with the nurse's family to stop the case from proceeding.

Similarly, domestic workers face various kinds of abuse and violence because of the sheer denigration and a variety of social stigmas attached to their occupation. Domestic work is seen as "unclean", and employers view domestic workers as 'servants' whose status is much lower than theirs. As a result, domestic workers are discriminated against in the use of common spaces such as lifts, toilets and dining areas. Women domestic workers often experience sexual harassment from male members of the household, but very few workers are willing to report such cases for fear of tainting their reputation which shows the hierarchy and patriarchy at play – they would rather resign from work instead of reporting sexual harassment or abuse.



2.9 Lack of women workers' representation and leadership in unions

The right to freedom of assembly, expression, and association as well as collective bargaining is part of the core labour standards. These rights are extremely important to ensure decent work. Through unions and their collective bargaining power, workers are able to win higher wages, better working conditions and protect their job security. Women's voice in unions is crucial to ensure that women's human rights, gender equality and women-specific concerns are promoted, enhanced and advanced in the workplace.

Neoliberal attack on organising, unions and workers' representation. Neoliberal policies undermined workers' right to unionise through outsourcing and flexible work arrangements. Attacks on the rights and freedom of trade unionists and labour activists escalated alongside other violations of workers' right to freedom of association and collective bargaining. For several years, the International Trade Union Confederation (ITUC) has ranked Asia and the Pacific as among the worst regions for workers worldwide. Although many countries have ratified core human rights and labour rights conventions, extrajudicial killings, arbitrary arrests and criminalisation of trade unionists and labour rights defenders continue. Workers' right to strike and peaceful assemblies are often undermined both by law (i.e., technical requirements making it difficult for workers to exercise their right to unionise or right to strike) and by practice (i.e., permitting police intervention to break workers' strikes and widespread impunity in labour rights violations).⁹⁷

In the case of hospital cleaners in Thailand, outsourcing has undermined principal employers' legal responsibilities, and traditional unions find it "complicated" to represent outsourced workers. For contractual workers in the Bangladesh garment industry, trade unions are an alien concept. There is no legal provision clearly defining contractual workers' right to organise unions and collectively bargain freely.

The Philippine BPO industry is another case of how outsourcing has undermined trade union rights. As a new industry, BPO companies are not unionised and BPO companies have made a tremendous effort to prevent workers from exercising their right to freedom of association. Notably, industry players have long been pronouncing BPO as a self-regulating industry governed by its voluntary codes of conduct, and hence there is no need for workers' unions. As a highly favoured industry in the Philippines, BPO companies receive much protection from the government; they are in economic zones with de-facto no union-no strike policy.

Lack of Union representation. Union representation is restricted in the garment industry in Burma/Myanmar. Of the 15 factories where interviews have been conducted with women workers, only seven are unionised. The union registration process is also complicated, and workers who attempt to organise unions are terminated without any reason. This has a chilling effect on other workers as they are dissuaded from joining unions because they do not want to lose their jobs. Registration of nurses' unions in Thailand has been rejected several times because they are considered civil servants. In Thailand, current labour legislation does not include civil servants' right to organise or collectively bargain freely. Thailand has not ratified the ILO Conventions No. 87 (Freedom of Association), No. 98 (Collective Bargaining) and No. 190 (Violence and Harassment in the World of Work). Nurses and nursing aides dominate the workforce in Thai public hospitals, but they are treated and made feel inferior to doctors. They are afraid of voicing out their concerns, demanding their rights and joining unions. The lack of representation and voices of women nurses in the hospital committees that approve remuneration, benefits and advancement of nurses, have a serious adverse effect on the rights of nurses at workplaces. These committees are dominated by doctors who are often males. This dynamics and structure further embed and widens the structural inequalities between nurses and doctors in Thailand.

⁹⁷ International Trade Union Confederation (ITUC) (2021). "Executive Summary" 2021 ITUC *Global Rights Index: The world's worst countries for workers*. Brussels: ITUC. pp. 60. Retrieved from https://files.mutualcdn.com/ituc/files/ITUC_GlobalRightsIndex_2021_EN_Final.pdf

Lack of Collective Bargaining power. Informal workers, including vendors, also are not protected by laws on freedom of association and collective bargaining. In Cambodia, informal workers' organisations are not considered labour organisations but instead treated like non-governmental organisations whose registration process is more tedious. Informal workers' groups like IDEA have to register with the Ministry of Industry, Science, Technology and Innovation instead of the Ministry of Labour and Vocational Training.



Image 16: Workers union had dialogue with the Solidarity of Trade Union Myanmar.

Patriarchy and suppression of women's voices in unions. Unions are proved to be a vehicle for workers' rights education. Workers who are not unionised hardly know about their rights and are left helpless when it comes to companies' abusive practices. For many women workers, their domestic care duties limit their time to participate in union activities. Shifting schedules combined with domestic or care-work prevent women from participating in union-related activities, especially if union leaves are not available.

In some other settings like India and Pakistan, patriarchy plays a much stronger role in suppressing women's participation in the union. Women in tea plantations in India work the whole day, and then the rest of the time, they are pushed to stay at home attending to family and household needs. They have limited access to information from the "outside world" and are often treated as passive receivers of rights with limited participation in public decision-making. Building the power of women in a highly patriarchal setting is very challenging. Some women workers even get beaten up by their husbands whenever they attend union or workers' collective meetings. They are also intimidated by their employers, threatening women workers to be fired if they join such union meetings.

Similarly, patriarchy and lack of legal guarantee to organise prevent women home-based workers from organising. During the FPAR in Pakistan, most women who were invited to participate in activities were not permitted by male members of the households--husbands, sons and brothers. Younger women are prevented from participating in union activities primarily because it is not customary for women to go out of their homes. Families are also preparing young women towards marriage and participating in political and public activities such as rallies and marches "may taint their reputation and reduce their chances of a good [marriage] proposal".⁹⁸ Moreover, unions in Pakistan are largely male dominated. HBWU has organised women health workers who are now active in demanding better pay, regular jobs and services for mothers such as health care, family planning and vaccination.

In most countries, domestic workers are not recognised as workers, and hence they have no right to organise and unionise. Only a small portion of domestic workers are organised by trade unions. However, compared with other informal sector workers, trade unions in India are more active in organising domestic workers. The impetus to organise domestic workers grew following ILO Convention No. 189

⁹⁸ HBWU (2019). Labour FPAR Country Report.

concerning Decent Work for Domestic Workers signed in 2011, which India has not yet ratified.

Union repression and blatant union-busting. Suppression of the independent labour movement is done in various ways. In the palm oil plantations union, 405 workers, including 14 union leaders, were arbitrarily terminated from November 2018 to February 2019. The terminated workers were also forced to accept a lower separation pay than what is provided by the law. Concurrently with the attack on unions, the company also introduced activities for women workers (such as aerobic exercise) and added more tactics to prevent women from being active in union activities.

In Cambodia, some trade union leaders are reportedly targeted to be bribed and included in the government's payroll to undermine their independence. Similarly, the informal workers' groups, IDEA, reported harassment from the government authorities against its leaders through bribery, offering scholarships for their children in exchange for information (i.e., recordings of organisational meetings) or outright threats.

The Philippines proved to be one of the most dangerous places for unions and labour rights activists. Impunity in trade union repression reigns even in the BPO industry. For instance, unionised BPO workers in Alorica experienced outright termination of members and leaders as the company imposed oppressive policies. There were more severe attacks that curtailed fundamental labour rights and freedom of assembly and association. The Unified Employees of Alorica and BIEN have been charged by the company with false criminal charges for their lawful picketing when they were striking to support the union's campaign against union busting.



SECTION 3

BUILDING AND STRENGTHENING A FEMINIST MOVEMENT FOR DECENT WORK AND LIVING WAGE IN ASIA AND THE PACIFIC

From 2017 to 2019, the Labour FPAR programme contributed to building a feminist movement for decent work and living wage in Asia and the Pacific by building the capacity of women workers through labour rights education and training, producing knowledge from the ground and providing resources for women-led grassroots organisations, campaigning and advocating for policies that promote decent work, and challenging oppressive structures through organising and mobilising workers.

3.1 HBWU (Pakistan): Making issues and demands of women home-based workers visible

In response to the poor working conditions of home-based workers, lack of political participation continuous marginalisation of home-based women workers, HBWU empowered women about their rights, legal entitlements and tools for organising and campaigning through FPAR programme. They held several training sessions on labour laws, inheritance laws and mapping exercises (i.e., power mapping, 24-hour clock and health mapping). Women felt more engaged and learned more about each other through collective exercises. As observed by the young feminist researcher in Pakistan:



“After FPAR training, girls like Kiran (age 19), Kanwal (20) and Nausheen (age 25) gained confidence.... On the first day, Kanwal felt that she had no voice (zaban nahin hai which means “having no tongue”) and after FPAR, she realised that not only does she have a voice but also a platform. She was able to get her NIC (identity card) and she claimed her inheritance from her father’s ancestral family [afterwards]. Nausheen gave a presentation for the first time during a 2018 April event. She was nervous and hesitant but after that one time, she actively participated in all our events, spoke up and was a vocal member of the union. These three women are examples of the behavioural changes I personally witnessed in three young women whose leadership skills were honed and confidence levels boosted directly because of FPAR related empowering exercises.”

Despite associated stigma because of patriarchal culture, women home-based workers in Pakistan shared their stories with the media and participated in public rallies. During the Aurat Azaadi March in 2018 and 2019, women made their stories known, demanded better working conditions and legal and social protection through speeches and poetry—making women’s issues (domestic violence and unpaid/underpaid work) visible.

“I am now an active member of Home-based Labour Union, and I urged the government to take action for the province bylaw (Sindh Home-Based Workers Act of 2018) and give us our rights, because we have been working for a long time, but we don’t have any benefit from the law at all. Government kept saying that unions have rights to design on it, but even though I am a member of the union, I don’t know about it. Everyone has to enjoy their rights!”

(Kiran Allah Dino, Home-based worker, Pakistan)



Image 17 Home based Labour Union introduced the FPAR principles to the community in Pakistan



Image 18 Discussion together with home-based workers in Thatta, Hyderabad, Pakistan, 2019

During International Women’s Day in March 2019, HBWU mobilised women home-based workers, and they forged unity with other groups, the Women’s Action Forum (WAF), a women’s rights movement and the Women’s Democratic Front (WDF), a women’s group associated with the Awami Workers’ Party in amplifying women workers’ calls to end violence against women and to promote women workers’ rights.

3.2 AWAJ Foundation (Bangladesh): Building power and raising the voice of women contractual workers in the garments industry

In 2017-2019, the FPAR of garment women workers in Bangladesh started out to identify systemic cause. They have also carefully documented of the rampant violation of labour rights and labour laws. Through their own analysis, garment women workers noted that lack of awareness on their rights and absence of access and control to the knowledge on and skills in labour laws and organising are critical and underlying problems of women workers are important to voice out. Through FPAR, AWAJ Foundation raised awareness of women garments about their rights and provided opportunities for women to produce knowledge and gain skills in organising that they had done in the past two years.

As a result, 600 contractual workers (420 women and 180 men) in Amana Knit Fashion Ltd. in Bangladesh collectively approached their management in December 2018 to claim their rights to become permanent workers as well as their right to equal wages, leave days, day care centre facilities, medical facilities and fixed working hours. They were successful in the negotiations and able to reclaim their rightful benefits and facilities that were never provided to them before.

To bring change to the entire industry, women contractual workers in Bangladesh engaged with different stakeholders in the garments industry. They presented the result of FPAR findings to representatives of the Ministry of Labour, factory management, contractors and employer association and put forward the major demands of the contractual workers as reflected in the recommendations of the research report: ensure labour rights for contractual workers; provide appointment letters; fully execute the Labour Act; ensure the labourers' rights are respected accordingly; organise training on awareness building; abide by international standards and; ensure maternity leaves and other benefits, among others.



Exceptionally, women contractual workers were able to collect from the industry stakeholders' responses and commitments through these dialogues. The contractors group said they shall be taking actions to ensure that workers get their benefits and respect of labour rights in the workplace is upheld. Representatives from employers' groups expressed they would continue taking actions to eliminate discrimination and lessen the financial burden of contractual employees. Representatives from the government offices as well as industry players said they shall consider reviewing current policies and legislation to address issues faced by contractual workers. Particularly, the Labour Director committed to forward the research results to the Law Amendment Committee to consider revising current laws to guarantee protection of rights of contractual workers.

More women garments workers expressed their collective power and made their demands heard as they mobilised in the protests during Labour Day and International Women's Day. Active women members in unions also increased and more leaders were developed. AWAJ organised over 100 contractual workers, increasing the capacity of the union to bargain. Due to FPAR, sustained advocacy and organising contributed to enhancing social dialogue between the union, management representatives, buyers and contractors.



3.3 AAWAA-Nething (India): Bringing to fore the intersections of gender, poverty, and labour issues in tea plantations

FPAR aims to empower women who are powerless, marginalised and placed in the disadvantaged position in the community by enabling undistorted dialogue and resolving unjust power asymmetries. To highlight the gendered impact of labour on women workers in tea plantations, FPAR put out a report following a fact-finding about maternal health in the five districts of Assam.

Through FPAR in 2017-2019, women held trainings, community meetings and awareness programmes for women in tea plantations to empower women workers in plantations to advance women's rights, welfare and workers' rights. These sessions which demonstrated the importance of education especially for girls, the Plantation Labour Act and women's rights reached 1,185 individuals, almost all of whom (1,145) are women. These sessions allowed women to learn about their maternity benefits, facilities and health care needs and increased women's capacity to help each other during pregnancy and during the delivery of their children.

In the FPAR, with the support of AAWAA-Nething, women workers in tea plantations also held a workshop on how to write memorandum and complaint letters—skills that are very important in campaigns and advocacy. Women workers also documented and shared their stories, allowing women to narrate their own stories in a feminist way and how to write reports in newspapers about their issues. FPAR enabled women leaders from different parts of Assam, India to engage with different women's groups.

Women workers organised by AAWAA-Nething engaged with authorities about their demands, particularly with regards to sanitation and clean water supply. In one instance, AAWAA members held a meeting with the Sub Divisional Officer at the Public Distribution System office after the FPAR co-researchers learned that the tea garden workers were not receiving their “ration cards”. Workers need to have ration cards to claim their monthly rations of rice, oil and other groceries. After the meeting, the authorities took note of the complaint and workers eventually received their ration cards.

Twenty-one new committees of hamlets were formed with about 500 members. These committees served as both a space and an organisation where women could freely discuss their issues and were able to strategise on how to address them. In the FPAR process, AAWAA-Nething also forged alliances with other sectors to support the cause of women workers in the tea plantations. They collaborated with students' union groups in the Assam Tribal Students Association, and they agreed to work together towards uplifting the situation of tea garden workers, especially women.

3.4 PTS (India): Forging unity among domestic workers to fight poverty wages and informality

To effectively expose and fight poverty wage of domestic workers, FPAR built the capacity of women workers to analyse their wages vis-à-vis their expenses. Using participatory approach, domestic workers themselves identified and assessed the basic needs of a family of four (i.e., food, clothing, fuel, rent and transportation). This FPAR process raised the

consciousness of domestic workers about the need for minimum wage protection, which they forwarded as an important policy question for the 2019 elections.

As a result, domestic workers were emboldened and empowered to self-organise and fight against poverty wages and informality. Through FPAR, PTS mobilised domestic workers in these three communities to tell their stories and take action to change their realities. Domestic workers themselves collected and gathered information about the issues and problems faced by their fellow domestic workers. The programme strengthened domestic workers' resolve to claim what was just and due them. In AKR Nagar, organised domestic workers developed a counter-campaign to the government's very low minimum wage. In Hastinapuram and Cholan, the programme helped build domestic workers' confidence and capacity to demand minimum wage and uplift their working conditions.



Image 19 PTS facilitated the research design process together with domestic workers in Chennai, India

Case Study

Making domestic work visible: Domestic workers in India fight for wage cards and employment record

In three communities in India, domestic workers organised themselves to demand better wages and fight informality.

In AKR Nagar, local community organisers who themselves are domestic workers educate and organise other domestic workers around the issues of equal wages for equal work. They also assisted domestic workers who had been illegally terminated to get their jobs back.

In Hastinapuram, PTS and the garment workers unions worked together to provide domestic workers training and education. The training proved to be crucial for domestic workers who come from very poor backgrounds so they can learn about their rights. In Perumbakkam, a relocation community where most women depended on domestic work, women hold weekly meetings where they share their woes and plans at work and home. In all these three communities, domestic workers go the extra mile to conduct meetings late in the afternoon and talk about organising and their campaigns.

In all communities, PTS forged unity among domestic workers to fight for a wage card and employment record. Through these documents, domestic workers' labour will be made visible as it will allow them to keep a detailed record of their work and know more about their employers. Having these documents is a step towards formalisation of their work as they can be used to negotiate with the employer and hold them accountable in cases of violations.

3.5 STUM (Burma/Myanmar): Amplifying women garment workers' calls for menstruation leave benefits, women's rights, and humane working conditions

Most women workers in Burma/Myanmar are not aware of their rights and are not confident in taking the lead due to the dominance of male leaders in the unions. Through the FPAR, STUM raised awareness of hundreds of women workers about their menstruation leave benefits and their rights as women. This built women workers' capacity to take on leadership roles in factory unions. STUM also developed and distributed a brochure to women workers about their leave benefits and women's rights. Through the FPAR tools, organising and sharing sessions with the community, women workers were given the opportunity to tell their stories and document their collective experience which empowered and boosted the confidence of more women worker leaders and activists.

STUM and other civil society organisations united in pushing for women's rights through media publicity and lobby work. Empowered, women garment workers in Burma/Myanmar presented to women reporters and women rights activists the situation of Burma/Myanmar garment workers. The issue of leave benefits for women workers came out in mainstream media which resulted in a wider recognition about the issue not only in the garments industry but in other sectors as well. Women garment workers and STUM also engaged the members of the Hluttaw (the Parliament) about the specific issues faced by women workers in the workplace. They highlighted the importance of including women's perspective and women's rights in labour legislation. As a result, Hluttaw recognised the real situations and problems of women workers and how difficult it is for women to get leave benefits from their workplace and opened dialogue avenues for STUM to advocate the leave rights for women workers.

Solidarity among women workers became a reality with the Gender and Labour Alliance. STUM mobilised more garment women workers and participated in their celebration of Burma/Myanmar Women's Day on July 22, 2018. STUM also successfully ex-

panded its network with new unions and a hundred new members in three factories (Union Star- Grand Sport Garment, Power Garment Union- Power Fashion Garment and Shwe See Sar Union- Shwe See Sar Garment).



3.6 IDEA (Cambodia): Advancing informal workers' right to access government services and social protection

Through FPAR, IDEA organised several training sessions where 183 street vendors, 150 of whom are women, participated. The training raised the awareness amongst street vendors about why the government should provide health equity cards to vulnerable workers such as street vendors and waste pickers. They also raised awareness of workers about the role of the union in social dialogues and promoting workers' rights and ensuring social protection for informal workers. IDEA also provided organising skills training to the workers and raised their awareness about their right to organise.

IDEA documented the issues faced by street vendors and uncovered and critically analysed the relevant regulations that were issued by the Cambodian government that affected informal sector workers. Women street vendors learned about tools to better understand their situation. They used body mapping exercises to understand the injuries they encountered while working in the market. The group

also produced resources in both traditional and new media such as leaflets, posters, videos, social media groups and postings. IDEA utilised the knowledge they produced in their advocacy and continuing effort to raise awareness of more informal workers.



Image 20 Critical Pathway Exercise from IDEA, Cambodia

IDEA engaged both local and national authorities about the workers' demand for health equity cards, national identity cards, family record books and birth certificates, which are all important for informal workers to access services and social protection from the government. Women street vendors, through IDEA, also made their voice heard by sending letters to authorities in Khan Sensok, Phnom Penh. They demanded that street vendors be allowed to sell along the sidewalk. They also asked the authorities to provide free support facilities and services to women vendors who are forced to bring their children to stalls despite the unsanitary and unsafe conditions. By the end of the programme, IDEA processed demands for health equity funds from the national government by collecting 1000 thumb prints of waste collectors and street vendors. The campaign also resulted in more street vendors being organised. Through collecting 1,000 thumb prints for the health equity cards, IDEA expanded its membership to a greater number of informal sector workers, particularly street vendors and waste collectors. IDEA did not stop at the national level, but it also raised the advocacy at a regional platform during the 2020 ASEAN People Forum (APF) which was attended by 17 regional, national and grassroots organisations.



3.7 BIEN (Philippines): Fighting job insecurity and gendered impact of intensified labour flexibility in the BPO industry

Through the FPAR, BIEN raised awareness of women BPO workers about their rights and built women BPO workers' capacity to document their stories and experiences as well as critically analyse their situation with a gender lens. BIEN conducted a series of Speak Out workshops in different parts of the

country, to identify issues and demands of BPO workers. These workshops culminated in the first National Summit of BPO Employees in the Philippines on April 15, 2018. The Summit was attended by BPO workers from across the Philippines where workshops on rights of women BPO workers and LGBT BPO workers were held. A three-year programme of action, which aimed at campaigning for job security and higher wages was sealed by the participants during the Summit. The knowledge produced by the women BPO workers during these activities has been popularised by BIEN by publishing, "We are not Robots" a short, printed version (primer) of the FPAR findings and recommendations.

BPO women workers engaged the authorities in their bid to fight job insecurity and advance the rights and welfare of women workers. BIEN, together with women workers groups from other industries, engaged with the parliament to advocate for the passage of Expanded Maternity Leave Law that lengthened women workers' maternity leave from 70 to over 90 days. BIEN also filed a petition before the Regional Wages Board in Metro Manila to increase the minimum wage to USD 15.44 (PHP 750) a day from USD 11.63 (PHP 536).

During the pandemic, BIEN carried on its fight for job security by denouncing the issuance of Department of Labour and Employment (DOLE) Department Order 215 (DO 215), which allowed companies to extend floating status from 6 months as mandated by law up to one year by a mere department order rather than enacting a new law.

On November 30, 2020, BIEN staged a Christmas carol protest calling for the granting or payment of full 13th month pay for all BPO workers. BIEN also supported the call for the immediate passage of the Paid Pandemic Leave Bill, a legislative measure that aims to provide economic support through paid leaves to workers who contracted COVID at work, workers placed on floating status and workers under quarantine.



Image 21 BPO workers call for the immediate passage of the Paid Pandemic Leave Bill

Apart from advocating for better policies, BIEN, through the FPAR, also aimed at bridging the gap between state policies and business practices in the BPO industry particularly with regards to the implementation of OSH standards during the pandemic. At a company level, BIEN launched a campaign against

the “return to office policy” for workers working at home. The petition of the BIEN chapter gained support and eventually stopped the implementation of the said policy.

“I’m about 3-4 months pregnant when I was asked to return for onsite work. Because of my sensitive and risky pregnancy and the pandemic, I requested to work from home. However, the company terminated my employment instead of getting assistance for my limitation in working onsite.”

- Frances Rae Sanglitan, BPO worker, Philippines

BIEN reached out to more women BPO workers during the FPAR programme. This resulted in more women BPO workers joining the mobilisations during International Women’s Day, International Labour Day and the One Billion Rising. Through these actions, women BPO workers built stronger solidarity, ensuring that their collective calls for job security, better pay and safe workplaces are heard.



3.8 PROGRESS (Indonesia): Empowering, organising and mobilising women plantation workers to fight patriarchy and attacks on labour

In 2017-2019, PROGRESS empowered women plantation workers about their rights and built their capacity to organise and lead through various workers and training sessions. Through FPAR, at least 21 new women leaders learned how to speak in public and how to document the violations of workers' and women's rights in the plantation. Six of them led community organising to expand women membership in the unions, and two gained confidence in participating in mediation between the union and the company.

PROGRESS also produced brochures that workers can use as resources to learn more about their rights as well as posters and placards to make labour rights and women's workers conditions in plantations known to a wider audience. The group also brought into public dialogue the situation of women workers in the plantation through a video documentation highlighting women workers' socio-economic situation in the plantations and the intersections of gender inequality and unjust labour regimes and practices.

In advancing the women workers demands for decent work, women tea plantation workers in Indonesia led a public dialogue in Palangkaraya, a day before International Women's Day in 2020, where they shared with other civil society organisations (women, youth) and journalists the challenges faced by the women workers in the palm oil plantation. They pressed government representatives for commitments to act on the problems of plantation workers and women workers. Although there were no clear commitments from the end of the government representatives, it was a step towards building alliances with other sectors and raising women's voices and demands to the authorities.

PROGRESS inspired women workers in palm oil plantations to organise their neighbours and collectively provide support to women workers who have problems working in the plantation. This happened when a pregnant woman sprayer who is in the second semester of her pregnancy, was transferred to supposedly an easier task of loading carts with palm oil. The pregnant woman tried to reach out to her assistant supervisor to request for her to be moved again to an easier task, but the latter refused. She had no choice then but to resign as the work might cause her a miscarriage. Upon hearing her story at the first FPAR meeting, the community and union worked together to help her get a lighter task. The campaign was successful, and she was placed in the cleaning service in the office. From that success story, more women workers were inspired to participate in the FPAR and union activities.



Image 22 Women members of palm oil workers union had a meeting, in Kalimantan, Indonesia

Case Study

Empowering women plantation workers to fight for decent work and gender equality amid union attacks

In Indonesia, women workers organised through the Labour FPAR bravely fought anti-union practices as they persevered in campaigning for decent work and mainstreamed women's issues.

Due to the very patriarchal culture, women in palm oil plantations were reluctant to participate in union activities. But through the FPAR, more women were

organised and empowered. Women workers dared to join the welfare committee, which was tasked to assess the work conditions of workers in the plantation. Women workers actively disseminated information by giving out leaflets to their co-workers about the workers' conditions, updates on the negotiations between the company and the unions and other national or local issues.

As women workers became more active in the union, the company also became more relentless in attacking the union by spreading negative information about the union and even termination of over 405 workers

within four months. The union also faced yet another set of attacks from the management targeting union leaders and women union members. But the union did not back down; they persisted in fighting for a decent wage. Women workers also came in defence of the union. As Monik, a woman worker leader said, “It is not the time for us to just judge the union leader’s [actions] without contributing anything [to solve] our own problem. [T]he company always says bad things about the union. We have to tell the truth to the other workers.”

Women plantation workers realised they need and that they could raise their collective and individual demands to the company. Jasiman, one of the women workers in the community, averred, “[The] situation in the company is getting worse... we cannot simply hide our demands, we have to tell the auditors how we felt, and we have to say it ourselves.” They demanded higher pay for women workers who only received a meagre USD 14 to 21 monthly for carrying palm oil fruits. Despite knowing that the company might retaliate with intimidation, women workers raised their concerns to the RPSO auditor.

Throughout the FPAR programme, PROGRESS also successfully increased union members in palm oil plantations from 316 to 450. Women workers also became more engaged in union meetings for strike actions to push for workers’ demands for top-up wages and abolition of the piece-rate system. Women workers also joined the One Billion Rising in 2019 as a form of global cross-movement women solidarity.



3.9 NUOT (Thailand): Fighting for equality at Work, right to health and safety, and permanent jobs of Nurses and Nursing Aides

Since 2017, NUOT raised awareness of nurses in Thailand about their labour rights and gender rights and documented nurses’ experience through the FPAR programme. As one of knowledge tool as well as advocacy tool, they also produced a video documentary about their situation and demands. The video was uploaded on YouTube. NUOT utilised digital media to share knowledge and resources with nurses and the public. This documentary became a living testament of nurses’ struggle for rights, jobs and safety and health is a shared experience.

Nurses and nursing aides organised by NUOT forwarded workplace issues to the Parliament’s Extraordinary Commission on the Compensation Act’s

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Nurses and nursing aides organised by NUOT forwarded workplace issues to the Parliament’s Extraordinary Commission on the Compensation Act’s Draft Amendment. NUOT also reached out to the State Enterprises Workers Relations Confederation as well as to the global union federation, Public Services International, to explore areas of advocacy at the national and international level. Particularly, NUOT aimed to utilise the provisions of the International Convention on Civil and Political Rights (ICCPR) to pressure the Thai government to recognise the union registration of NUOT.



Image 23 NUOT together with nurses in Thailand Public Hospitals discussed on their research design

3.10 CWUA (Thailand): Advancing the rights and welfare of hospital cleaners for higher wages, and benefits, better working conditions

CWUA, through the FPAR, raised awareness of women cleaners about their labour rights in accordance with the Labour Protection Act and Social Security Act and documented the situation of hospital cleaners. The knowledge produced proved useful in advocating for better policies to protect the rights of women hospital cleaners. CWUA also provided built capacity of hospital cleaners on how to deal with leave benefits. They advised workers to properly record the days they took the leaves and holidays as they can use the record for claiming back wages, in the event they get dismissed.

In unison with the Thai labour movement, hospital cleaners joined calls for THB 425 (USD 12.7) minimum wage per day to improve their livelihood. According to Thai labour code, the cleaners are classified as ‘daily workers’ and only earn the legal minimum wage, USD 10.20 (THB 320) a day or USD 265 (THB 8,320) a month.

CWUA also forged alliances with all hospital workers in Thailand to advance the demands not only of hospital cleaners but all hospital workers. Hospital cleaners in Thailand sought the support from other hospital and public sector unions in their campaign for decent work and job security. On March 15, 2019, CWUA held the first national workshop amongst hospital workers (nurses, cleaners, dietitians and kitchen, laundry, patient care assistants and ambulance drivers) from 12 hospitals.



Image 24 Hospital workers, nurses and cleaners united and raised concerns about poor working conditions

“It’s time for Thai nurses to come together and remove ‘old thinking’ from our profession. Working dead. Family separated. Can’t survive on a poor salary.”

-A nurse in a Thai Public Hospital

Women nurses from the FPAR also documented their situation during the COVID-19 crisis. They successfully registered and achieved five collective demands namely: 1) Permanent jobs for registered nurses; 2) Fair remuneration; 3) Career path for nurses; 4) Human rights/welfare/health and safety 5) Equality at work wherein nurses can hold top management positions in all departments of the Public Health Ministry. Particularly, the campaign organised by Thai nurses resulted in: 1) the increase of shift allowance and risks benefit for healthcare workers; 2) enactment of new law to protect healthcare workers with a provision on economic compensation for health workers in case of injuries, sickness, disabilities and death related to work; 3) some improvements in terms of equality, administrative jobs, and wage increase for nurses, and; 4) regularisation and permanent jobs for nurses who had been employed on short term contract during COVID-19.

Through FPAR, NUOT strengthened its organisation by developing new leaders and new activists. And with the advocacy and resources about the situation and demands of Thai nurses, there is more public support for the nurses’ demands and greater appreciation of the sacrifices of the health frontliners during the pandemic. Companies and ordinary people made contributions (food, money, PPEs as well as moral support) to keep the hospital workers safe and save the lives of COVID-19 patients.

The workshop identified labour rights, wage and benefits issues for future action. For the first time, hospital workers united on the need to raise concerns on leaves (annual, paid sick and family leaves), annual health check-ups, compensation fund coverage for injuries and death directly or indirectly related to work accidents, disabilities and death, standard overtime payment and hazard pay. These issues were picked up by different national unions including NUOT, Contract Nurses Network (CNN) and Confederation of Government Employees). There was a discussion for future cooperation to address the working conditions of women hospital cleaners.

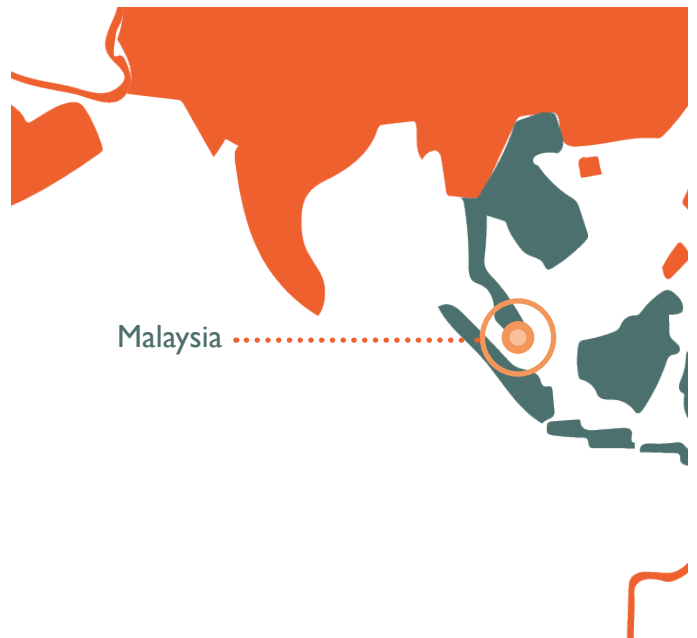
3.11 NUBE and NUDIW (Malaysia): Ending sexual harassment in the workplace and raising awareness of women workers on women and labour rights

In Malaysia, women’s participation and voice in a highly patriarchal union culture was a breakthrough. Through FPAR, NUBE, bank union and NUDIW reached out to women workers in manufacturing, services and other industries. Women workers participated in training on their labour rights.



Image 25 Women workers at F & N Beverages Factory, Malaysia, discussed about labour rights and women issues, 2018

Many women participants attended the trade union training. For the first time, they learned about trade union rights, the history of trade unionism in Malaysia and the Malaysian Trade Union Confederation (MTUC).



Women organisers used creative ways and collaborated with the National Cancer Society of Malaysia to provide free health check-ups during the fasting season. Through these health check-ups, they were able to gain access to women in factories and learn about and document their conditions in the workplace.

Women activists also put forth the campaign, “Zero Keganasan”, that aims to increase awareness among workers about sexual harassment. Likewise, women workers in Malaysia in service and manufacturing companies amplified the demand for women workers’ rights, occupational health, workplaces free from sexual harassment and the minimum daily wage of 50 MYR (11.84 USD).

THE STORIES of this FPAR journey demonstrated that women workers can speak up and bringing about change towards. Women-led labour organisations and unions produced grassroots knowledge about the realities of women workers in the region. In the programme, more women workers learned about their rights. They realised their capability to lead, encouraging them to organise more women workers into unions and mobilise women to fight for their specific demands. Women workers amplified their voices and built a broader solidarity of women workers from other sectors for decent work, gender equality and Development Justice. Empowered and unified, women workers proved they can strengthen and build a broad feminist movement that challenges unjust and oppressive systems of neoliberal globalisation and patriarchy.

SECTION 4

PATH TO DECENT WORK AND A LIVING WAGE AS PILLARS OF DEVELOPMENT JUSTICE FOR WOMEN WORKERS IN ASIA AND THE PACIFIC

Decent work and living wage are essential factors towards fulfilling women's human rights and Development Justice. With decent work, and a living wage, women workers and their families can have dignified lives. The Labour FPAR made strides in empowering women workers to collectively advance decent work in the region. Yet there is still a long way to go towards attaining decent work and a living wage agenda, including gaps in policies and practices at various levels.

4.1 Roadblocks and Policy Gaps

Outsourcing and subcontracting weaken labour standards, job security and union rights

The neoliberal trend of outsourcing and subcontracting directly undermined national labour laws which were intended to protect workers' right to secure and decent employment. In hospitals in Thailand, garment factories in Bangladesh and informal sector (home-based work) in Pakistan alike, the absence of clear policies that guarantee the rights of workers to statutory benefits (leaves, social security, medical benefits etc.) has left workers in the unscrupulous hands of contractors who deliberately deny workers of these benefits to amass profit for themselves on top of the profit accumulated by their clients.

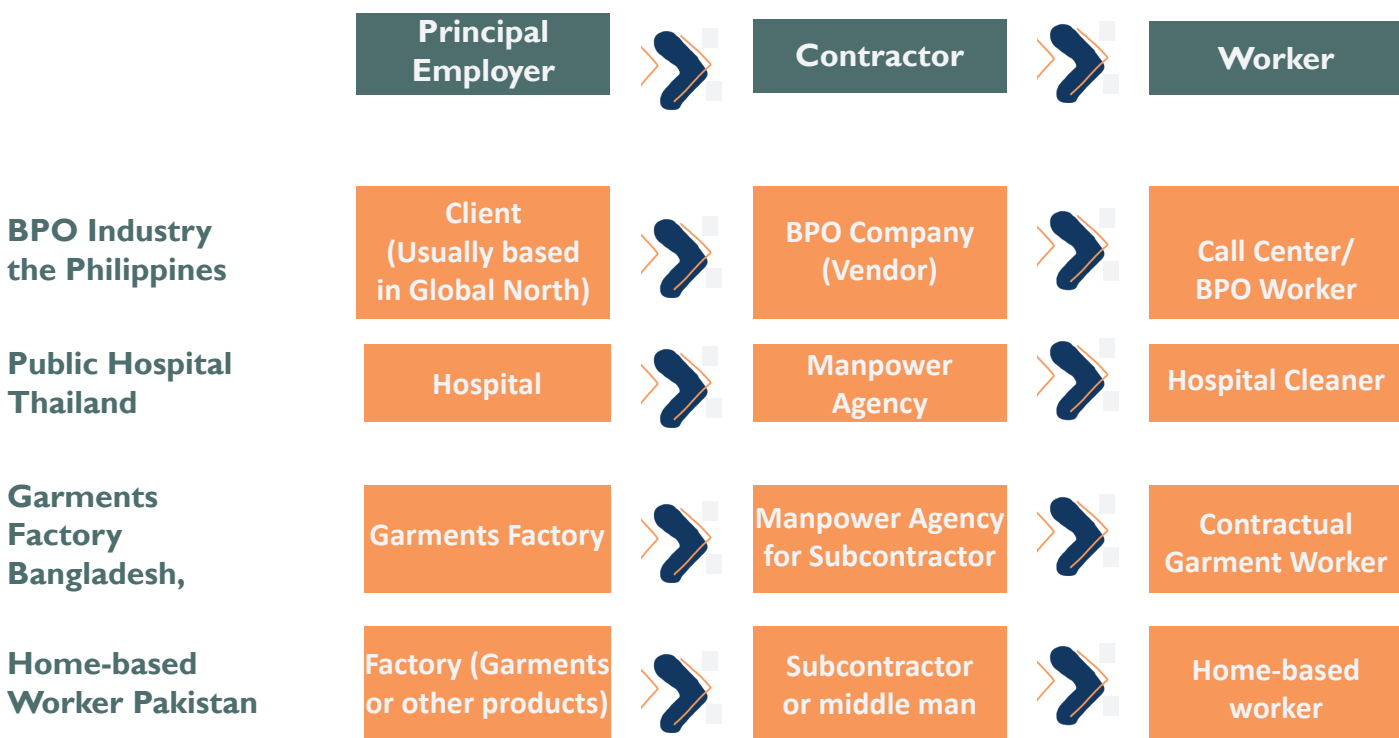


Figure 3 Modes of subcontracting and outsourcing in garments, call centre and public hospitals based on FPAR

The precarious nature of employment (i.e., the absence of security of employment) of contracted work comes from the fact that outsourcing to third parties particularly in the formal sector—manpower agencies, legitimate subcontractors, or BPO companies—effectively blurs the line on who shall be held lawfully accountable in case of the violation of workers’ rights. In the absence of proper policies and legal protection for workers’ rights, the principal employer (i.e., client of the outsourcing entity) is relieved of their liabilities for employee rights violations even though they play a principal role in driving down wages and labour standards by subjugating labour to the competition among contractors. Under these circumstances, contractual or outsourced workers are expendable resources; they are replaced when cheaper labour is available to other contractors.

Furthermore, freedom of association and collective bargaining rights of subcontracted and outsourced workers are immensely undermined. In the case of Thailand hospital cleaners, even national and traditional unions find it “complicated” to represent outsourced cleaners because principal employers (i.e., hospitals) are relieved of their liabilities, and subcontractors are easily replaceable in the next bidding round if their cost can be rendered uncompetitive if workers are able to bargain higher wages, benefits etc. The same is true in the Philippine BPO industry. BPO companies rely solely on their clients, mostly from other countries whose main intention is to reduce labour costs by outsourcing and off shoring their operations to BPO companies. Legally speaking, the BPO companies are the principal employers and are entirely liable for the respect of labour rights, including workers’ union rights. However, it is the clients who have the upper hand as they can freely move the jobs to other BPO firms. Without laws that will ensure extraterritorial obligations of foreign-based companies who outsource and off-shore jobs, foreign BPO clients, who do not have legal standing in the Philippines, are thereby completely relieved of any responsibility to off-shore BPO workers, even if these clients have more power to impose new performance standards, new pay scheme and terminate undesirable workers.

Minimum wage is poverty wage

Living wage is a global battle. Fixing floor or minimum wages must be based on two major principles: First is that minimum wage policies should be designed primarily “to overcome poverty and to ensure the satisfaction of the needs of all workers and their families”; and second is that minimum wages should be considered as a form of social protection for workers from very low wages.⁹⁹ However, neoliberal policies have gravely affected minimum wage setting, driving down wage rates, especially in the Global South. Most Asian economies have been known for their competitive advantage in terms of low labour costs.

Wage policies in many Asian countries have dismantled the national minimum wage. For instance, in India and the Philippines, minimum wages are set according to location (subregion, state), industry or skill. In Indonesia, minimum wages are currently calculated solely by economic growth and are no longer determined by local/national tripartite wage councils. In some countries, there are no national minimum wage rates set by the government apart from the ones set in the garment industry in Cambodia. For domestic workers in India, minimum wage policy does not apply because domestic workers are not recognised as workers. The absence of national minimum wages favours capital mobility, allowing corporations to freely move to areas with cheaper labour, which subsequently engenders precarious employment and race-to-the-bottom wages. Moreover, minimum wage policies have historically devalued women’s work and assumed women do not require wages sufficient to support dependents. The overrepresentation of women in the informal sector, agricultural work and the lower end of global production chains makes women not entitled to minimum wages. Minimum wage rates nowadays are pegged on the concept of poverty operationalised in the poverty threshold of USD 1.90 (for extreme poverty), rather than the actual cost of living of a family.¹⁰⁰

⁹⁹ILO (no date) “R135 - Minimum Wage Fixing Recommendation, 1970 (No. 135)” In ILO website. Retrieved on Aug 28, 2020, from https://www.ilo.org/dyn/normlex/en/?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312473

¹⁰⁰ILO (2019). *The Working Poor or How a Job is No Guarantee of Decent Living Conditions: A Study based on ILO’s Global Estimates of Employment by Economic Class*. Retrieved from https://ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/publication/wcms_696387.pdf

It is very notable that in countries where the Labour FPAR was conducted, minimum wage rates fall way below the living wage (See table 1). The rate of wage increase is low and has been slowing down in the last decade. A study on wages in the garment industry showed that in Indonesia and India, real wage increments are so small that it would take 122 years and 40 years respectively before the minimum wage closes in with the living wage.¹⁰¹

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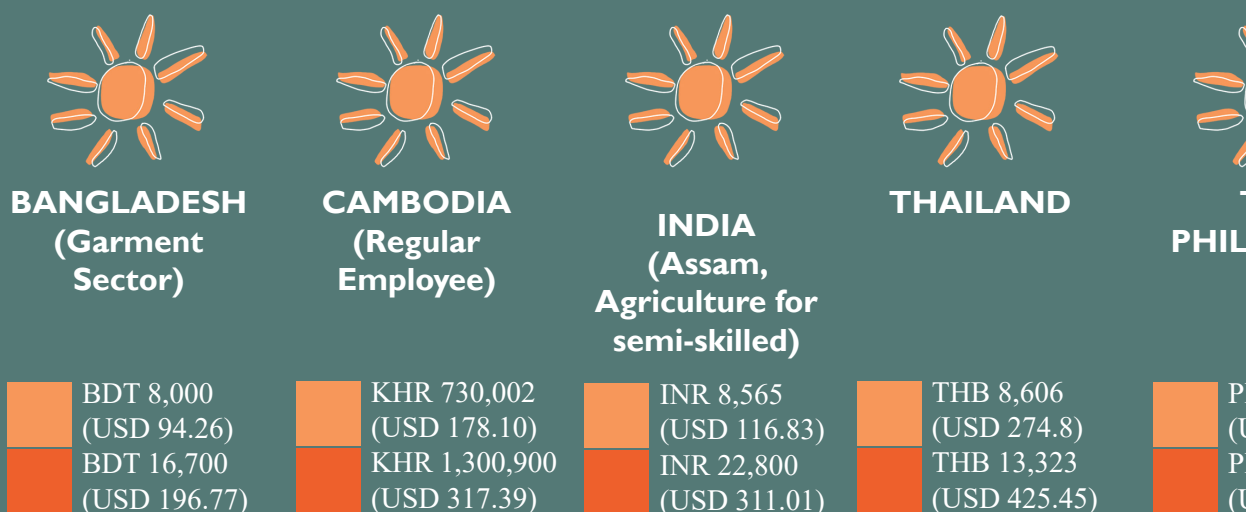
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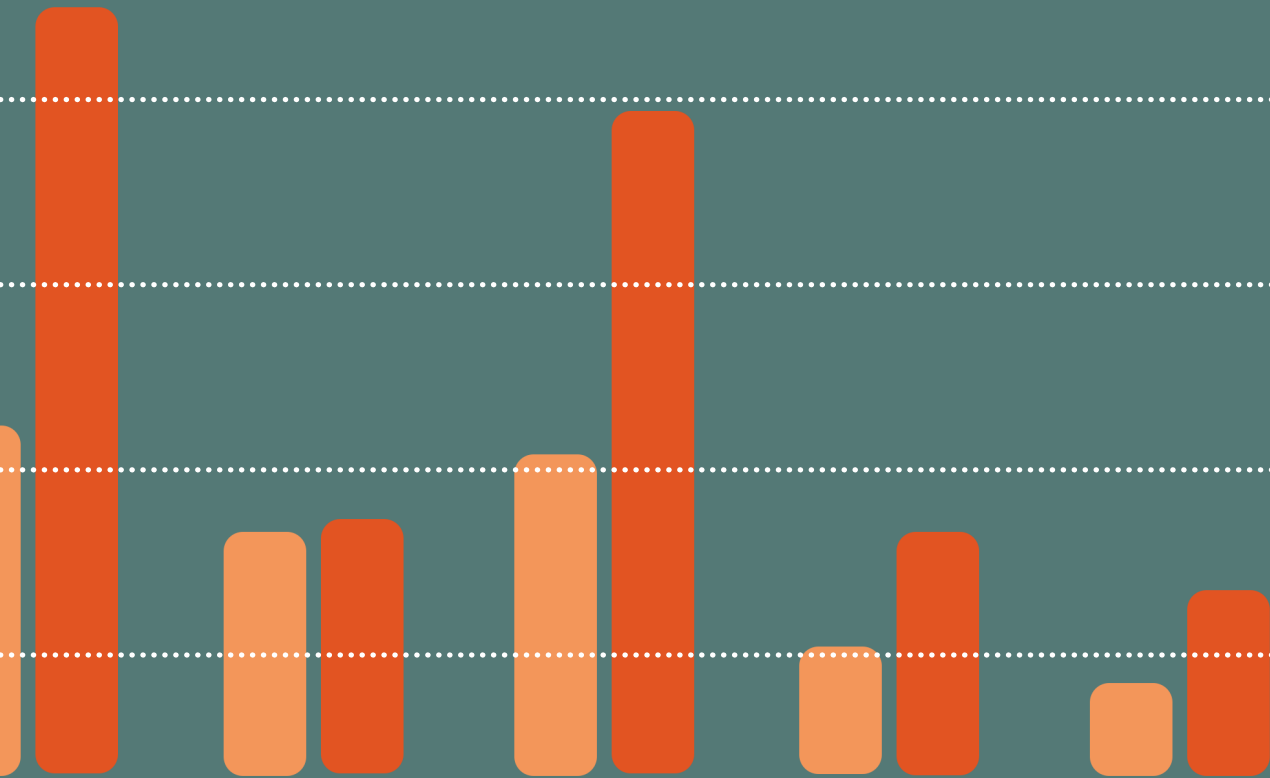


¹⁰¹Workers' Rights Consortium (WRC) (2013). Global Wage Trends for Apparel Workers, 2001–2011. Washington DC: Center for American Progress. Retrieved from <https://www.americanprogress.org/wp-content/uploads/2013/07/RealWageStudy-3.pdf>









Figure 4 Comparison of Monthly Minimum Wage and Living Wage 2019/2020 in domestic currencies

^aAll figures come from Wage Indicator.org unless otherwise indicated. ^bIbon Foundation. ^cAsia Wage FloorAlliance

 Minimum Wage
 Living Wage



 **THE PHILIPPINES**  **INDONESIA**  **MALAYSIA**  **PAKISTAN**  **BURMA/ MYANMAR**

PHP 13,936 (USD 286.81)	 IDR 2,615,735 (USD 192.33)	 MYR 1,100 (USD 263.79)	 PKR 17,500 (USD 104.17)	 MMK 124,800 (USD 72.10)
PHP 31,089 (USD 639.82)	 IDR 2,878,700 (USD 211.67)	 MYR 1,590-2,300 (USD 381.29-551.56)	 PKR 25,600-34,000 (USD 152.38-202.38)	 MMK 191,100-246,300 (USD 110.40-142.29)

Widespread Impunity in labour rights and labour standards violations

The existence of laws and policies that protect labour rights and set labour standards is positive; however, whether those laws and policies are implemented for the workers to enjoy their labour rights remains a big question in Asia and the Pacific. As findings of the Labour FPAR show, there are significant gaps in enforcing labour laws – such as minimum wage system in plantation in Indonesia, right to security of tenure in the BPO companies in the Philippines, labour standards and leave and maternity benefits in the garment industry in Bangladesh and Burma/ Myanmar, and in hospitals in Thailand. Poor labour law enforcement may be attributed to many factors such as lack of effective policies in terms of labour inspectorate, lack of resources/national budget allocation or government's favour to businesses, especially in key industry sectors such as the garment industry in Bangladesh and Cambodia, BPO sector in the Philippines and palm oil in Indonesia. Low unionisation rate as well as other forms of attacks on freedom of association and collective bargaining adversely affect workers' ability to engage in social dialogues that can push for effective implementation of laws and more stringent penalties for violators of labour laws.



Image 24 PTS and union members assisting the registration process for domestic workers at a special registration camp of the Tamil Nadu Labour Welfare Board.

Informal workers and public sector workers are inadequately protected by existing labour standards and labour rights

Labour laws and policies are meant to regulate employer-employee relationships in the formal sector, or those with standard employment forms in the private sector. The Labour FPAR found that informal workers, especially those in the informal sector, have no legal protection or are inadequately protected by

existing labour standards and laws. For instance, street vendors in Cambodia, home-based workers in Pakistan and domestic workers in India have no fixed working schedule and they often work long hours. Without appropriate social protection and social security policies that can guarantee economic and health support from the governments or employers, informal workers are left on their own in times of illness, injury, economic crisis and old age. This is a major roadblock in attaining decent work and ending poverty as part of the Sustainable Development Goals.

Informal sector workers are also difficult to organise. Current application of laws on freedom of association and collective bargaining is limited to workers where there is a single employer (whether a contractor or a principal) for a group of workers. Unless governments are willing to approach the right to freedom of association inclusively by providing formal recognition to other forms of workers' associations apart from the trade unions, informal sector workers—even if they are organised—will remain excluded from social dialogues. The lack of recognition and representation of the informal sector in social dialogue mechanisms is a major roadblock in creating effective policies that can address the challenges of decent work amongst informal sector workers.

As for the public sector workers, a similar problem on enjoyment of core labour rights and labour standards applies. Because public sector workers are employed by governments and part of the government bureaucracy whose primary mission is to protect the national and public interest, public sector workers are oftentimes unable to fully exercise their rights to freedom of association, collective bargaining and rights to strike. In the case of nurses and nursing aides in public hospitals in Thailand, the Civil Servants Act of 2008 contains mainly rules on the responsibilities of public sector workers as civil servants and part of the government, while the Act sorely fails to address labour standard issues such as working conditions for nurses and nursing aides.

Rights to decent living conditions and women's human rights are not fully integrated into labour and workplace policies

Decent work is not merely an end, but a means to attain a life with dignity and justice for workers and their families. While labour policies and labour standards provide protection to workers' rights and reg-

ulate labour-business relationships in the workplace, workers' living conditions are often left out, especially in settings wherein the workplace coincides with the residential community or living space of workers. This situation is most prominent in plantation settings and home-based work. The Labour FPAR found plantation workers have poor access to water and basic sanitation facilities while home-based workers, who are already living in slums with limited space, have to convert their homes into quasi-factories. Similarly, the situation of workers in garment factories is far from ideal, as high rental rates force workers to share small boarding spaces with several individuals. Poor housing and sanitation facilities impact women differently and more than men because of specific health needs and pressure for women to keep their homes clean despite limited water resources. Furthermore, women's reproductive health and rights are often overlooked in law and policies. Although some countries have established maternity benefits for working women, other reproductive health and maternal concerns such as access to reproductive health services in plantations, access to lactation facilities in the market for street vendors and provision of menstrual leaves are not protected.

Neoliberal policies and patriarchal systems undermine women's human rights and union power

State policies that favour corporations and patriarchal systems undermine trade union rights and women's human rights. Furthermore, many countries in Asia and the Pacific have not ratified core ILO conventions yet, such as the case of India and Thailand, who have not yet ratified ILO Convention No. 87 (C87) and 98 (C98) that guarantee the workers' right to organise and collectively bargain. In other countries where C87 and C98 are ratified, domestic statutes and poor implementation of laws tend to undermine union rights. Stringent legal requirements for union registration, union certification and to exercise union rights, including the right to strike, make it almost impossible for workers to organise unions or mobilise collectives without facing immediate retaliation from employers. Right to organise is often treated secondary to economic policies that tend to attain shallow industrial peace to attract more investors. In the Philippines, for instance, a de facto no-union-no-strike policy prevails in economic zones and BPO hubs. Authoritarian or pseudo-democratic political regimes in Asian countries are also effectively curtailing civil liberties and union rights in the name of economic growth.

In Asia, patriarchal systems and power relations are still prevalent and widespread. For instance, sharing of childcare and unpaid household work is far from a reality. In many countries where the Labour FPAR was conducted, such patriarchal gender norms are reflected in limited or non-existent paternity benefits. There is a lack of affirmative policies to ensure that young girls with very poor and marginalised backgrounds, such as Pakistan's home-based workers and India's tea plantation workers, have access to education which may facilitate the end to inter-generational poverty. Even though hierarchical and patriarchal cultures in organisations and unions are still extant and continue to silence women's voices in social dialogues and policy advocacy, FPAR's organising work and women's leadership challenge existing patriarchal power structures.

4.2 Policy Recommendations and Ways Forward

Advance policies to protect job security and promote standard employment.

- ☀ National law and policies must regulate if not completely dismantle outsourcing practices that promote precarious employment.
- ☀ National laws, policies and regulations must be strengthened and widened to explicitly include the protection of casual, contractual and informal sector workers.
- ☀ Governments must ratify ILO Convention No. 189 and translate it into national law to protect domestic workers.

Repeal of wage-setting mechanisms to promote living wage

- ☀ Multiple wage floors that tend to drive workers in a race-to-the-bottom in each country must be repealed and be replaced with a living wage because a current national minimum wage is poverty wage.
- ☀ All workers including contractual and informal workers must be entitled to a living wage. Establish a mechanism to set and ensure a living wage entitled for all workers.

☀️ Establish law and a system to recognise informal workers as workers, to protect the rights to a living wage for all workers and to guarantee workers with full social protection, including income security, social and health security, and access to full employment.

Respect international labour standards, end impunity for human rights violations against labour rights defenders and enact law for their protection

☀️ National laws and regulations must establish and strengthen labour inspection systems and rapid access to legal aid and the judicial system that will involve independent trade unions and labour organisations to monitor and implement labour standards and labour rights in the workplace.

☀️ Governments must exercise their extraterritorial obligations for human rights and regulate transnational companies registered in their territories (e.g., global fashion brands, clients of BPO firms, global palm oil companies). As a first step to proving their commitments, UN member states shall support the process and adoption of the UN binding treaty on business and human rights.

☀️ Establish corporations' liability through mechanisms that are embedded within the international labour framework for upholding and protecting human rights. The mechanisms, including redress mechanisms, should also call companies' obligation to respect labour and human rights and be responsible for any violations

Actively promote decent work for all workers, including informal workers

☀️ Enable legislative frameworks to uphold and protect labour rights of women informal workers, including rights to organise, rights to collective bargaining, equal remuneration for women informal workers, and access to justice. Develop skills and learnings for women informal workers with education and training opportunities.

☀️ Secure the labour regulation that should be applicable to informal workers to enhance the quality of women's work, to improve the working conditions of women informal workers and to ensure income security for women workers. States should ensure policies and resources that provide social protection to informal workers.

☀️ Ratify ILO Convention No. 177 concerning homework (C177) and translate it into national law, policies and regulations. ILO C177 recognises homeworkers (i.e., sub-contracted home-based workers) as workers and mandates that all homeworkers should enjoy basic labour rights. It also "guarantees the applicability of core labour standards and other protections of homeworkers and sets a standard for their minimum pay and working conditions, including occupational health and safety".¹⁰²

☀️ Social dialogues involving informal workers should be institutionalised. International bodies and States should promote and recognise the right to freedom of association of informal workers.

☀️ Trade unions and civil society organisations should collaborate with informal workers, and venues for regional and international collaborations amongst informal workers should be strengthened.

Ensure decent living standards and promote women's human rights in national labour policies

☀️ States should ensure the right to adequate housing, a fundamental human right that is integrated into labour standards and policies especially in settings where workplaces coincide with the living spaces of workers.

☀️ States should strengthen the right to adequate housing and access to water and sanitation services and facilities by promoting affordable and decent housing programmes for workers and their families.

¹⁰²Women in Informal Employment: Globalizing and Organizing (WIEGO) (no date). "Informal Workers and the Law" in WIEGO website. Retrieved 27 July 2020 from <https://www.wiego.org/informal-workers-and-law>

- Comprehensive reproductive health rights and benefits should be included in all occupational health and safety standards in the workplace.
- ☀ State policies should encourage and promote sharing of housework and care responsibilities between men and women by increasing paternity leaves and benefits, etc.

- Care services should be considered as a public good in development policies and should be recognised as well as provisioned by the states for women workers.

End sexual and gender-based violence and harassment in the world of work

- ☀ States must ratify ILO Convention 190 on Violence and Harassment in the World of Work (C190) to ensure women workers have a right to a world of work, free from violence and harassment by adopting laws, regulations and policies and national laws that will enable the enforcement of ILO C190 should be legislated.

- ☀ States should mandate companies, business and employers to implement C190 with the consultation with women workers and their unions on any industrial documents, address GBV risks in the OSH policies, identify and assess the risks of GBV together with women workers and their union in case of violations, penalties and accountability measure, and provide accessible information and training in address GBV at the workplace.

Protect the right to freedom of association

- ☀ Ratification of ILO Conventions 87 and 89 in India and Thailand should be pushed.

- ☀ National laws and economic policies that undermine ILO Conventions 87 and 98 should be reviewed and repealed to recognise the right to freedom of association of contractual workers and informal workers.

- ☀ Guarantee the security of workers' rights defenders' and union leaders and their protection from threats of dismissal or any other reprisals as set by the International Labour Organisation (ILO) Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise and ILO Convention No. 98 concerning Right to Organise and Collective Bargaining.

Grassroots labour organisations and trade unions must combat discrimination against women and adopt women's human rights and gender equality programmes, particularly to increase women's participation and political leadership in union and labour movement activities. Workers' organisations and labour movements must recognise labour rights as a feminist issue, putting women's voices, experiences and leadership at the centre, and advance decent work and Development Justice.



About APWLD

The Asia Pacific Forum on Women, Law and Development (APWLD) is the region's leading network of feminist organisations and individual activists. For 35 years, we have been carrying out advocacy, activism and movement building to advance women's human rights and Development Justice. This FPAR is part of APWLD's Labour Programme. APWLD worked with and supported 11 partner organisations from nine countries to conduct FPAR on women's labour rights in Asia and the Pacific between 2017 and 2019.

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