



Strengthening the Role of Labour Standards in Selected Developing Member Countries

ADB/ILO RETA Project No. 5887

Regional Review: Equality in Economic Activities and Employment

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Regional Report on Equality in Economic Activities and Employment

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I. **Introduction**

The International Labour Organization (ILO) and the Asian Development Bank (ADB) jointly launched a project aimed at exploring possibilities to improve the conditions of work in developing countries as a means of achieving faster and more equitable economic growth. The Project focuses on three main areas: gender-based discrimination, child labour, and occupational health and safety. The objective of the exercise is to develop possible strategies for integrating the twin objectives of equity and efficiency into the process of selection, designing and monitoring of investment projects undertaken by the ADB and national governments in developing countries. More precisely, the exercise explores ways to operationalize in an effective manner measures aimed at reducing gender-based discrimination.

Research has been conducted at regional and country level to understand the nature and magnitude of each of the above-mentioned areas, locate the factors contributing to their persistence and work out how these factors interact with the process of economic development. With respect to gender-based discrimination, the research also examined whether or not such a process of discrimination has been constant in all countries and at all stages and forms of economic development. Detailed studies were carried in Bangladesh, Nepal, the Philippines and Thailand to assess:

- The state of the economy and the pattern of gender-based discrimination in the labour market in each of the countries concerned;
 - The ILO conventions ratified by the country, the contents of the labour laws passed by the country in the spirit of those Conventions and the effectiveness of their application;
 - The changes required to reduce the gender-based discrimination prevalent in the country and, at the same time, sustain and promote further economic growth;
 - The particular strategies vis-à-vis labour that are to be followed by the ADB and other national and international development agencies to promote the twin goals of reducing the bias against women workers while ensuring efficiency in the development process.
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- The present report reviews the status of gender equality in economic activities and employment in the Asia and Pacific region. In addition to secondary sources on the gender dimensions in the labour market in the region, it is based on the findings of the above-mentioned country-level research and draws on the several case studies of good and bad practices. The main objective of the review is to determine those factors that generate discriminatory practices as well as those that work towards their elimination. From the national findings it appears that such discrimination is a complex, multi-stage process involving many factors. These factors affect and operate on both the supply and the demand side of the labour market and at micro, meso and macro levels.

For the purpose of this review, it may be important to bear in mind that throughout the Asian region significant differences exist in the level of social and economic development. While many Asian countries have adopted policies of an open economy with emphasis on export-led growth, they have reached different stages of economic development and face different prospects of growth. The processes of development vary because of differences in physical and human resources as well as in social institutions, including those related to gender relations. In each country, the Government, the employers and trade unions as well as other civil society groups have undertaken different measures aimed at eliminating discrimination in employment and occupation.

Structure of the paper

Chapter II of this paper provides a general definition of sex-based or gender-based discrimination in the world work. Chapter III explores the labour market situation of women and men in the Asia and Pacific countries. It highlights a number of gender-gaps in both the formal and informal economy that relate to education levels, labour force participation, sectors of employment, and wages and salaries. Chapter IV attempts to highlight some of the main issues women face in relation to their conditions of work such as lack of maternity protection, unequal wages, their difficulties in reconciling work and family and sexual harassment. The next Chapter provides some possible causes for discrimination against women in various countries in the region and highlights the changes that have taken place in the discriminatory

practices as well as the forces that brought them about. Chapter VI gives an overview of relevant international labour standards and draws upon the information provided by the country level research to give an indication of their application in practice. Chapter VII discusses the costs and benefits of labour standards for employers and workers while Chapter VIII presents a summary of the good actions taken by various concerned agencies drawing upon the information provided by the country level research. The final section presents some conclusions and recommendations directed at international development agencies, national governments as well as workers' and employers' organisations.

II What is discrimination?

The promotion of gender equality and the elimination discrimination is at the heart of the concept of decent work for women and men. Before entering into a discussion on the different manifestations of sex-based discrimination in Asia and the Pacific, it is useful to define first discrimination in employment and occupation.

Article 1, paragraph 1(a), of the *ILO Convention on Discrimination (Employment and Occupation), 1958 (No. 111)* defines discrimination as “any distinction, exclusion or preference [made on certain grounds] which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation”. Through this broad definition, Convention No.111 covers all discrimination that may affect equality of opportunity and treatment of men or women. The distinctions, exclusions or preferences may have their origin in law or in practice. The Convention covers direct discrimination, such as expressly stated exclusions of women who need not apply for jobs; and indirect forms of discrimination such as occupational segregation based on sex. Indirect discrimination refers to apparently neutral situations, regulations, or practices, which in fact result in unequal treatment of men or women with certain characteristics. Discrimination based on sex and gender includes distinctions which are made explicitly or implicitly to the detriment of one sex or the other. While in the great majority of cases, and particularly in cases of indirect discrimination, they are detrimental to women, protection against discrimination applies equally to either sex¹.

Discrimination on grounds of sex also includes discrimination based on civil status; marital status, or more specifically family situation (particularly as regards responsibilities for dependent persons); pregnancy and confinement. These distinctions are not discriminatory *in themselves*, and only become so when they have the effect of imposing a requirement or condition on an individual of a particular sex that would not be imposed on an individual of the other sex. Distinctions based on pregnancy and confinement are discriminatory due to the fact that they can only, by definition, affect women. “Sexual harassment” or “unsolicited sexual attention” are particular forms of discrimination on the basis of sex which have received increased attention.²

Finally discrimination in employment and occupation covers a wide range of areas and includes access to vocational training, access to employment and to particular occupations and terms and conditions of work. The latter may include hours of work, rest periods, annual holidays, occupational safety and health, social security measures and welfare facilities as well as wages and benefits provided in connection with employment. The protection afforded by Convention No.111 not only extends to men and women that have already gained access to employment, but also covers opportunities of gaining access to employment or to an occupation. It covers both wage-earning employment as well as self-employment. This is important because this category covers the majority of the active population, including many women, in developing countries.

¹ Constance Thomas and Yuki Horri, 2001, “Equality of Opportunity and Treatment”, in *International Labour Standards. A Global Approach (Preliminary version), 75th Anniversary of the Committee of Experts on the Application of Conventions and Recommendations*, ILO Geneva, p. 79.

² ILO, 1996. Special Survey on Equality in Employment and Occupation, International labour Conference, 83rd Session 1996, Geneva, paras. 35-40.

Other areas specifically related to discrimination focus on remuneration differences between men and women, maternity protection, and reconciliation of work and family responsibilities.

III

Labour market situation of women and men

This Chapter will examine the emerging gender issues in the Asia and Pacific labour markets, in particular those related to atypical forms of employment, the gender dimension of poverty, gender differences in wages and the impact of the Asian financial and economic crisis. It will also briefly touch upon the situation of a particularly vulnerable group, international labour migrants, focusing on women and girls. When analyzing the gender dimension of the Asian and Pacific labour markets, it should be born in mind that recent data on gender equality in the region generally focus on the formal economy because of the scarcity of comparative data on poverty and the informal economy. However, it can be safely stated that, as will be described below, that poverty and lack of employment opportunities continues to affect women more than men in the region, especially in agriculture, and in both the formal and the informal economy.

1. Participation of women and men in the labour force

A primary indicator of gender gaps in terms of labour market activity is usually the labour force participation rate (LFPR) of women and men. A recent ILO report on gender equality in the world of work in the Asia and the Pacific region indicates that women's LFPRs do vary considerably in the region but do not necessarily depend on high levels of economic growth³. Some countries in the region such as Bangladesh, Nepal and Sri Lanka where in 2000 women's LFPRs are 67.4 %, 58.3 % and 46.1 %⁴ respectively have achieved great improvements in women's labour force participation in spite of relatively low levels of economic growth. Of course, in making comparisons among countries account must be taken of possible differences in definitions, of labour force participation, unemployment, etc.⁵. Also, traditions of each society play a large role in determining whether or not women at all consider themselves as integral to the labour force. However, given these anomalies, it is still worth noting that generally the LFPRs for women are significantly lower than those for men ranging from 77.3 % for women and 86.9 % for men in Eastern Asia, 64% for women and 85 % for men in South-eastern Asia to 46.5 for women and 85.7 % for men in South and Central Asia and 41.6 % for women compared to 81.2 % for men in Western Asia. As for the Pacific region, women's LFPR range from 38% in Fiji to 67% in Australia and 81.9 % in the Solomon Islands. According to the ILO Report, in the high-growth countries, women are under-represented in both agriculture (except in Indonesia, Japan, Republic of Korea and Thailand) and industry, but over-represented in services. In low-growth countries and countries in transition, women are over-represented in agriculture but under-represented in industry and services. However, high growth countries seem to enjoy lower gender differentials in the LFPRs and have achieved greater reductions to them. Gender differentials are, however, higher in low growth countries and have reduced less in the course of time.

2. Characteristics of the female labour force

a. Over-representation in unremunerated work

³ ILO. 1999. *Towards Gender Equality in the World of Work in Asia and the Pacific*. Technical report for discussion at the Asian regional Consultation on the Follow-up to the Fourth World Conference on Women, Manila, 6-8 October 1999, ILO Regional Office for Asia and the Pacific, Bangkok, p. 13.

⁴ ILO. 2000. *World Labour Report 2000. Income Security and Social Protection in a Changing World*, ILO Geneva, p. 268-269.

⁵ For example, in Bangladesh, the labour force includes all those who may have worked even for one hour per day are considered as workers. This is not true of the estimates for all countries.

The ILO report on gender equality in the Asia and Pacific region and country level research clearly indicate that a large proportion of women's work, be it in the formal or informal economy, is unremunerated, because it is generally unaccounted for in the economy. Even in high growth countries, such as Japan, estimates of unremunerated work in 1996 varied between 15 and 23 %. Presumably these women are working in activities undertaken by the household as a unit, whether in agriculture, in artisan crafts or in other forms of self-employment. One possible reason for this may be that, over time, as households find that their traditional occupations in agriculture or crafts can no longer provide adequate income, the men tend to move to other occupations, leaving the women to carry on with the earlier occupation. However, even when they are solely responsible for operating the family's land or other productive assets, the prevailing social institutions often continue to deny women any ownership rights to those assets. So their being self-employed does not necessarily make the work any less burdensome for the women; rather it is all the more disempowering since it adds to their work burden.

b. Unemployment and underemployment

In the region, unemployment rates for women tend to be higher than for men. For example, in Bangladesh, research indicates that in the ready-made garment industry, once the special concession given to the industry are taken away, the main burden of job loss would have to be borne by the women workers. Apart from the constraints that women face in terms of access to formal economy employment and remunerative work, disadvantages and discrimination faced by women in the labour market (see below) makes them more vulnerable to crisis than men, as in the Asian financial and economic crisis. An ILO Governing Body Symposium held in March 1999 concluded that "among the victims of the crisis, vulnerable groups such as women, children and migrant workers have suffered most"⁶. Although estimates on the impact of the crisis on women's labour force participation rates show a clear worsening in some countries and more mixed results in others, it can be seen that a majority of women in developing countries in the region, including agricultural workers, artisans, weavers, vendors, home workers and other informal workers in urban areas, have been particularly hard hit by the Asian financial and economic crisis in the 1990s⁷. In some of the worst hit industries of Thailand, the share of women in the total of jobs lost was as high as 70 to 90% (Tonguthai 2002, table no.2.19, p.31).

In some countries, official unemployment rates of women in a number of countries appeared to be lower than those for men. This may be because in a tight labour market, women tend to withdraw from the labour force with resultant shrinkage of their share in the labour force. Also women, when unemployed, are more willing than men to accept work on very disadvantageous terms. For example, in the crisis of 1998 in Thailand, those women who had lost their jobs in registered factories, soon took up similar work to be done from home or in informal sweatshops.

Another important characteristic of women's employment is high levels of under-employment in terms of the hours worked. In some countries, underemployment was a more serious problem for women than for men and under-employment of women seems to have increased for a number of countries during the 1990s. In Bangladesh, while there was little difference in male and female unemployment rates, the underemployment situation was quite different; male underemployment rates when converted into unemployment equivalence, were still less than 10%. But for women the corresponding figure raised to over 40%. This was particularly so in rural areas. In countries like Nepal and Bangladesh, where most women still lived in rural areas, there was a high chance of them remaining underemployed in the lean season when options of other paid work were also limited. However, under-employment of women does not necessarily mean *that women's workload is smaller than that of men*. For example in Nepal it appeared that, when the daily hours of work on economic and other household activities were taken together, both rural and urban women on an average worked for two more hours per day than men. An issue related to under-employment is the over-representation of women in part-time work, defined as working less than 30 hours per week. Estimates for a number of countries indicate a general pattern of

⁶ ILO.1999.*Op.Cit.*, p.5

⁷ *Ibid.*, p. 6.

women's employment in part-time work "constrained by their household responsibilities and limited time available for remunerative work"⁸.

c. Differences in Wage Rates and Earnings

Facts and figures on wage differentials: While, overall, women's participation in the labour force has been increasing, the continuing gender wage gap remains a major barrier to equality of men and women in the workplace. As in other regions of the world, the wages differences between men and women continue to persist in the Asia and Pacific region. A comprehensive overview on the gender wage gap in the region is difficult because gender and wage data by gender are very scarce across countries. While it can be safely stated that in the Asia and Pacific Region, women, overall, earn less than men, UNIFEM data of 1997 on six Asian countries show that female wages as a percentage of male wages are generally higher in the industry and services sectors (eg. Korea, Rep.: 62 %; Singapore: 76 %; Sri Lanka: 90 % and Thailand: 72 %), than in the manufacturing sector (Korea, Rep.:56 %; Singapore: 60 %; Sri Lanka: 85% and Thailand: 68 %) ⁹.

Country level research conducted in 2002 in Bangladesh, Nepal, the Philippines and Thailand in the context of an *ILO/ADB Project on Strengthening the Role of Labour Standards in Selected Developing Member Countries*, gives some further indications about the wage differentials in the region. In Bangladesh, data for 1995-1996 indicate that women's average rates of pay in both the agricultural and the non-agricultural sectors were around 60% or less of men's. In the rural/agricultural sector of Bangladesh, the ratio of male to female wage rates went up from 1.36 in 1984/85 to 1.76 in 1995/96¹⁰. When men and women did the same kind of jobs, there is still a difference in pay favouring men, but of a much smaller degree. In urban non-agricultural occupations, on the other hand, the same ratio over that period fell from 2.38 to 1.67. In the public sector wage based discrimination was mostly closely related to women's relative access to higher- level jobs. In the private organized sector and particularly in the female-dominated garment industry, data showed that at low levels of education of both men and women, there was a difference in male/female wage rates favouring men. However, at higher levels of education the wage rates for women were higher than those of men. Obviously, while there were few alternative jobs for women outside agriculture in rural areas, the scenario improved in urban areas with the introduction of new industries as well as with improvement in the qualifications of women workers.

In Thailand, the average wage rates of women in the private sector were about 80 to 88% of male wages. In the public sector, the difference in average rates was small and had gone down during the last four years¹¹. This however, did not mean that women got an equal share of jobs at all rungs of the job ladder in civil service. In private establishments, the difference in monthly earnings always favoured men and generally, the male advantage was bigger in larger firms for the same post. Similarly, if one looked at position-wise earnings, the shortfall in female wages increased as one went up the job ladder.

In the Philippines, while discrimination on grounds of sex is actively forbidden in public sector jobs, there is still a shortfall in women's relative earnings. Despite the fact that women's educational attainments are relatively higher than men's, only younger urban women (those below 25 years) enjoy some advantage over men in earnings from clerical occupations. In older ages when presumably, all workers have earned some promotions, the difference in male advantage in earnings gets bigger, indicating that women do not go as far up the promotional ladder as men do. Even in professional occupations where many of the workers would presumably be self-employed, the female mean earnings remained at 70% or below of male earnings. In rural areas, women's average earnings were better than men's among the professional and technical group for both younger age women as well as women in the

⁸ *Ibid*, p.3

⁹ UNIFEM. 2000. Progress of the World's Women 2000. UNIFEM Biennial Report, 2000, p. 93.

¹⁰ Rushidan Islam Rahman. 2002. *Gender Equality in Economic Activities and Employment in Bangladesh*, Country report for ILO/ADB RETA Project No. 5887 on Strengthening the Role of Labour Standards in Selected Developing Member Countries, Dhaka, p. 14-15.

¹¹ Pawada Tonguthai. 2002. *Working Paper: Gender Equality and Decent Work in Thailand*. Country report for ILO/ADB RETA Project No. 5887 on Strengthening the Role of Labour Standards in Selected Developing Member Countries, Bangkok, Table 2.14 and Table 2.15.

age group 41 to 50 years. For women in clerical occupations in rural areas, average earnings were better than men's in mature age groups¹². An important factor contributing to differences in male/female earnings comes from the fact that men work in bigger firms while women are found more in micro-enterprises. Another factor rather surprisingly is that married women fare worse than unmarried ones. The indication in the report that, overall, over the 1990s, differentials in male and female earnings had been shrinking in the Philippines could be partly due to a new law that has raised wages of public sector workers at lower ranges.

In Nepal there was a marked shortfall in women's wage rates as compared to men's in agriculture; but in construction, the difference between the two was small. Interestingly, the male wages were significantly higher in the more developed areas, indicating that where other employment opportunities are available, they push up the opportunity cost of male labour much more than women's. In the organized sector of Nepal, minimum wage rates fixed for women were higher than men's in several industries including agriculture and mining and quarrying and usually on par with men's. But maximum wage rates in almost all industry groups were significantly lower for women¹³.

Causes of the pay gap: The wage gap between men and women is the result of a number of factors related to trends in female labour force participation, less investment in developing women's education and skill levels, the structure of the labour market and the changing gender relations. Factors determining the wage gap include discrimination in pay systems, the undervaluing of women's skills and talents, occupational segregation and the unequal sharing of family responsibilities. It has also to be born in mind that there is a link between wage inequalities in general and gender inequality in general.

The above-mentioned examples show that wage differentials between men and women in the region are often due to occupational segregation of men and women with women concentrated in low-paid and low skilled jobs with fewer career opportunities. In the region, male and female workers are usually segregated into different industries as well as in different occupations. For example, in Bangladesh, women in agriculture were not supposed to hold the plough; they did some of the work of weeding and harvesting but were mainly engaged for crop processing. In the public sector, women accounted for only 8.6 % of class I officers in 1996/97 and formed a somewhat larger section- 12.5%- of the clerical workers. In industrial enterprises in 1992, women accounted for 42% of the unskilled workers but only 13% of the semi-skilled and 22% of the skilled workers.

Secondly, the occupations and tasks performed by women have been undervalued probably due to stereotype perceptions in the roles of men and women in the labour market and society. As a rule, women have been considered to be less skilled and less productive and therefore earned a poorer remuneration. The above-mentioned country level research suggests that division of work between men and women often occurred within the same industry and occupation. For example, in the South Asian countries, the roles of men and women in agriculture have traditionally been different and women's work has always been paid at lower rates. Also, in the industrial sector of most of these countries, women were concentrated in a selected number of labour-intensive industries where their productivity and wages were low. In the Philippines, women have fared somewhat better during the last decade because of a shift in the industrial structure of the country with new, women-friendly occupations coming up. However, this did not necessarily result in less gender-segregation of jobs.

Thirdly, a glass ceiling in most industries/occupations has prevented women from getting promotions on par with their male colleagues even when they have the necessary qualifications and experience. For example, data for Thailand showed that while women accounted for 58% of civil service workers, in the top three grades of the service, they occupied only 22 % of the jobs. While there has been apparently

¹² Jeanne Frances I. Illo. 2002. Gender Discrimination and Labour Standards : Philippine Country report. Country report for ILO/ADB RETA Project No. 5887 on Strengthening the Role of Labour Standards in Selected Developing Member Countries, p. 45-46.

¹³ Ava Darshan Sherstha. 2002. *Gender Equality in Economic Activities and Employment in Nepal*. Country report for ILO/ADB RETA Project No. 5887 on Strengthening the Role of Labour Standards in Selected Developing Member Countries, Kathmandu, p. 39.

some narrowing of the gap between male and female public sector wages, it is difficult at this stage to determine the contributing factors to this trend.

d. Concentration in the Informal economy

The term informal economy has come to be widely used to encompass the expanding and diverse group of workers and enterprises in both rural and urban areas operating informally. They include own-account workers such as street vendors, shoe shiners, garbage collectors, scrap and rag-pickers, paid domestic workers employed by households, home workers and workers in sweatshops who are “disguised wage workers” in production chains. For many, especially home workers, the employment relationship with an employer is not recognized and protected¹⁴. It is difficult to give the exact shares of the workforce working in this section of the economy, because of the lack of an official definition and methods to measure participation in the informal economy. In South-Asian countries including Nepal and Bangladesh, the usual procedure is to eliminate from the total labour force (as estimated by census or household-based labour surveys), the numbers registered under any of the national labour registration systems and to treat the remainder as the total of workforce in the informal economy. The logic behind this is to assume that registered workers come under the purview of the labour laws and labour protection machinery of the state while the others do not. In general it would be fair to assume that at least all workers who are described as self-employed, or as unpaid family workers are outside the formal sector.

In Asia, the share of the informal workers ranges from 45 to 85 per cent of non-agricultural employment and in the region, the informal economy “is largely an urban phenomenon, especially in economies with a large agricultural sector dominating the rural areas”¹⁵. What is important is that the link between working in the informal economy and being poor is stronger for women than men. Women are concentrated in the lower income segments, working in survival activities such as casual wage workers or home workers (ILO, Report VI, 2002). Low-growth countries in the region appear to have been less successful in reducing the concentration of women in their large informal sectors.

While in the region, both men and women are employed in informal economy and home-based jobs, women as compared to men take up the larger share¹⁶. For example, in both Nepal and Bangladesh, about 90% of women workers against about 70-80% of male workers were involved in informal economy and home based jobs.¹⁷ In Bangladesh, there is also a significant difference in the distribution of male and female workers between formal and informal jobs. While in the public sector of Bangladesh, the ratio of female to male workers was 8.4, it was 24.2 in the private formal sector but 69.4 in the informal sector (Rahman 2002, table 2.5). However, even in high growth countries, women are still over-represented in the informal sector (ILO World Report Report 2000, Table 7). Estimates of the informal economy in a few countries in the region show that the gender gap – which demonstrated the relative over-or under-representation of women in a particular economic activity - is the highest in Bangladesh (by 60 %) and the lowest in Thailand (by 7 %).

Workers in the informal economy, including many home workers, are not covered by the labour and social security legislation of the country concerned. They miss out on provisions for occupational safety and health as well as for insurance against old age, accidents and sickness. More importantly, women are not entitled to the special benefits given for their reproductive roles in most countries; these include

¹⁴ See for a comprehensive discussion on the informal economy see, ILO. 2002. *Decent Work in the Informal Economy*. Report VI. International Labour Conference, 90th Session 2002, Geneva.

¹⁵ ILO.1999. *Op. Cit.*, p. 2

¹⁶ In table 9 of the Philippines paper the figures regarding the relative positions of males and females are confusing because the ratio between percentage shares of women and men workers in temporary jobs is higher than one in all the occupations employing large numbers of workers; yet the row giving the ratio for all workers taken together is lower than one.

¹⁷ Admittedly, the self-employed include some professionals who are not on par with our conception of a worker in the informal economy. But the proportion of professionals particularly among women workers in developing, particularly agriculture-dominated countries like Bangladesh and Nepal is very low.

paid maternity leave as well as protection from dismissal on grounds of pregnancy. Other terms and conditions of work for these workers are also likely to be worse than those in the formal sector; wage rates are lower than those paid to workers in similar jobs in the formal sector. In most industries there is a significant difference in the capital labour ratios of formal and informal sector units. This means that the productivity of the workers in the latter kind of units is lower and when payment is by performance (by piece rates), there can be a significant shortfall in the earnings of informal sector workers. There are no regulations followed about increments or overtime payments. While there were no readily available systematic studies of the working conditions in the informal sector in the region, the above-mentioned country research indicates that the overall poorer performance of women workers in the labour market is mainly due to their concentration in this kind of economic activity. Several case studies included in this research showed even when women were reportedly working in registered factories, the employers often did not give them the full benefits of their status as formal sector workers. For example, in many of the garment factories in Bangladesh, women were made to work for twelve hours without overtime payment and often without the weekly leave, in factories that hugely default on safety measures.

e. Freedom of association and the right to organize

Statistics disaggregated by sex do not exist for most trade unions in the Asia and Pacific region. Nevertheless, it can be said that throughout the region women workers are much less likely than men to be members of trade unions; even when they were members, they often appear to get fewer benefits from their membership. Women members seem to get fewer chances to be in leadership positions and to participate in tripartite negotiations. Country level research in four Asian countries indicates that the main reasons for this are 1) the additional workload of women with respect to their household and family responsibilities, and 2) the reluctance of male trade unions members to accept women in leadership positions. Further, workers in female-dominated industries such as the garment industry of Bangladesh often found it difficult to get their own unions registered. Male union members and officials everywhere declared their sympathies for women's issues and were indeed very vociferous about issues such as fire protection for work environments where a majority of workers are women. But unorganised women workers throughout the region indicated that their particular demands got low priority in the union's negotiations with the management and that male leaders were not seriously concerned about removing some of the glaring instances of discrimination against women; for example, issues such as the barrier to unionization by garment workers in Bangladesh or the lower age of retirement for women in manufacturing industries in Thailand had not been taken up for general action by the trade union movement (Rahman, 2002, Illo, 2002, Shresta, 2002 and Tonguthai, 2002).

It is important to note that, while these trends are present in all labour markets throughout Asia, the levels of each kind of discrimination can be vastly different from country to country. Also, an improvement in one aspect of the problem does not necessarily mean that there is an overall change for the better. For example, Thailand's female LFPRs are the highest in the region and unemployment rates are some of the lowest; this presumably means that there is a demand for women as wage workers. Thai women also enjoy property rights; yet, as many as 40% of the women there work as unpaid labour. While the Philippines has an excellent record concerning women's education and also has a Government that has willingly set up a machinery to prepare and execute special development plans for women, the gap there between male and female average earnings still remains significantly high in most sectors where workers of both sexes are found. On the other hand, although Nepal is the poorest country among these, the trade union movement there is particularly active in seeking redress for women's issues.

f. Female Labour Migration

A relatively new phenomenon in the world economy is that of autonomous temporary migration for work by single females from developing countries to developed ones. There is a growing demand in more developed countries for cheap labour to work on dirty and degrading jobs and unskilled workers from developing countries, who are looking for better wages, are eager to meet that demand. Large numbers of both men and women have therefore joined these streams of migrants, and some countries, as for example the Philippines actively encourage workers to look for jobs overseas. In the mid 1990's the total number of migrant workers in Asia came around 6 million, of whom three quarters were in Japan, the Republic of Korea, Malaysia, Singapore and Thailand. For sending countries such as the Philippines,

Indonesia and Sri Lanka women have begun to redress the gender-imbalance by dominating authorized outflows. (ILO ROAP 1999).

While migration can be personally empowering for women, it can also result in serious violations of basic human and workers' rights. If migrants are concentrated in SALEP-Jobs (Shunned by All, Except the Very Poorest), women are concentrated in the most vulnerable of these jobs: household work and entertainment. In addition, restrictions on admissions of migrant workers in countries of destination and excessive and expensive paper work have stimulated the increase in the number of undocumented or irregular migrant women workers, who are particularly prone to discrimination and more susceptible to physical and sexual harassment.

Despite the problems faced by migrant women workers the export of women workers is being encouraged by many governments. Also, while many horror stories of the nature of such exploitation do trickle back to the labour exporting countries, the difference in the potential earnings in the two places is sufficiently large to persuade a lot more women to accept the risks.

An even more worrying phenomenon in the region is the increase in across-border trafficking of human beings, especially women and girls, for purposes of labour exploitation. It is clear that women who migrate in irregular conditions are much more at risk to be deceived by traffickers. The trafficking pattern is clearly linked to perceived income disparity among countries. Thailand is the main country of destination for women and children from poorer surrounding countries. Thai and Filipino women are trafficked into high-income countries inside or outside Asia. India and Pakistan are the main countries of destination for other countries in the sub-region. The costs of trafficking women are high for them and their communities in terms of health and other hazards (ILO, ROAP, 1999).

IV Conditions of work

The quality of women's employment remains a major issue. Women's jobs are generally characterized as predominately low-skill, low pay and low quality in a limited range of sectors and occupations at the lower end of the job ladder. Even with significant increase in demand *specifically* for women's labour, the terms and conditions under which women are working in new occupations remain quite poor. While some women have gained greater access to training and employment and have increased the economic and social status, many women are disproportionately involved in more precarious and vulnerable employment.

Working conditions are particularly poor in the female-dominated labour intensive industries and in the informal sector, especially for home workers and domestic workers. In addition, the poor working conditions and violence and abuse against migrant women, especially those in domestic work and entertainment, have also been widely reported. Sex-based discrimination in relation to conditions of work mainly relates to women's poor occupational safety and health at work, lack of maternity protection and sexual harassment.

1. Occupational safety and health

As mentioned before, women workers in the Asia and Pacific region are over-represented in the informal economy, especially in home work activities. A recent ILO report on the informal economy confirmed that those working in the informal economy are most in need of social protection, not only because of their job and income insecurity but also because the greater likelihood of their being exposed to poor working environments, serious occupational safety and health hazards and environmental hazards (ILO, 2002). Such exposure impairs the health and productivity as well as the general well being and quality of life of informal sector workers and their families. Often, they are not even aware of the risks they face and of they do not know how to avoid them. Low levels of

technology, low productivity, irregular employment relationships and lack of investment capacity tend to increase occupational diseases and accidents. For women, who combine productive activities in their home with child rearing and household chores, the usual hazards are compounded by poor housekeeping and long hours of work. So not only the workers, but also their families are exposed to hazards and diseases. Their work related risks are often linked with risks arising out the inadequacy of the living environment. Occupational and health problems include lack of access to sanitary facilities, potable water, electricity or waste disposal. Most of the health problems come from pressure to meet deadlines, longer than normal working hours and remaining in the same position for extended periods of time (Thonguthai, 2002).

ILO experience in a number of countries in the region shows that “successful approaches to promoting occupational safety and health in the informal economy are those linked as much as possible to efforts to extend social protection and to encourage employment creation. Occupational safety and health should be part and parcel of efforts to improve job quality as well as of the quality in the home and in the communities”¹⁸. Sensitization of policy-makers, local authorities and labour inspectors of the rights of informal workers to decent working conditions is crucial.

Another substantial group of women workers in the region are employed in labour intensive industries. In Bangladesh and Thailand a number of fire incidents in garment and electronics factories killed a large number of workers (Rahman 2002; Thonguthai, 2002). Adequate fire safety measures require, however, a serious investment, for which many employers, especially small factory owners, are not ready to pay. Research highlights a number of health issues in female-dominated industries. Exposure of women workers to lead and solvents in the semiconductor industries often results in central nervous system problems, respiratory tract and skin problems. Women engaged in night work complain about sleep disorders and plantation workers are exposed to chemicals without the proper protective gear. Women are also more susceptible to health problems during pregnancy and certain toxics used in factories have caused obstetrical and gynecological problems (Illo, 2002; Thonguthai, 2002). Occupational diseases are often unreported and by the time the problem is detected, the health of the workers has been damaged considerable. For example, headaches, as a result of lead exposure in the electronics industry, is often related to stress and dismissed as nothing serious (Thonguthai, 2002).

Domestic workers, who remain largely invisible in statistics about occupational safety and health, are an important group at risk. They often complain about exhaustion due to extremely long hours and multiple tasks, lack of accommodation and food, high stress levels, no adequate rest or leave, physical and verbal abuse, and no compensation for injuries at work (ILO, ROAP; Illo, 2002).

2. Maternity protection

Most countries in the region have adopted some form of maternity protection, including maternity leave and pay as well as protection against dismissal. However, the most vulnerable workers – domestic workers, agricultural workers, casual and temporary workers, informal workers and migrant workers – are usually not covered by the legislation in place. But even for those women that are protected by the law, employers often find that hiring women entails additional costs that do not exist in the case of male workers. In Bangladesh, it appears that in order to avoid the provisions for maternity benefits and crèche facilities, employers try and keep the official numbers of employees below the stipulated minimum and introduce breaks in the length of service of each employee (Rahman, 2002).

The working environment can have a serious impact on the reproductive health of both men and women. However, exposure to hazards and toxic substances can negatively affect a woman’s pregnancy. As mentioned before, women in the region still face considerable occupational safety and health hazards that affect their maternal and reproductive role. A guarantee for pregnant women and young mothers that they will not lose their job as a result of being pregnant, absent on maternity leave or motherhood, is

¹⁸ ILO. 2002. *Decent Work in the Informal Economy*. Report VI. International Labour Conference, 90th Session 2002, Geneva, p. 67.

essential in maternity protection. However, practice shows that in Asia and the Pacific, as elsewhere in the world, women, especially those engaged in casual and temporary jobs or domestic work often face dismissal based on pregnancy or absent on maternity leave (ILO, ROAP, Rahman, 2002). Studies concluded or under way in the ILO reveal that the actual costs of maternity protection to employers is actually lower than the costs perceived by employers.

3. Sexual harassment¹⁹

Concern with sexual harassment is relatively recent in Asia and the Pacific but increasingly it is recognized as a violation of human rights and an affront of the dignity of persons. It seriously undermines equality of opportunity and treatment between men and women, young and older workers. Recent ILO research in the region on the incidence of sexual harassment in the workplace indicates that not only sexual harassment exists, but that is also a serious problem (Haspels, Kasim, Thomas and McCann, 2001). Besides sex and age, the lack of labour and special protection is another factor that increases the chance of being subject to sexual harassment. Men and women most at risk to sexual harassment are those preparing for work at training and education institutions, domestic workers, migrant workers and workers with little job security, women in male-dominated occupations, or in situations where large numbers of women are supervised by small numbers of men.

Figures from India, Japan, the Republic of Korea and Malaysia, indicate that sexual harassment at university campuses and schools is a serious issue. Studies from Nepal and Thailand indicate that domestic workers and entertainers are vulnerable because of the high degree of subordination between the worker and employer and because of the often isolated and individualized work environment. Besides being vulnerable to sexual harassment, migrant women are less likely to take action because finding alternative work may be difficult if they are dismissed. Research on workers in tea plantations in Sri Lanka highlights the high incidence of sexual harassment in occupations where many women are supervised by a few men. On the other hand, figures from Thailand illustrate the high incidence of sexual harassment against women in male-dominated occupations or non-traditional occupations. Finally, women with jobs and living conditions with low security are also particularly vulnerable because of the risk of dismissal, the lack of income security, the lack of social networks and a safe working environment or the lack of security and transportation and travel or a combination of all these. Data from Bangladesh and Thailand all show the high incidence of sexual harassment against casual and temporary garment factory workers.

Over the past years, many initiatives have been taken in the region to address the problem, going from legislative action (see Chapter VI), codes of conduct, and workplace policies. While all of the above are essential means to eradicate the problem, the ILO study concludes that “in the long term, changes in societal attitudes towards women will eventually have the greatest impact on eradicating sexual harassment”²⁰.

V

Causes for discrimination

1. Gender Relations

Gender roles and relations often determine a number of cultural, social, economic, and political constraints, many of which are rooted in systematic biases and discrimination. Many difficulties encountered in achieving gender equality in the world of work are closely linked to the general status of women and men in employment and society. Stereotyping of gender roles is often reflected in rules and regulations concerning women's rights, such as access to education, the right to individual ownership or land, producer assets and housing, laws and practices determining women's access to credit, inheritance practices, and may influence a women's motivation and ability to work.

¹⁹ Based on Haspels N., Kasim Z., Thomas C., and McCann D, Op. Cit, 2001, p. 55-62.

²⁰ *Ibid*, p. xiv

The traditions of gender relations are by no means uniform throughout Asia. For example, in South Asian countries such as Bangladesh and Nepal, the marital family usually gets complete control and ownership on the woman's productive and reproductive labour. This means that her natal family has no stake in educating or preparing her for the labour market. In addition, these societies still put a considerable premium on women's premarital chastity and therefore encourage early marriages. Because of this, young single girls are generally discouraged from joining wage work and seldom allowed to migrate singly for that purpose. On the other hand, in Southeast Asian countries such as Thailand and the Philippines, there seems to be less bias against girls' schooling; but there is still a general belief in the "natural" division of tasks between men and women. Therefore only a selection of disciplines and skills are considered suitable for women. However, there are no bars on women working or migrating for that purpose and most young girls after leaving school, routinely take up wage work, often by migrating to cities. It is difficult to draw a demarcating line between micro-level forces and meso level beliefs and prejudices. Usually families accept the rules laid down by the society; but economic incentives as well as family distress often make some families deviate from those social norms.

2. The Sexual Division of Labour

The factors behind discrimination against women in the labour market are also closely related to both the demand and the supply sides of the labour market. Theoretically, the origin of most of the tendencies of the supply of and demand for female labour can be traced back to the traditions and beliefs concerning the sexual division of labour that exist in all societies. On the supply side, they presumably operate through the ready acceptance of the appropriateness of gender-based segregation of work by the woman herself and also by her family. Moreover, because these beliefs are a part of long-standing traditions, families inculcate them in their decisions regarding the kind and level of education, skill training and choices of jobs and work that they would give to their daughters and sons. Simultaneously, on the side of the demand for labour, the same set of societal beliefs operate about the suitability of a woman for a particular job- whether as a worker or as an employer. These in turn determine the scope of occupations for which a woman is considered eligible and allowed to compete.

Another aspect related to the sexual division of labour that influences women's situation in the labour market lies in the practice of allocating to women the primary and often the total responsibility for housework, childcare as well as care of the sick and the old. Moreover, compared to these responsibilities, women's other tasks and activities are considered of secondary importance. Consequently, women often have to make adjustments for accommodating such family responsibilities and housework, which limit the time available to them for economic activities; it also often puts limits on their mobility. On the demand side too, employers implicitly assume that women would indeed give priority to their family responsibilities. Therefore they are reluctant to entrust women with responsible jobs. A further logical offshoot of this position is that, the society at large (including employers and male workers) regards women as secondary earners in a family, merely supplementing the principal income that a man earns for it. This too has several implications including the tendency on the part of employers and trade union leaders in times of crisis to protect jobs for men at the cost of women.

These factors i.e. the traditions of sexual division of labour and women's primary responsibility in the care economy play a significant role in shaping the situation of women in the labour market. The actual terms and conditions of women workers as compared to men's that were discussed in the previous section are an outcome of the interaction of these factors with market forces as they operate specific economic conditions. What is more, these factors are neither invariant nor given for all countries and social groups for all times; nor are they immune to the impact of changes in market forces themselves. Nevertheless, these forces are to a large extent responsible for the gender-based differences that one observes in most labour markets and are found working on both sides of the market and at all levels. On the supply side, these factors operate on the micro-level decisions made by families regarding girls' education and choice of qualifications that they are given. These in turn determine the qualifications with which women enter the labour market and the jobs for which they compete. As noted earlier, even in the Philippines and in Thailand, where families had no reservations about educating their daughters, the disciplines and skills suitable to women followed the accepted norms of women's roles vis-a-vis men's. Women are not educated or skilled with the purpose of attracting high-income levels.

The same traditions in the activities related to family welfare and care also form the basis for several societal institutions at the meso-level. These are related to the institution of marriage and socially approved norms of control over women's labour and sexuality. At the macro-level too it was found that even in the more advanced countries, the provisions that the state in each country had made for women's skill training were grossly discriminatory. Among poorer countries, the state in Bangladesh has made exemplary attempts to improve the standards of education among women; but even though women had come to form the faster growing section of manufacturing workers, there were few attempts to introduce them to training in other manufacturing skills – even those of a low level.

On the side of labour demand again at the micro-level, an individual employer usually has his or her ideas about what tasks follow the society's perspective regarding women-like work. On the same side, at other levels, the decisions made by employers' associations as well as by trade unions and even the public sector employers regarding such matters as fixing relative skill levels, or in negotiating cost cutting measures, often reflect their beliefs regarding women's "innate capabilities" and their priorities between housework and paid work. In general there is an all-pervading perception that women are secondary earners supplementing the earnings of a male primary earner.

Little change appears to have taken place in the region with respect to the societal perceptions about women's responsibility for housework. As mentioned before, it is the women and their families who have tried to reduce the burden somewhat by postponing girls' marriages and in some countries, by reducing marital fertility. Thailand and Bangladesh have seen a dramatic fall in their fertility rates in the last decade or so. To a certain extent the constituents of housework also tend to differ from country to country as well as between classes, depending on the easy availability of water and fuel, as well as of gadgets for housework. However, whatever the remaining load, it is still considered to be the responsibility of women and national governments nor development agencies seem to give high priority to the provision of water, fuel or other necessities of life within easy reach to poor rural women.

3 Lack of access to education and vocational training and productive resources

Mainly due to traditions of pre-determined gender roles, there has been a marked shortfall in women's qualifications as workers in comparison with men. In South Asia, this is reflected in the gaps between access for men and women to even the most basic qualifications. In Nepal, over 77% of female workers as against 44% of male ones had never attended school. Similarly, in Bangladesh, of the economically active women, 67% had never attended school. The comparable figure for men was 48%. In Nepal the differences between men and women keep widening as one goes up the educational ladder. In both countries, there has been little effort on the part of the state to introduce women to non-traditional skills through vocational training centers. Whatever skills women learn they do so within the household and along the lines of traditional SDL.

In Southeast Asia, in particular the Philippines and Thailand women's educational performance is on par or perhaps better than men's. However, in Thailand, at the tertiary stage, women's share in sectors such as law and engineering is significantly smaller than men's. In general, the country's record of vocational training especially for workers is poor, and within that limited effort, there are signs of strong gender-based discrimination. In the Philippines, girl students at university levels have begun to enter disciplines with job prospects in expanding industries like computer science and some others that have particularly good prospects in the overseas job market. However, although the Philippine program for vocational training has received considerable support from the state and also from overseas donors, its record so far showed that very few women had benefited from it.

In addition to lack of access to education and skill training, many women are particularly deprived of productive resources. For example, in Bangladesh, although women under the Muslim personal law are entitled to some share in parental property, custom dictates that, they do not claim it. In Nepal the traditional laws are designed to see that very few women can get any share in parental property. So in any of their efforts to become self-employed, women start with a huge disadvantage because they have no capital and no collateral against which they can borrow it. The country level research under the ADB/ILO RETA project highlights some interesting trends related to the traditions that contribute to

gender-based discrimination in the labour market:

- Despite the differences in their traditions of gender relations, a common belief in the suitability of the traditional gender-based division of labour still creates a strong disadvantage for women in the labour markets of all the countries.
- Women's access to human and physical capital compares poorly with those of men in equivalent social and economic positions.
- In most countries, governmental agencies may declare their commitment to removing the bias against women, but at a concrete level, they have little to show for it.

The picture however, is by no means static, especially as these countries are in the process of economic development and new challenges and forces are in operation. On the supply side of labour, one common trend seemed to be that everywhere, women of urban upper classes as well as their families have become aware of the payoff from higher education and professional training. They are therefore gradually trying to break the stereotypes of women's education and work²¹. Along with this there is a change in their age at marriage and the acceptable size of families or even their ideas about what constitutes housework. Among poorer classes, familial attitudes towards traditions of gender relations have been found to be highly responsive to economic incentives. This is especially so when the necessary information about shifts in demand for women's labour had reached the potential workers and their families. For example, previous to the setting up of garment factories in Bangladesh, there was no history of women in that country working in factories or migrating to cities for work; but as soon as the garment factories began offering such jobs to them in the 1990s, rural families showed no reluctance in dispatching their daughters and wives singly to cities for those jobs. In countries like Thailand, the 1970s and 1980s saw a remarkably fast rise in women's urbanization and in the 1990s, there has been a change in the age of marriage and in the rates of total fertility. While all these shifts probably came from the initiative taken by individual families or women, in a very short time they have brought about a marked change in the mores accepted by the society in general.

Employers who started to employ female workers in their factories have also triggered changes in the supply side. The reason for this could have been that they were looking for cheaper labour; or it may have been because these employers were foreigners who had used female labour in their factories in other countries and had found them suitable. But once they have done so successfully, it is possible that other employers too may now be more willing to use women in their factories. Women themselves who have worked in the garment factories have also declared that if they lose their jobs in those factories they would rather seek work in other factories than back to their earlier occupations.

However, it does not appear that in most countries in the region, the State has made significant efforts to aid or facilitate the above-mentioned changes. State investment in offering women better facilities for vocational training at any level in non-traditional skills has been rather small in most countries. This was true even in the Philippines where there is a strong liaison between the women's movement and TESDA, the government agency for skill training that is attached to the Department of Labour and Employment (DOLE). Notwithstanding this, practice has shown that if it is demonstrated and publicized by one employer that women can do certain tasks that have so far been considered fit only for men, other employers may employ them especially if initially at least, they are willing to accept lower wage rates than men (this practice of course needs to change as well). In this case more girls are likely to venture into training for the skills. A significant increase in women's demand for a skill could persuade the State to change its pattern of allocating seats for training.

5. Economic Forces

In addition to the impact of social traditions and stereotype perceptions of gender roles, several economic factors contribute to determining the actual level of the bias against women workers at a given point of time.

²¹ Wherever the data has given time series of women's share in each occupation the share can be seen to be improving in professions and managerial positions.

a. Slow Rate of Economic Development

In many countries still in their early stages of development, large sections of the population continue working in traditional, particularly subsistence kind of activities and men and women remain locked in their traditional roles and skills. In a static situation, there is no incentive to change the gender-based division of labour because a process of trial and error over a long period of time had shown the existing system to be the most efficient. With an unchanging technology, workers of either gender develop a proficiency in the tasks and skills in which they specialize. The whole process then runs as efficiently as possible within the given constraints. It is also not possible to challenge the relative valuation of the tasks because, in the absence of alternative jobs, it is difficult to assess the opportunity costs of each kind of labour. In any case it is possible that at least some of these communities may prefer their indigenous traditions and do not want to be integrated in the process of modernization and growth. On the other hand, there may be other groups in large and small pockets that are denied better opportunities only because of slow economic development and lack of communications. One such instance is much of western Nepal with its hilly and inaccessible terrain. Unless development interventions are specifically targeted to those areas, the situation there is difficult to change.

b. Labour Surplus Economy

In many developing countries, growth of the labour force has outstripped the availability of investment funds and has thus created a labour surplus. Therefore, in general, entrants into the labour market have little or no bargaining strength. Even then, there may be select groups of skilled workers who can bargain from a position of strength; but because women in general have low or less market-oriented skills they do not appear to enjoy such an advantage. As argued earlier in the case of Bangladesh garment workers, even when particular industries had given a preference to female labour over others for some such “feminine” quality as docility or nimble fingers, the number of women available with those qualities was usually far in excess of the demand for them. So in several countries there was evidence that in recent years women had in fact got a larger share of the newly created manufacturing jobs (post-crisis Thailand and Bangladesh in the 1990s); but neither their organizations nor the state have possessed the leverage to stop employers from paying women poor wages or making them work in poor working conditions. Also earlier, during the crisis period, women in Thailand had lost disproportionately more jobs than men and there is no guarantee that the jobs that they have now have will not disappear equally suddenly. In Bangladesh too women fear that, in case there is a slump in the garment industry, they will be the biggest losers.

c. Household Poverty

Poverty, which is a persistent problem in slow-growing, labour-surplus economies, also contributes to women’s disadvantages in the labour market. Because they cannot abrogate the responsibility for feeding their households and especially their children, women of poor households accept work on whatever terms that are available. Therefore the supply price for women’s labour is often lower than men’s. For Thailand poverty and slow growth may not be the usual problems; but there is no denying that, after the 1998 crisis when jobs were scarce, it was the women who came forward to accept home-based work and in general work on severely disadvantageous terms. UN research on gender equality and income poverty in Asia and the Pacific indicates that women have a higher incidence of poverty, their poverty is more severe and the incidence of poverty among women is increasing²². The female illiteracy rate amounted in 1995 to 63 % in South Asia to 63 per cent, 26 % in East Asia and 17 per cent in South Asia and the Pacific. The incidence of poverty in the world is directly related to the proportions of people working in agriculture. The higher the sectoral share of agriculture in total employment, the more pronounced is poverty. In most countries in the region, the agricultural sector continues to dominate employment with women being over-represented in agriculture and off-farm activities (Haspels, Kasim, Thomas and McCann, 2001).

d. Large Informal Economy

As mentioned in Chapter III of this report, the share of the informal economy in Asia is quite high and

²² UNDP, 1999. *Overcoming Human Poverty: UNDP Poverty Report 1998*, United Nations Development Programme, New York ; UN, 1999. *World Survey on the Role of Women in Development: Globalization, Gender and Work*, United Nations, New York.

counts for between 45 and 85 per cent of non-agricultural employment. The existence of a large informal economy in developing economies is related closely to the vulnerability of labour in countries that cannot or do not provide social security to all its citizens. When all workers cannot be absorbed in the activities of regular incorporated firms, the surplus workers cannot sit idle since there are no social security payments to tide them over the period of involuntary unemployment. Most of them try to locate a niche in the market for which they undertake production on their own initiative, using their own labour and capital. Since this is the case in many countries in the region. There are many productive activities, whether traditional or modern, that take place in units run by self-employed or own account workers.

In addition, existence side by side of a formal and informal sector in an economy means that some productive activities are subjected to taxes and provisions of labour laws, while there may be others which are outside the government's regulatory machinery and therefore outside the scope of tax and labour welfare measures. In such a situation, whenever employers find that there are no particular economies involved in large-scale integrated production, they have every incentive to move their production activities to small, unregistered units or home-based, casual workers. Employment in such organizations is on terms which are much inferior to those stipulated by the labour laws of the country. This means that a large section of production takes place in small sweatshops or is carried out by home-based workers. In many cases, there is no direct contact between the workers and the final owners of units employing them. So the usual tripartite arrangements necessary for negotiating labour standards are not possible. In general, in developing countries, the state accepts that its monitoring would be confined only to the registered units.

As mentioned earlier, experience shows that women tend to be concentrated in these kind of jobs, especially homework, partly because of their limited options of jobs; partly also, their large load of housework often compels some women (especially those with young children) to prefer jobs where work hours are flexible or they can work from home. One additional reason for the employers to put out the work could be that home-based work can be paid at lower rates. Quite often work that is done in factories by workers paid by time rate is given out to temporary workers engaged on piece rates with no other worker benefits. There is no supervision but work that does not meet standards of quality is rejected without payment. The terms work out to be such that a worker working full time at home still cannot make a proper living out of the work. In that case, in order to raise the output, women are forced to use the labour of their children. Although this possibility has not been researched in-depth, evidence from other developing countries²³ shows that, when piece rates paid for home-based work are low, households try to add to their earnings by harnessing children to work alongside their mothers. Also, when mothers have to work for long hours in the informal economy, it is possible that the burden of housework passes on to their daughters who are prevented from pursuing their schooling or learning marketable skills.

It is important to note that, the probability of social forces changing in ways that reduce women's disadvantages as workers is far greater at times when the economy is growing fast. On the other hand, in economies that are slow in developing, the inertia of the economic factors itself leads to further degradation of women's conditions as participants in the labour market. Population continues to grow even in the slow growing pockets of any economy; this means a further deepening of poverty and hence more pressure on women to make ends meet by any means. Resources get scarcer and the weak find it more difficult to get access to them. The state too is incapable of taking up responsibility for the weaker sections. Fast growth certainly does not remove all aspects of discrimination against women; but even if a few of the barriers are removed, it may give women the strength they need to fight for further improvements.

²³ For example in India, the hand-rolling of *bidis* or local cigars is a large industry; there is a tripartite agreement stipulating the minimum piece rates per bundle. But these rates apply only to work done in factories or workshop. The growing trend is for women to take the raw materials home and to roll the bidis there. The rates paid to them are so low that most workers get their children to help in order to make an adequate living. One study done in W. Bengal showed that none of the girl children from these families went to school but were fully engaged in this hazardous work. (Bagchi and others,).

VI Labour Standards

1. International labour standards

ILO Conventions and Recommendations are a vital source of protection for working people all over the world. The ILO has identified eight fundamental Conventions, which are regarded as a precondition for all the others:

- *Freedom of Association and Protection of the Right to Organize Convention, 1947 (no.87)*
- *Right to Organize and Collective Bargaining Convention, 1949 (No.98).*
- *Forced Labour Convention, 1930 (No.29)*
- *Abolition of Forced Labour Convention, 1957 (No. 105)*
- *Discrimination (Employment and Occupation) Convention, 1958 (No.111)*
- *Equal Remuneration Convention, 1951.*
- *Minimum Age Convention, 1973 (No.138)*
- *Worst Forms of Child Labour Convention, 1999 (No.182)*

Through the adoption of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998, the ILO has reaffirmed the principles and rights embodied in these Conventions have to be guaranteed in order to maintain the link between social progress and economic growth. States have the obligation to respect, promote and realise these principles and rights and the ILO Declaration pledges ILO assistance to implement them through technical cooperation and advisory services.

Equality and non-discrimination are at the core of a rights-based approach for promoting decent work for women and men. While all of the above-mentioned Conventions are important to achieve equality between men and women, Conventions Nos. 100 and 111 are the two most crucial instruments for promoting gender equality in the world of work. Convention No. 100 aims at overcoming wage discrimination between men and women through the application of the principle of equal pay for work of equal value. Convention No.111 prohibits discrimination on the basis of sex in employment and occupation.

In addition, there are other international standards that are very relevant for advancing women's rights, such as those concerning maternity protection, workers with family responsibilities, safety and health issues, labour inspection, employment policy, human resources development and part-time work and home workers. A detailed list of these Conventions is attached in **Annex 1**. Convention No. 156 on Workers with Family Responsibilities and its accompanying recommendation deserve particular mention because they provide a firm basis for responding to the need to promote the sharing of family responsibilities within households, and provides the measures needed to help workers to reconcile their work, family, and other related obligations.

2. National labour Laws²⁴

Economic growth that pulls women into the modern economy or provides them with better opportunities will certainly help promote gender equality in the world of work. However, it has been repeatedly stressed that equality does not automatically flow from economic growth and must be deliberately pursued. Legislation to ensure the attainment of *equal opportunities and treatment* between men and women is, therefore, indispensable. Otherwise, public and private sector employers may continue to follow traditional lines of thinking and prefer to hire, remunerate, promote or dismiss people on the basis of one sex or another. In addition, there are certain risks against which women and girls need to be protected. Protective legislation safeguarding their reproductive and maternal capacities or combating sexual harassment is therefore indispensable. The following section provides a brief overview of the developments in Asia and the Pacific in the areas of labour legislation, equal opportunities legislation and

²⁴ The following section is primarily extracted from ILO ROAP, Op.Cit, 1999, p. 33-57.

legislation to protect female-dominated categories of work. More specific indications of national legal provisions drawn from the country level studies under the ILO/ADB RETA Project can be found in **annex 2**.

a. Legislation promoting equal opportunities in employment and occupation

(1) Non-discrimination in employment and occupation:

Not all countries in the Asia and Pacific region have ratified the fundamental ILO Conventions on equality. However, discrimination on the basis of sex has been prohibited in most legal systems in the region. In most cases, discrimination against women (as in the republic of Korea) or more broadly, discrimination on the grounds of sex (as in Cambodia, India, Lao PDR, Mongolia, Nepal, Papua New Guinea and Vietnam) is prohibited in the Constitution. Some countries have integrated the principle in revised Constitutions.

The principle of non-discrimination is also often incorporated in more specific employment-related legislation. In the Philippines, for example, the Labour Code was amended to strengthen the prohibition of discrimination against women. Discrimination on gender-relevant grounds other than sex has been prohibited in fewer countries. In Australia, for example, in the context of industrial relations, prevention and elimination of discrimination on the grounds of sex, marital status, family responsibilities and pregnancy are among the prime objectives of the Workplace Relations Act (1996). The Sex Discrimination Ordinance in Hong Kong SAR makes discrimination on the basis of pregnancy or marital status unlawful.

More and more countries have explicitly prohibited discrimination or discriminatory practices which compromise women's chances of obtaining the necessary qualifications for decent work (Cambodia, Fiji, Indonesia, Japan, Hong Kong SAR, the Philippines), such as prohibiting the favouring of male over a female employee in selection for training. Countries have also increasingly recognized gender-biased job advertisements as a barrier for women in the labour market and have adopted legislation to prohibit this practice.

(2) Equal remuneration for work of equal value

The principle of equal remuneration for women and men for work of equal value is central to the promotion of gender equality in the labour market. Direct wage discrimination undoubtedly accounts for some of the discrepancy between men's and women's wages. A large part of the wage gap must, however, be attributed to the other factors such as concentration of women in occupations that are undervalued, low level and low-paid. While countries in the region have endorsed the principle of equal pay for equal work, they have yet to adopt the principle of equal pay for work of equal value. In many countries, only equal pay for identical or similar work is guaranteed. However, this is insufficient to closing existing wage gaps between men and women as long as women are concentrated in low-paid and undervalued jobs. Recently, a trend is noticeable in the region of an increase in the adoption of legislative texts that promote and guarantee work of equal value as the benchmark for equal pay (Australia, Bangladesh, Islamic Republic of Iran, the Philippines and Sri Lanka)

(3) Workers with family responsibilities

Efforts to promote women's employment may prove meaningless for many women if they have to forsake chances of advancement or give up their job altogether because of family responsibilities that demand equal attention. As mentioned several times in this report, these responsibilities have traditionally been allocated to women. Gradually it is recognized that women and men have equal family responsibilities and therefore legislative measures such as parental leave could offer men the possibility to take a more active part in the role of family life and household duties. Non-discrimination on the grounds of family responsibilities is thus essential to ensure equality. Japan's Child Care Leave Act (1991) contains a provision that prohibits termination of employment on the basis of family responsibilities. Examples of parental leave can be found in legislation in Australia (Workplace Agreements Act 1996), the Philippines (Paternity Leave Act, 1996) and in Sri Lanka's Women's Charter. Other countries such as the Cambodia, India and the Republic of Korea have adopted provisions providing institutional arrangements such as crèches and nursing rooms to enable employees to

harmonize their family responsibilities.

(4) Sexual harassment

New awareness of sexual harassment in the workplace has resulted in new legislative initiatives on the issue in the region. Criminal law in most countries in Asia and the Pacific punishes rape and sexual assault. In Pakistan, although sexual harassment is reported to be very widespread, the only legislation on the subject is the penal Code, which deals with the offence of "outraging the modesty of women". However, the country has embarked on the development of a national code of conduct on the issue which may result in legislation at a later stage. In some countries, references to sexual harassment have started to emerge in labour law (Vietnam, Thailand) and others have adopted or are in the process of adopting specific laws on sexual harassment in the workplace (Malaysia, Philippines).

In India, in the *Vishaka vs. State of Rajasthan (1997) & SCC 247*, the Supreme Court capitalized on a class action brought as a result of a gang rape of a social worker in Rajasthan to firmly establish sexual harassment as a social problem of considerable magnitude and a violation of the fundamental rights of women workers. The Court has laid down guidelines for the protection of these rights which are binding and enforceable in law until suitable legislation is enacted.

(5) Night work

A number of countries in the region have continued to prohibit night work for women as a matter of principle (Bangladesh, Indonesia and Republic of Korea). However, bans on night work for women have gradually become to be seen as discriminatory barriers to women's participation in the labour market. Countries have started to acknowledge that safety and health implications for both sexes and confine the women specific prohibition to pregnancy and childbirth. In countries such as Mongolia, the prohibition of night work only applies to pregnant or nursing women. Thailand now permits night work, except for pregnant women and when the labour inspection services consider the work hazardous. Fiji, Japan and Vietnam also allow women to work at night. In Bangladesh, the prohibition of night work is currently being tested in the courts.

(6) Special measures to advance women workers:

Special measures to advance women workers, including affirmative action and preferential treatment, have gained ground in recent years. Many countries in the region have adopted legislation to ensure that measures to redress the effects of past discrimination by favouring women workers are not deemed discriminatory themselves. In countries such as Fiji, Hong Kong SAR, India and Thailand, positive action is explicitly stated not to constitute unjust discrimination. In other countries such as China, The Republic of Korea and Nepal, the State has the statutory obligation to endeavour to expand job opportunities for women through such means as improving their vocational abilities and access to welfare facilities.

(7) Jobs in which women are employed disproportionately

Domestic work, nursing and agricultural work provide good examples of work that is undervalued and low-paid and in which women are concentrated. The protection of domestic work is not widely enacted, although there are some encouraging signs. Domestic workers are fully covered in Vietnam's Labour Code and Bangladesh's anticipates their future coverage. In the Philippines, domestic workers are covered by the Labour Code and the Social Security Act. Some countries partly cover domestic workers but exclude them from important provisions such as maternity benefits, rest and overtime, sick leave and medical treatment.

(8) Home workers

Home work is not a new phenomenon, but has taken on new dimensions in recent years and one which disproportionately involves women workers in Asia and the Pacific. Few legal systems, such as that of New South Wales in Australia, treat home workers directly as ordinary employees. In some countries, home workers are classified as own-account workers (Singapore and Philippines). For this reason labour legislation often does not extend to home workers. In most countries, legislation on home work is either not yet established or unclear.

(9) Part-time work

Part-time work is an emerging work arrangement complementing full employment. Women, young persons and older workers are particularly likely to be involved in part-time work. The problem they face is that they are less likely to qualify for social security benefits and maternity protection. They are also often paid less as full-time workers and receive fewer benefits. Legislative references to part-time work have started to multiply, although sometimes it is still addressed as a deviation of standard full-time employment. In Japan, guidelines issued pursuant to the new Equal Opportunity Act include examples of discriminatory practices such as hiring only men or women for certain jobs such as part-time work. The Vietnamese Labour Code permits the State to promote an employment regime with flexible hours, part time work and home work. Part time workers are protected in Hong Kong SAR (Sex Discrimination Ordinance), Islamic Republic of Iran, the Republic of Korea (Labour Standards Act).

b. Protective legislation

(1) Maternity

Maternity protection is essential if a society is to ensure women's effective right to work. Without such protection their reproductive role is bound to lead to discriminatory practices on the grounds of marriage and family status. Maternity leave, cash benefits payable during leave and employment security are three key elements of maternity protection. The scope of eligibility for maternity leave is by no means dealt with uniformly across the region. In some countries (Indonesia and Japan), all employees are eligible for maternity leave; in others only women in the private sector are eligible (Malaysia). Some countries have limited maternity leave to certain sectors. Household workers are rarely covered.

The length and distribution of maternity leave are more consistent across the region and includes 90 days in Cambodia, the Islamic Republic of Iran and Thailand; 60 days in the Republic of Korea and between 10 to 14 weeks in Japan and Sri Lanka. Cash benefits vary from payment of full salary to 25 per cent of the normal salary or to no cash benefits at all. In some countries, cash benefits are limited to a certain number of births (Malaysia, the Philippines and Singapore).

Finally some countries protect women from dismissal on the basis of pregnancy or maternity leave (e.g. Cambodia, Republic of Korea, Thailand, Vietnam).

(2) Occupational health and conditions of work

A number of national laws aim to protect women's reproductive function directly. Others claim to protect women indirectly by protecting them from types of work, which have traditionally been perceived as types of work unsuitable to women. National legislation concerning occupational safety and health and conditions of work has, in general, been quite responsive to some or all of the technical protective standards referred to in ILO Conventions. Two observations are important. Firstly, even countries that have revised their labour legislation in the past few years have in many instances retained gender-biased protective provisions which are usually vaguely formulated and leave room for a broad interpretation. Thailand's Labour Protection Act (1998) devotes a special chapter to "female labour" outlawing work on scaffolding more than 10 meters high or involving the production or transportation of explosive or inflammable materials. The Republic of Korea's Labour Standards Act (1997) contains provisions protecting women against hazardous work, night work, overtime work, underground work, and work during menstruation and breastfeeding. Secondly, insufficient thought appears to have been given to how these protective provisions fit with those designed to promote equal employment opportunities for women, where they exist. ILO suggests that such protective provisions be reviewed in light of equality and of objective technological, scientific changes in working conditions to determine if they have to be repealed, revised or extended to men.

c. In conclusion

Legislation developed in a number of countries of the region has succeeded in producing improvements in the moral, social, and economic environment conducive to equality. Movement away from protective legislation can be seen or anticipated. This emerging legislation puts men and women on equal footing, as regards access to employment, remuneration and reconciling work and the family. However, there are still areas where the special needs of women are, as yet, insufficiently addressed – Trafficking in women and girls is one case in point. Nevertheless, legislative measures alone are not

enough to ensure that equality is achieved in practice. A range of complementary policy initiatives by governments, workers' and employers' organizations are also required to ensure that laws are understood and applied in practice.

3. Enforcement of labour laws

While most countries in the region have adopted some form of equality and anti-discrimination provisions, discrimination against women continues to persist and the practical application of the relevant provisions remains a major challenge. The enforcement machinery set up by the government appears to be far from adequate to monitor the application of the laws, particularly in the private sector. The fact that there is a steady labour surplus and that few of them were willing to complain about non-compliance of labour laws also means that violations are seldom detected and monitored. Labour administration and inspection units are under-resourced in people and under-funded. Moreover, few inspectors are sufficiently aware of how to detect and remedy discriminatory practices against women.

In many countries, employers often successfully argue that, particularly in export-oriented industries, they would lose their competitive advantage if they were to go by the letter of the labour laws. This argument seems to find a sympathetic resonance with most national governments, since they themselves are keen on increasing national earnings from export trade, and is often reflected in the way labour inspectorates monitor the application of labour laws in export-processing zones. For example, in Bangladesh, women workers in garment factories consistently reported that their normal working day extended to twelve hours without overtime payment. The factory inspectors insisted that as in any registered factory unit, the working hours in garment factories were limited to eight (Rahman, 2002).

In some countries, workers, usually through trade union action, have sought redress in court in cases of discriminatory practices by employers. One example is the case of an airlines company in Thailand where attempts were made to fix the upper age limit for women flight assistants' retirement age at 45 years as compared to men's at 60 years. The workers being very well organized got support from trade unions, national NGOs and the International Workers Federation. As a result the company agreed to amend its provision in the case of existing workers. However, since then, new women employees get jobs on a contract that once again puts the retirement age from flight assistants' job at 45 years (Tinguthai, 2002).

VII Benefits of Labour Standards

Labour standards essentially aim to protect the rights of men and women workers. Their adoption is justified by the argument that, unlike other factors of production, men and women in the labour force as members of humanity have a right to survive with dignity. At the same time, experience of mature capitalist countries has shown that the steady improvements in working conditions that took place in the course of economic development contributed significantly to increased productivity and thereby to economic growth.

1. Costs and benefits to employers

In most developing countries in the region, governments have been reluctant to contribute the cost of providing facilities and social protection to workers in the private sector. It thus seems that the costs of providing facilities and ensuring social protection of employees are to be borne solely by the private sector employers. A government merely takes on the responsibility of monitoring and enforcing the applicable labour laws. Nevertheless, private firms are sometimes willing to comply with the legislation in place, partly because of sanctions and penalties in the case of non-compliance but also because they have found that in most cases, the good health and contentment of workers contributes positively to their profitability. The gains to private sector employers are due to the following reasons:

- In any productive activity, skills are a function of the experience that a worker has of working in a particular operation and with given machinery. Particularly in developing countries, this is important even with crude technologies because capital is scarce and machines are expected to last longer in use than their counterparts in developed countries. Workers cannot continue in a given job unless they get a minimum living wage and assurance of health care.
- Occupational hazards and accidents are disruptive of the work processes. Unless the working space has minimal ventilation, adequate toilet facilities etc., the incidence of illnesses and disabilities among workers will be high.
- Workers who are stuck in the same job with no prospects of promotion etc can become discontented and careless in their work. This means that the quality of work suffers.
- High turnover among workers means that time has to be spent on teaching each batch of new workers. Even if the work is fairly simple, there is a time lag before the new worker can acquire the required standards of efficiency.
- Work that is put out, or farmed out to small sweatshops is beyond the supervision of the parent firm. This often means that there is no quality control on the output and deadlines are difficult to maintain. These can be very real problems for exporters who have to give an undertaking to their overseas buyers about quality and time schedules.

Large producers of branded goods and export firms that have to maintain their competitive edge are particularly concerned about the quality and timeliness of their output and generally prefer to observe the necessary labour standards. However, labour standards do generate some costs for employers:

- Paying the required minimum level of wages even when the market wages are below that level.
- Improving the layout and facilities at the workplace.
- Paying regular wages to workers when on weekly and annual holidays as well as leave for maternity and sickness.
- Keeping larger workforce than required to allow for workers on holidays as well as for their ailments, maternity leave etc.
- Paying a higher rate for overtime work.

In a labour surplus situation, employers do not always put a high value to the contribution that workers' enhanced welfare may have on a firm's profitability. If workers become less productive for reasons of bad health, the employer can always find new workers to replace them. Particularly when firms are producing goods for which there are close substitutes in the local market, employers are reluctant to invest in better tools and technologies. Also, they do not put a premium on building good employer/employee relations or a stock of experienced workers committed to the interests of the firm. After all they are not sure how long they would be in production.

Jobs that are typically meant for women are usually of the unskilled, repetitive variety. Here employers are reluctant to build any long-term relationships with women workers. Instead, very frequently, they try to reduce their labour costs by hiring younger workers at lower wage rates in place of senior ones so as to save on the extra costs of increments or privileges for maternity or retirement benefits, which they may have earned²⁵. Employers particularly resist the women-specific requirements of paying maternity benefits or maintaining crèches. They rather insist on employing only young, preferably unmarried girls and keep the number on the official roster below the official declared minimal level.

2. Costs and benefits for the workers

For workers, better labour standards are always a gain provided their imposition does not induce the employer to find new ways of bypassing the law or dismissing the employees entitled to the benefits. Particularly, women workers believe that the jobs that they get would have gone to men if they had not accepted discriminatory wage rates or had not agreed to forego maternity and other benefits. In cases where they have young children and a load of other household work, they are grateful if they are allowed to work at home even if for inferior wage rates. Moreover, as mentioned before, household poverty often compels women, much more than men, to accept very poor work contracts. Workers try and avoid pregnancy for fear of losing jobs. If they have children they are willing to leave them with relatives or get older children to care for the siblings.

Therefore, in general it is not uncommon to find workers, especially women workers, colluding with employers in evading the application of labour standards that are legally imposed in that country. In the few cases when they have tried to insist on getting their rights, their success had crucially depended on the support not just of women's NGOs (national and international), but also of male-dominated trade unions as well as the government. This support is not always forthcoming, mainly because most societies do not consider women's need for paid work to be truly compelling.

However, country level research (Illo, 2002, Rahman, 2002, Shresta, 2002 and Tonguthai, 2002) indicates trade unions are increasingly becoming more aware of and sympathetic towards the issues being raised by women workers. For getting more state support, it is essential that organizations of women workers and the women's movement in general actively engage with the need to change societal perceptions about gender roles in their society. This movement too is under way in most countries.

VIII Examples of good practices

Labour standards are what have been called "instrumental freedoms" (Sen 2000) i.e. abilities that make it possible for workers to earn their living with good health and dignity. But in many countries the government has little capacity to strengthen the laws by backing them with resources for providing all workers with social security against unemployment, old age or ill health. Therefore the effectiveness of the laws to serve these needs of the workers remains limited. To compensate for this lack, many kinds of efforts and experiments have been tried for the benefit of different groups of workers, especially poor women workers. The next few paragraphs will provide some practical examples of initiatives by workers' organisations, national governments, women's movement and NGOs to improve women's labour market position in ways that can contribute effectively to economic development. Although not all of these efforts have been fully successful or were adequately well designed, they highlight the points where workers and their close associates felt an urgent need for reforms and tried some ways to find relief.

²⁵ For example, in Thailand, the Thai Kriang Textiles company had a large contingent of dedicated female workers, many of who had worked for the company since childhood. During the Thai crisis, these women had readily agreed to take a temporary wage cut to help the company survive. But the ownership changed hands and the new owners refused to honour the agreement with the workers. Instead many of the senior workers were summarily dismissed.

1. Improving Incomes and Benefits from Work

For most workers, the most urgent concern is to raise their incomes and get some relief from the drudgery of their work. However, employers try to cut down on wages and facilities for workers in the interest of maximizing their profits. In a labour surplus economy, employers are not so much concerned with loss of efficiency due to ill health of the workers because they can be easily replaced.

However, as mentioned before, there have been instances that show that employers' profitability responds positively to better working conditions. In **Bangladesh**, for example, the owner of a large RMG factory with excellent export performance is determined to make the enterprise viable along side giving the workers the full protection of labour standards. All workers are regularly paid the stipulated minimum wage and overtime rates. The company has also reimbursed the costs of medical expenses of some workers. Maternity benefits that were paid in a year came to only a very tiny fraction of the total monthly wage bill. In interviews with the workers of the company, all agreed that they had no further demands and were satisfied that the employer was giving them their due. The employer too felt that his competitive position in the world market was enhanced by the regular and sincere work put in by his workers (Rahman, 2002).

Several NGOs in **Bangladesh** have tried to improve the working conditions of women working in the garment industry. *Nari Udyog Kendra* has helped single women migrating for work to cities to get accommodation, health services as well as legal services in the place of work. *Karmajibi Nari* has been building awareness among the garment worker women and organizing them into a union for industrial action. They have built networks close association with other trade unions, national and international agencies and brought that pressure on employers to give minimum wages to workers in some factories. However, they felt that the employers so far have not reacted adversely only because so far, the membership of the union is too small to carry out a successful industrial action.

In **Thailand**, some trade unions filed cases concerning gender-based discrimination. One of these cases, i.e. the protest made by women workers of Thai Airways against a relatively lower retirement age for them has already been mentioned. Nevertheless, although the movement partially succeeded to combat discriminatory practices, discrimination in the male/female age of retirement in other industries in Thailand persists.

Many efforts have been made to create work opportunities for women in self-employment. Of these, the provision of micro-credit has been the most common. Initiatives in the **Philippines**, however, reveal too much emphasis on training women in co-operative actions and in entrepreneurship, but not enough in marketable skills and knowledge about product possibilities. Also, the over-emphasis in the programs on bringing additional poor women into self-employment has meant that the urgent needs for credit of small enterprise owner women, who are a major contributor to both production and employment in the country are being neglected (Illo, 2002). Micro-credit schemes for women in **Bangladesh** have been widely documented. Findings from the country level research show, however, that when women themselves managed the enterprises for paddy processing, the investment they made and therefore the returns they got were smaller than when men were the managers. It was also found that when their enterprises were small, as in rearing poultry, women did retain control over the income from it but it tended to be very small. Otherwise men retained the control though getting the credit in their spouse name, which increased the woman's status in the family. However, a worrying aspect of the micro-credit programs is the enormous increase in the load of work on the women. There was no awareness in general about the problems of combining new productive activities with women's existing large workload (Rahman, 2002).

Research in **Bangladesh** indicates that it has been difficult for women to get control over the earnings from their efforts because they could not participate in the marketing of the products. In this context there has been a new experiment made by the engineering departments of local governments with the aid and sponsorship of the ADB. In developing marketing centres as part of projects for local infrastructure, there is a provision of a "women's corner". Shops are reserved for and run by women who

sell their own products. Because the women had initially been given training in budgeting and accountancy, the experiment, according to the beneficiaries, has been successful in providing the women a decent income and also to try and branch out into related activities.

Notwithstanding this, it seems that for many women, wage employment, rather than self-employment is the preferred option. The Dhaka Weaves Organization in **Nepal** started as a way of helping women who had received government sponsored training in skills but who were unable to start an enterprise. Today, the workers are paid a piece rate but get adequate monthly income as well as a bonus and are able to start a fund for meeting emergencies. The organization demonstrates how an effort to provide women with flexible working conditions and a work environment which is friendly to children, can nevertheless be economically viable (Shrestha, 2002). For poorest women who are unable to work as self-employed, the Organization CARE has a program in rural **Bangladesh**, where the women are hired for a period of two years and paid in kind with food. The value of the payment is about the same as the official agricultural daily wage rate for men. The women are made to save about 30% of their incomes so that after the two-year period, when their period of employment on these jobs is over, they get a lump sum of cash for starting their own businesses.

2. Health-related hazards:

Occupational safety and health at work are important concerns for women workers partly because they are usually in a more vulnerable position vis-à-vis their jobs and less able to protest than male workers. Women workers are also particularly concerned about the effects of these hazards on their reproductive capacities.

The country level study in **Thailand** (Tonguthai, 2002) includes three major occupational health and safety hazards cases against large companies. In only one of these, workers got due compensation; in other two cases, the workers could not get the support of doctors or lawyers to prove the liability of the employers. A similar case concerning the lack of safety precautions at sites of work led to major accidents and deaths of several workers. Workers were deeply resentful of such incidents. In garment factories of **Bangladesh** (Rahman, 2002) there several devastating fires and stampedes killed many workers and injuring many more. In most cases the victims got very little relief. There is a general belief that such victimization is indeed very common, but few doctors have experience of industrial diseases to inform and assist the workers concerned. Worse hit perhaps are the women who are home-based. In **Bangladesh**, *Home-net*, an organization of home-based workers, feels that when laws are barring formal sector units from carrying out some hazardous activities, such activities are transferred to home-based workers who either do not know of the hazards involved or are unable to protest about them. Also, home-based workers receive lower wages than factory workers and are under greater pressure to work longer hours. As a result they suffer major health problems. Home-based workers are badly in need of information on occupational safety and health hazards as well as assistance from the Government to protect their rights.

In **Bangladesh**, *Grameen Kalyan* (GK) had started a health scheme, one component of which was sponsored by the ILO. The NGO has links with the *Grameen Bank*. All workers have a health insurance for a nominal annual payment and pay a part of the charges for doctor services and medication. Members of the *Grameen Bank* get a discount. In the year 2000, over 2.4 million people were treated under the scheme; of these, half were members of the Bank. Since women form the majority among *Grameen bank's* members, they are also the main beneficiaries of GK. The ILO, however, is keen on ensuring that other poor people of the village who may not be members of the Bank, are not left out of these schemes. The ILO is also trying to persuade other large NGOs, for example, BRAC in Bangladesh to take up similar schemes (Rahman, 2002).

In the **Philippines** (Illo, 2002), there have been attempts to build cooperatives within communities for providing health care; these efforts are specially meant to provide some measure of health care to a wide range of informal sector workers. The service provided is on an outdoor basis with some subsidies in drug prices and for hospitalization. However, the efforts are limited by the size of the cooperatives since insurance schemes cannot become economically viable unless the cost is spread over a large membership.

Many informal sector workers are concerned about occupational safety, but do not know the dangers how they can be protected in a cost effective way. The Government, some large NGO or an international agency could provide them with this information through television programmes, local community campaigns, and other mass media outlets.

3. Social security

Adequate social security is a serious concern for all workers and particularly for informal sector workers. In the **Philippines**, the PATAMABA is a national network of home-based workers, which was launched in 1991 with the assistance of the ILO. By 1999, it had a membership of around 28000 men and women. Since its inception, it has been lobbying on behalf of its members for membership of the social security system (SSS) run by the Government. It has succeeded in getting about 50% of its urban and about 10% of its rural members to join the SSS. Rural members, however, face major problems because they cannot fulfil the rather strict conditions of the SSS regarding registration of activities. So the PATAMABA has been trying to build funds among them for a system of rotational credit and mutual support. It has also been trying to get help for these workers from other governmental and international agencies (Illo, 2002).

Workers in the informal sector cannot approach an employer for health care or social security; nor can they make a particular employer responsible for ensuring safety in the course of their work. The more successful attempts to provide them with a modicum of these services have been through NGO-sponsored arrangements for group insurance. The problem is to bring together a large enough group of beneficiaries so that the insurance schemes become economically viable. The **Bangladesh** scheme is more successful mainly because it is tied closely with *Grameen* Bank with its large membership. With rural women living in small hamlets and with little mobility or contacts with the outside world, they need the intervention of an outside agency to step in and establish those contacts. NGOs do not always reach all the remote areas of a country and it is rare for any of the NGOs to cover a very wide area. Only decentralized offices of local governments have contacts and operations in all areas. If the Government cannot bear the costs of providing these protective services to all, it must take the initiative to organize the process through, preferably the local governments. In general the beneficiaries are known to be willing to pay the costs of regular insurance provided the services do become available to them.

IX

Conclusions and Recommendations

In conclusion, it can be safely said that gender-based discrimination is common through the Asian region but practices as well as intensity may differ among countries and sectors of activity, The structures of national economies as well social traditions of gender relations affect the manner in which gender equality manifest. In all economies and societies, productive as well as reproductive tasks are divided between men and women according to gender and those tasks assigned to women are usually considered to be of a lower value. In spite of a commitment of many national governments in the region to apply the fundamental ILO Conventions on equal remuneration (No.100) and on discrimination in employment and occupation (No.111), significant disparities between male and female earnings and discrimination against women in terms of access to employment, access to vocational training and in terms of conditions of work, continues to persist.

Nevertheless, it has also been observed that economic forces can radically alter some of the underlying attitudes and assumptions of employers demanding women's labour as well as of the households supplying that labour (Chart 1). In a faster growing economy, where demand for labour is expanding and changing in composition, there are possibilities of rapid changes in women's labour market position. Those changes are, however, unlikely to have a uniformly positive impact on all aspects of labour market related barriers to women's employment. It is possible that a setback in the economy can reverse their position just as rapidly.

1. Recommendations for development and investment agencies

The most important advantage for development and investment agencies is that their projects are large and their outreach normally very significant. Often their work is directed specifically to the remoter areas in it. The following points indicate where it can be useful in the process of operationalizing a development or investment project to introduce measures for removing barriers to women's opportunities in the labour market:

For the ADB, improving labour standards in the execution of its development programs is in line with its strategic objectives of incorporating social dimensions - the reduction of poverty, ensuring gender equity and development of human resources - in its operations. ADB programmes in DMCs are generally in the fields of 1) development of physical infrastructure, particularly roads; 2) development of social infrastructure, particularly education and health; 3) poverty reduction; and 4) women's empowerment.

ADB has done significant achievements in promoting gender issues in their operations. For ensuring that gender-related labour standards in the projects contribute significantly to achieving ADB's objectives, the Bank may wish to consider strengthening the following points:

a. Labour Standards

- **non-discrimination in access to jobs:** The ADB's objective to mainstream gender in all its projects implies that in each investment project undertaken by the ADB would take proactive steps to improve women's status in that society through improvements in their work and working conditions. It would also challenge prevailing practices of gender segregation of jobs and lower pay for women. By doing so, ADB can set an example for convincing other investors of the fact that women are equally capable of carrying out all tasks that men do and should receive equal pay for work of equal value. Project documents and agreements could stipulate that women be given real opportunities to compete for all jobs in the operation
- **Non-discrimination in access to training:** Special efforts should be made to give women opportunities to compete and train for all jobs. For on-the-job training and re-skilling programmes, there would be a need for affirmative action in favour of women workers so as to remove their disadvantaged position due to past discrimination and to get them into special training or skill development programmes. On the job skill development would be preferable.
- **Reconcile work and family responsibilities:** Women still bear the main responsibility for in taking care of the welfare of the family and household and sometimes the community, which puts severe constraints on their ability to participate as men's equals in the labour market. ADB projects could contribute to reduce women's burden in terms of family responsibilities; this may require installing some infrastructure such as a convenient source of water supply and fuel in the project areas or to make efforts to raise local awareness about the need for all adults to share the work. It could also mean the provision of child and elderly care facilities available to all workers.
- **Ensure equal pay for work of equal value between men and women:** Women are often employed in jobs that are unvalued and low paid. The ADB, in order to promote decent work for all, will have to ensure that its projects contribute to the promotion of equal pay between men and women. This requires first of all ensuring that male and female personnel involved in the project itself receive equal pay. Projects should avoid gender bias in the evaluation of jobs (which should be based on objective criteria such as skills, responsibilities, effort, etc.) and determination of corresponding wages and salaries of those involved. Poverty alleviation programmes should ensure that work generated through such programmes can yield a living income and that men and women receive equal pay for work of equal value. It may also require that projects make it an objective to improve women's access to vocational training and education.

b. Project design

(a) Ensuring that projects address the special needs of women

At the stage when the targets, contents and design of the proposed project are being finalized, the investing agency can ensure that they include some plans for meeting the special needs of women. A very simple example is adding toilet facilities for females as well as for males in stations and other

social/urban infrastructure investments. This may look obvious but it is still not done in many Asian areas. Another example, in a road or power development project, it may be possible to add a marginal component of all weather roads and electrical lines to connect villages to the nearest hospital, clinic, school or markets. In many cases, high maternal and child mortality rates in remote areas are because trained personnel cannot reach patients in the absence of such roads. Or women's small enterprises remain unprofitable because their produce of milk, vegetables, or poultry products cannot be preserved or taken to markets. The twin objectives in choosing these components should be the following:

- 1) reduce the burden of housework as for example by connecting the village to a pipeline or water supply; and
- 2) increase the productivity of women's work by opening up markets, and making it possible to use better technologies.

(b) Technology

A common theme in development literature is that of the destruction of women's jobs in the process of economic development (Boserup 1970, Banerjee 1988, Westergaard 1983). Because they are usually employed in tasks with poor tools and low technology, they are often the first to be replaced by machines in the process of development. The project authorities should make efforts to upgrade the technologies but also make sure that women get the proper training to work on those tasks. Better technologies should mean less reliance on manual power; so there is no reason why the improved tasks should go to men. One crucial requirement for removing the shortfall in women's earnings is to increase the productivity of the tasks they do by application of better technologies and tools.

(c) Affirmative action

In each project, special efforts need to be made to demonstrate that women merit a special consideration for their reproductive work. Maternity leave and arrangements for breast-feeding as well as crèches should be an automatic part of all project sites. Secondly, over and above being a member of the general workers' union, women should be allowed to build their own organizations as a way of dealing with problems like sexual harassment at work or dealing with instances of revealed bias against women.

(d) Education and skill-training

The stereotypes in education and skill training must be consciously altered. This may be a challenge because the present situation is a result of decisions taken by families in the past on the basis of the market and social mores at that time. To repair them may be costly and also subject to resistance from those who were stakeholders in the old selections. For example, teachers are often reluctant to change curricula because they are neither familiar with nor knowledgeable of new theories and techniques. What appears to have worked with educated professional urban families in all developing countries is the show-how effect of seeing some women reaching the top in a few "male" bastions. The same process is likely to be effective at all levels of job ladders and it is important to seize opportunities for showing successful examples.

c. Selecting project personnel

In many investment projects it may be difficult to ensure that women have access to all levels and all kinds of jobs because the jobs need technical or engineering qualifications which are rare among women, especially in remote rural areas. The investment authorities should make serious efforts to locate any possible candidate or bring one from outside. At most levels, it should be possible to find women candidates that can be trained to take up the job. Although this gesture may add to the costs of the project, its demonstrative effect on other workers, on women of the region and on other employers is likely to be sufficiently large and lasting to justify the cost additions.

d. Monitoring the work

In order to ensure that the above-mentioned actions have due effect, it is necessary to establish an adequate monitoring mechanism. The officers working at the site on behalf of the investment agency may not be fully convinced of the objective of removing gender-based discrimination and may let it go by default. It is therefore necessary to have a local agency for monitoring gender related concerns. The need would be best served by an NGO operating in the area that has acquired the confidence and support of local women. This way women's awareness of these anomalies and the need to correct them through

protests can be built up and utilized when necessary. The investing bodies should make every effort to locate and strengthen these bodies and/or promote women's organizations in the area. Perhaps the best solution would be to entrust the local governments, in cooperation with NGOs, with the monitoring responsibility since they would be available in all areas.

Monitoring occupational safety and health standards in projects that are aimed at poverty alleviation and micro- credit outside the formal sector and in scattered units and individual homes may involve a major challenge for development agencies. Similarly, large-scale projects usually consist of temporary construction work for which occupational safety standards may be temporarily enforced, and there may be no provision for health and social security on a lasting basis. Agencies could initiate campaigns to build local awareness on the possibility of taking a group insurance for all people in the area. Agencies could also encourage local groups/ local government agencies to organize these policies through a tie-up with some insurance agency. It may be necessary for the state to agree to underwrite the payments on behalf of the poorest in the area. But it can be shown that the external costs of leaving out one section of the local population from the coverage would be sufficiently high to make it worthwhile to add an element of state subsidy as well as a cross-subsidy from other beneficiaries. Even if the project is temporary there can be arrangements made for the local government to continue with the insurance scheme. Also for investors in schemes for poverty alleviation, it is an important consideration that health related expenses and loss of workdays is a major cause of perpetuation and deepening of household poverty.

In addition to the above-mentioned recommendations, it is useful to consult some of the country-specific recommendations made in the context of the country-level research under the ILO/ADB RETA Project. **See Annexes 2 and 3.**

2. Recommendations for national governments

Convention No.111 requires ILO member States to repeal any statutory provisions and administrative instructions or practices that discriminate on the bases of sex or gender. In addition to the above-mentioned recommendations to development agencies, the following recommendations may be of use to national governments:

- In most countries, the state bears the main responsibility for education. In most countries, vocational training courses and seat allocations were perpetuating the traditional gender roles. Therefore, the national policy for education and training must clearly spell out its goal of removing gender-based discrimination and take steps accordingly.
- National governments should actively work towards the elimination of pay differences between men and women and repeal any legislation or practice that contributes to the gender wage gap.
- National governments should pursue a national policy to eliminate discrimination in the public service.
- The public media should be used actively for persuading parents to change their attitudes about girls' education and career building. Whenever necessary, laws against early marriages must be strictly enforced and the legal position regarding women's access and control over parental and marital property should be reviewed.
- Poverty reduction is a major concern for national governments in all countries. But in most cases, the programs consist merely of providing resources for giving poor women micro-credit. These programs everywhere need to be thoroughly overhauled to ensure the following:
 1. Along with the credit, women should get effective training for new skills as well as full information about markets, products and techniques.
 2. The Government must undertake to improve the infrastructure in the area -better roads, power supply, storage capacity, markets etc.
 3. The Government should promote a scheme of having a public crèche in each municipal ward or hamlet, so that all working women can use the facility for a nominal fee.
 4. The Government should give priority to schemes that provide ways of reducing the burden of household work. Schemes for providing water supply within easy reach of

villages, forestry for fuel wood and fodder, electrical and gas supply lines to villages should be on the state planning agenda.

3. Recommendations for employers' organisations

Employers should try to make realistic assessments of the actual costs of observing labour standards. With respect to payment maternity benefits, the above-mentioned experience of the RMG factory in Bangladesh may be useful. Even if employers do not want to bear the entire burden of providing health care to workers, they should try to develop group insurance schemes on the lines developed by NGOs in Bangladesh. Employers' organisations could suggest to member employers to collect a part of the cost from the workers.

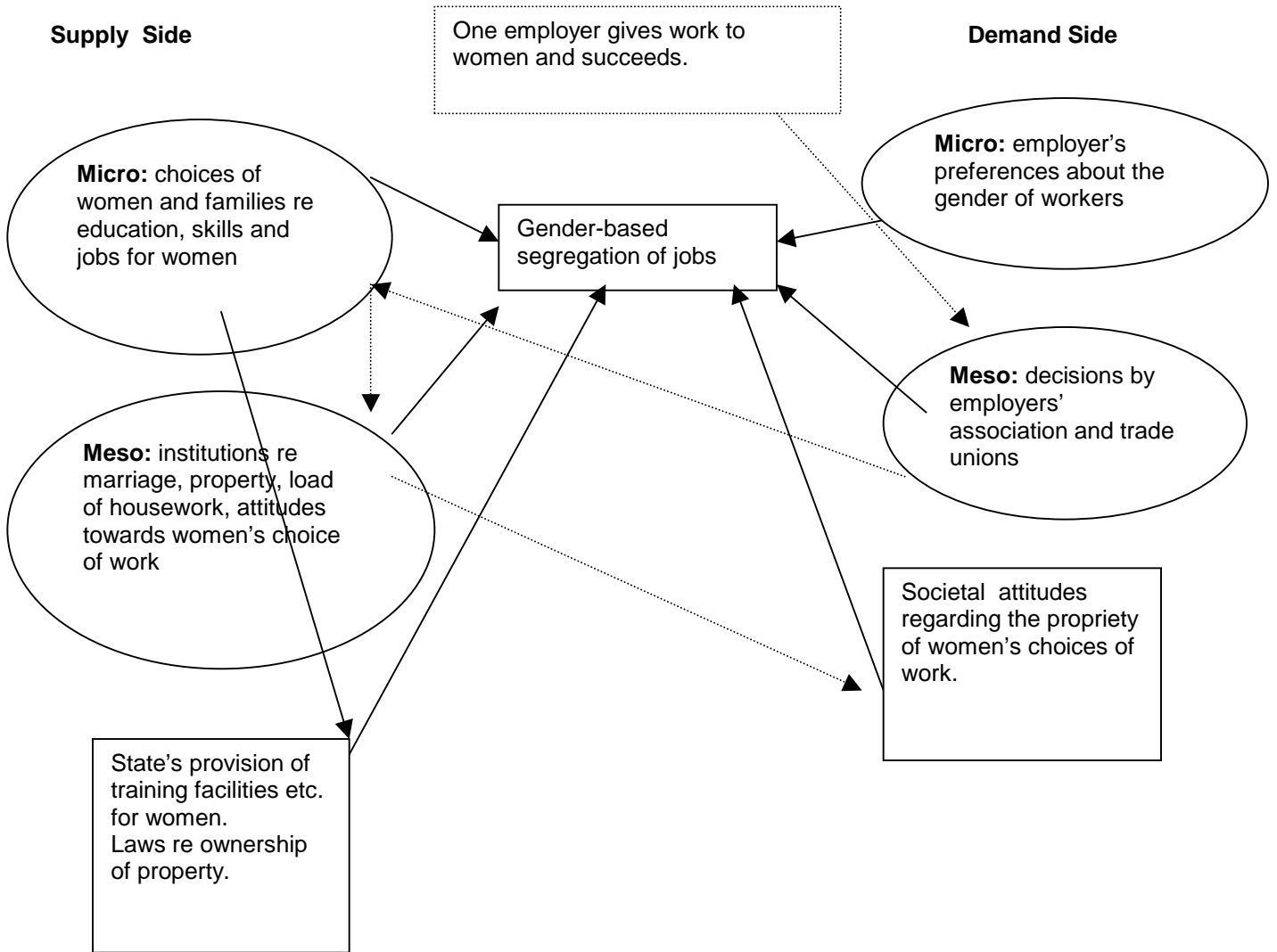
4. Recommendations to trade unions

Trade unions have become aware of the need to negotiate with employers regarding women's demands. However, trade unions should give higher priority to these demands at the bargaining table and should give more weight to the strength they gain by adding women to their active membership.

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Chart No 1



Annex 1: ILO Standards Relevant to the Promotion of Gender Equality

Fundamental Standards on Non-Discrimination and Equality

Equal Remuneration Convention, 1951 (No. 100) and Recommendation No. 90

**Discrimination (Employment and Occupation) Convention, 1958
Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and Recommendation No. 111**

Other Fundamental Standards

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Forced Labour Convention, 1930 (No. 29)

Abolition of Forced Labour Convention, 1957 (No. 105)

Minimum Age Convention, 1973 (No. 138) and Recommendation No.

Worst Forms of Child Labour Convention, 1999 (No. 182) and Recommendation No. 190

Work and Family and Maternity

Workers with Family Responsibilities Convention, 1981 (No. 156) and Recommendation No. 165

Maternity Protection Convention, 2000 (No. 183) and Recommendation No. 191

Work Organisation

Part-Time Work Convention, 1994 (No. 175) and Recommendation No. 182

Home Work Convention, 1996 (No. 177) and Recommendation No. 184

Human Resource Development and Employment

Human Resources Development Convention, 1975 (No. 142) and Recommendation No. 150

Employment Policy Convention, 1964 (No. 122) and Recommendation No. 122

Termination of Employment Convention, 1982 (No. 158) and Recommendation No. 166

Safety and Health

Labour Inspection Convention, 1947 (No. 81) and Protocol of 1995

Occupational Safety and Health Convention, 1981 (No. 155) and Recommendation No. 164

Night Work (Women) Convention (Revised), 1948 (No, 89) and Protocol of 1990

Night Work Convention, 1990 (No, 171) and Recommendation No. 178

Annex 2: Some additional indications of legal provisions at the national level

a. Bangladesh

The Bangladesh Constitution recognizes gender equity as a fundamental right. For working women, the State has adopted the following legal provisions that are relevant:

- Obligation of one latrine for 25 women workers.
- Adequate washing facilities for women workers.
- Women are to be allowed in factories only between 7 am to 8 pm.
- An employee who has to be in employment for at least 9 months preceding the day of delivery before she can claim maternity benefits.
- A woman is entitled to six weeks paid leave preceding the day of delivery and six weeks immediately after that.

Although the country has ratified the ILO Conventions concerning freedom of association, reports from particularly the garment factories indicated that workers there do not have an officially recognized trade union. In order to avoid the provisions for maternity benefits and crèche facilities, employers try and keep the official numbers of employees below the stipulated minimum and the also to introduce breaks in the length of service of each employee.

b. Nepal

The Nepalese Constitution (1990) guarantees equal pay for equal work to men and women. The Labour Act and the Trade Union Act of 1992 govern the working conditions in the formal sector. They incorporate provisions for job security, minimum wages, environmental health and security, welfare measures, a code of conduct, a consultative and cooperative management, and dispute settlement courts. The Trade Union Act provides for collective bargaining and dispute settlement. There are several provisions relevant to women workers:

- 52 days of maternity leave for two pregnancies.
- Employers with 50 or more women workers are to provide crèches and allow time for feeding babies.
- Separate toilet facilities for factories with 50 or more women workers.
- Working hours per week to be 48 and overtime not more than 4 hours per day to be paid at 1.5 times the rate.
- Women are to be employed only from 6 am to 6 pm. In special cases provision must be made for the safety of women working late hours.
- Adult women should not be made to carry more than 45 kgs.

Country research in Nepal indicates that the country has no machinery to enforce the officially fixed minimum wages. There is no provision for redressing women's grievances of sexual exploitation by factory owners and managers.

c. The Philippines

During the last 15 years, the Philippines has amended its Labour Code and passed new laws to give greater importance to gender equity. New provisions include:

- A minimum wage provision for fixed the minimum wage of house-helpers at a higher level and provided social security for them. The non-compliance of this provision was less than 30% in year 2000. Domestic service is not covered by this provision.
- Equal remuneration to men and women for work of equal value has been legalized
- Women cannot be discriminated on grounds of sex in recruitment, promotion, training, contracts and award of study and scholarships.
- Both public and private sector are directed not to make pregnancy a ground for discrimination.
- There is a provision for maternity benefits of 12 weeks leave for all women workers; in the public sector this is given even to workers who have worked for less than two years. For informal sector workers, the benefit is available only if the workers are registered with the Social Security System.

- There is prohibition of night work by women but with notable exceptions on grounds where women's special skills are required. There is no such prohibition in the informal sector.
- There is a departmental order for providing labour rights for sub-contracted workers. But the existing state machinery for inspection is not required to supervise its implementation. The Bureau of Women and Child Workers is perhaps dealing with this.
- The Anti Sexual Harassment Act is being tested in the courts.

The country research highlights that of the establishments inspected, more than half had been found to violate equality provisions. The most frequent violations were about the minimum pay. The maternity benefit provision is generally interpreted as enrolling the employees with the Social security System. In 1997, over 19.9 million workers were enrolled in the System. But 35% to 55% employers had defaulted on their premium payments. Also there is evidence of considerable discrimination against women, especially pregnant women, in recruitment.

d. Thailand

The current Thai Constitution explicitly prohibits discrimination between men and women. It also stipulates that the State must promote development equally for boys and girls, and must promote employment for all of working age and provide special protection to women and child workers. There are specific laws for:

- Equal treatment of male and female workers by employers.
- There is to be no sexual harassment of an employee by her superior at work.
- A female employee is not to be employed underground without adequate protection.
- She is not to work on high scaffolding or carrying explosives.
- There are several proscribed activities for pregnant employees once she produces a doctor's certificate to show that she is pregnant.
- A female employee is entitled to 90 days of maternity leave.
- There shall be equal pay and equal benefits for men and women doing work of similar nature and of equal quantity and quality.

The Government is considering extending the benefits of the labour laws to workers in agriculture and the informal sector. Enforcement of the laws apparently leaves much to be desired. An estimate from Thailand indicated that in the year 2000, about 10% of the 360 thousand registered establishments were inspected by labour inspectors. Of these around 40% of the units were found to be violating labour laws²⁶. The violations were mainly in the area of wages during maternity leave, duration of maternity leave and nature of work. The problem was that for these 360 thousand or so establishments, there were only 300 labour inspectors. The Government is promoting a program of labour counsellors in the workplace to advise workers of their rights.

²⁶ Tonguthai, June 2002, table 5.1.

Annex 3: A checklist to ensure equal opportunities in ADB Projects

The following checklist can be used at various stages of ADB's operations: formulation of project proposal, design and conduct of pre-project socio-economic survey, design of the actual project, instructions to executing agencies, supervision, monitoring and evaluation of targets achieved. The framework for the checklist relied on gender analysis with its premise that men and women in most societies have different roles, responsibilities and activities (in the household, community and society) and thus they have different needs and priorities.

1. Overall responsibility

- ADB planners need to undertake the following responsibilities to ensure gender equality in all of its project:

- ensuring that all data to be collected are disaggregated for men and women, and where appropriate, for boys and girls
- conducting gender analysis to gather information necessary for the design of the project, enable the project planners to recognize and accommodate women and men's different roles
- designing projects that give equal opportunity participation to both men and women
- ensuring that the project contributes to improving women's economic and social status
- evaluating capacity of counterpart/executing agencies to undertake gender analysis
- developing capacity of the counterpart/executing agencies to promote gender equality.

- Sex-disaggregated information must be collected at various levels:

Labour force status of the project population

- Gender differences in labour force participation, also by age group, marital status and education level
- Unemployment rates of women and men
- Factors behind constraint (if any) on mobility of women
- Pattern of horizontal and vertical occupational segregation
- Legal status of women and gender restrictions on occupations
- Work status of the labour force, in particular, the significance of and gender difference in unpaid family worker status

Household Level Information

What is the gender division of labour among the project population in

- Household activities
- Income earning activities

(Information on the above is to be collected for men/women, girls/boys)

- How flexible is the gender division, what changes have taken place recently?
- What are the underlying factors leading to such changes?

Community Level information

- What is the existing employment/income distribution pattern, are there any gender differences?
- What is the existing social and community structure relating to access to and control of resources?
- Are existing education and training facilities in the community equally accessible to both men and women?
- If not, what are the constraints?

- Have women been involved in community's decision-making relating to job or income creation within the community, and in what proportion?
- How did they become involved? By election, or by appointment?
- Are there child care facilities in the community? Are there enough to meet the needs of working women?

2. *Key questions for technical staff involved in employment-related projects*

- Are the project objectives specifically relevant to the employment needs of women?
- Did women participate in setting these objectives?
- Have any changes occurred because of women's participation?
- How are gender aspects integrated in the project, at which stage? Which parties are responsible for such integration?
- Do men and women differ in the pattern of their labour force participation?
- What are the factors behind gender differences in labour force participation?
- What is the influence of legislation, tradition or government policies on gender differences in labour force participation?
- What is the attitude of agencies/persons responsible for the project towards the hiring of men and women workers?
- How should the project deal with cultural norms/perception that keep women and men segregated in the workplace?
- Do Bank projects have clear and open criteria in selecting workers for training?
- Do the projects allow labour union/women to take part in selection process?
- What are the timing and location of the training?
- Would the timing and location pose any constraint on women relative to men?
- Any childcare services offered for women taking the training courses?
- Are the costs 'affordable' to women or are they free-of-charge?
- What is the community's attitude towards the working of girls?
- Will women's workload, both within and outside the household, increase disproportionately by the project?
- Is there likely to be more use of women as unpaid labour as a result of the project?
- Are impacts on women and men being integrated into the monitoring and evaluation system of the project?