

1. Standards and fundamental principles and rights at work in Asia and the Pacific

Since the last Asian Regional Meeting, the ILO has adopted the Declaration on Fundamental Principles and Rights at Work and its Follow-up. The Director-General's campaign to secure universal ratification of the ILO's fundamental Conventions has marked up notable successes in the region. However, serious problems remain in relation to freedom of association, the elimination of forced and child labour and discrimination in employment. International financial institutions are manifesting much more interest in ILO standards than hitherto. While a number of countries in the region continue to encounter difficulties in complying with ILO constitutional obligations in relation to international labour standards, the impact of these in post-conflict reconstruction, accelerating democratization and state-building, has increased.

Since the last Asian Regional Meeting the ILO has adopted what may well be called its most significant document in a half-century for rights-based development, the *Declaration on Fundamental Principles and Rights at Work and its Follow-up*.¹ It reaffirms, in declaratory language, that acceptance of the ILO Constitution results in a sovereign, national commitment to observe and apply the fundamental principles of freedom of association, freedom from all forms of forced labour, the elimination of child labour and discrimination in every workplace within the national territory of every member State.

The fundamental character of the principles and rights mentioned above means that member States should already be taking all appropriate steps to promote, safeguard and apply them. The thrust of the Declaration is not to enforce, threaten or penalize but rather to iden-

¹ ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 88th Session, Geneva, 18 June 1998.

tify the obstacles and hindrances to universal implementation and observance and to seek to promote efforts by countries to overcome these. Using extra-budgetary resources put at the disposal of the Office by donor member States, a series of projects, many of them in the Asia-Pacific region, have begun to promote and further the aims of the Declaration. A plan of action for the promotion of freedom of association and the right to collective bargaining was adopted in November 2000 by the Governing Body, following the first Global Report on this topic. This report, entitled *Your voice at work*, was discussed at the 88th Session of the International Labour Conference (2000). It pointed to a significant representation gap that made it increasingly difficult for workers to have their voices heard. In the region, assistance and technical cooperation programmes have been introduced or planned in Indonesia, Cambodia and the member States of the Gulf Cooperation Council. The second Global Report, *Stopping forced labour*, was discussed at the June 2001 Conference. The highlight thrown on the links between respect for principles regarding forced labour and other fundamental principles and rights and standards, and the focus on developmental aspects will serve as the basis for a similar plan of action to be proposed to the Governing Body in November.

The eight fundamental Conventions which cover the principles and rights of the Declaration have been the object of a special ratification campaign launched by the Director-General in May 1995. Significant progress has been made in this regard in the Asia-Pacific region since the last Regional Meeting – as shown in table 1.1 In March 2000, Indonesia became the first member State in the region to ratify all eight Conventions. The latest of them, the Worst Forms of Child Labour Convention, 1999 (No. 182), has been ratified by ten countries of the Asia-Pacific region.

Long recognized as the cornerstone of tripartism – and thus of the ILO itself – freedom of association forms an indispensable component of the processes of democratization and increasing popular participation which have accompanied the development of many countries in the region over the last four years. The principle draws on Conventions Nos. 87 and 98, supplemented by Conventions Nos. 11, 135, 141 and 151, as well as Recommendations Nos. 143, 149, 154 and 159. All of these instruments have, in turn, been the subject of explanation and clarification by the Committee of Experts on the Application of Conventions and Recommendations, the Conference Committee on the Application of Standards and the Governing Body Committee on Freedom of Association.

Table 1.1. Ratifications of fundamental ILO Conventions:

*By countries in the Asia-Pacific region
as of 20 March 2001*

- No. 29 – Forced Labour Convention, 1930
 No. 105 – Abolition of Forced Labour Convention, 1957
 No. 87 – Freedom of Association and Protection of the Right to Organise Convention, 1948
 No. 98 – Right to Organise and Collective Bargaining Convention, 1949
 No. 100 – Equal Remuneration Convention, 1951
 No. 111 – Discrimination (Employment and Occupation) Convention, 1958
 No. 138 – Minimum Age Convention, 1973
 No. 182 – Worst Forms of Child Labour Convention, 1999

Convention No.	29	105	87	98	100	111	138	182
Afghanistan		■			■	■		
Australia	■	■	■	■	■	■		
Bangladesh	■	■	■	■	■	■		H
Cambodia	■	H	H	H	H	H	H	⇒
China					■	⇒	H	⇒
East Timor								
Fiji	■	■		■				
India	■	H			■	■		
Indonesia	■	H	H	■	■	H	H	H
Iran, Islamic Republic of	■	■			■	■		
Japan	■		■	■	■		H	H
Kiribati								
Korea, Republic of					H	H	H	
Lao People's Democratic Republic	■							
Malaysia	■	●		■	H		H	H
Mongolia			■	■	■	■		H
Myanmar	■		■					
Nepal	⇒	⇒	⇒	■	■	■	H	
New Zealand	■	■			■	■		
Pakistan	■	■	■	■		■		
Papua New Guinea	■	■	H	■	H	H	H	H
Philippines		■	■	■	■	■	H	H
Singapore	■	●		■				
Solomon Islands	■							
Sri Lanka	■		■	■	■	■	H	H

DECENT WORK IN ASIA

Convention No.	29	105	87	98	100	111	138	182
Thailand	■	■			H		⇒	H
Viet Nam				⇒	H	H	⇒	H
Total ratifications: 111	18	13	11	14	19	16	10	10

*By Arab States of West Asia
as of 20 March 2001*

Bahrain	■	H				H		⇒
Iraq	■	■		■	■	■	■	
Jordan	■	■		■	■	■	H	H
Kuwait	■	■	■			■	H	H
Lebanon	■	■		■	■	■	⇒	⇒
Oman	H							⇒
Qatar	H					■		H
Saudi Arabia	■	■			■	■		⇒
Syrian Arab Republic	■	■	■	■	■	■	⇒	⇒
United Arab Emirates	■	H			H		H	⇒
Yemen	■	■	■	■	■	■	H	H
Total ratifications: 53	11	9	3	5	7	9	5	4

■ = Member States having ratified this Convention.

H = Ratification after 1.1.1997. ● = Has denounced this Convention.

⇒ = Ratification envisaged.

The situation in the region in respect of freedom of association and the right to collective bargaining is, at best, very uneven. In those countries of the region where political and ideological pluralism does not exist, autonomous trade unions, free to design, publicize and pursue their own policies, are still viewed with much distrust. Those member States in the region which are organized on a single-party principle have indicated clearly their willingness to accept only trade unions that reflect the single-party structures. In those countries, as well as others, there may be different problems relating to the representativeness of unions, and their capacity – as well as that of employers – to negotiate and implement collective agreements. The demands of globalization and the need to adapt to relevant mechanisms create daunting problems in this area.

The International Labour Organization has the duty to be clear and unequivocal that membership of the ILO creates an internationally recognized commitment to respect the right of workers and employers freely to form and join organizations of their own choosing.

It follows that both the programme and the resources supporting it in order to give effect to the *Declaration* must give very high priority to translating this principle into reality. As noted by the ILO Declaration Expert-Advisers: “The principles and rights in the Declaration are interlinked. Without respect for the principle and right of freedom of association and effective recognition of the right to collective bargaining, there can be no progress in relation to the other categories of principles. The Expert-Advisers note that if freedom of association is not respected and promoted there can be no collective bargaining or meaningful social dialogue. Freedom of association gives a voice to workers and employers, a voice that needs to be heard much louder and more clearly in a globalized world.”²

The first Global Report under the Follow-up to the Declaration, *Your voice at work*, published in 2000, signalled concern over a widening representation gap in the world of work. It underlined the widespread exclusion of many groups and sectors from the safeguards of freedom of association, in particular, agricultural workers, domestic workers, migrant workers and workers in small enterprises and the informal sector. The Expert-Advisers in their 2000 report pointed out problems in this regard in Bahrain, Oman, Qatar, Saudi Arabia and the United Arab Emirates. These issues will be the subject of advice and technical assistance by the Office. In the Arab region, the latest democratic changes in Bahrain which endorsed explicitly the establishment of trade unions and the recently taken position of the Government of Saudi Arabia to set up workers’ organizations are encouraging signs of an increasing awareness of the need to involve workers and their organizations in the national economic and social debate.

There have been some encouraging cases of progress in other countries too. Indonesia ratified Convention No. 87 in 1998 and basic trade union rights have been introduced. The challenge now is to develop an industrial relations system which is adapted to the new conditions. Trade union pluralism has, in fact, led to a proliferation of workers’ organizations, most probably as a reaction to the former system.

The previous Government of Pakistan had imposed very tight restrictions on trade union activities, especially in the public sector. In

² ILO: *Review of annual reports under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, Part I, Introduction by the ILO Declaration Expert-Advisers to the compilation of annual reports, Governing Body document GB.280/3/1 (Geneva, 2001), para. 71.

2000, an ILO mission to the country provided a context in which the trade unions were able to raise the pertinent issues directly with management. This resolved in a satisfactory manner a number of long-standing issues.

Important changes have taken place in the Republic of Korea in relation to freedom of association. In 1999 the ban on teachers' unions was lifted. Accordingly the KCTU-affiliated Korean Teachers' Union (*Chonkyojo*) and the Korean Union of Teachers and Educational Workers, affiliated to the Federation of Korean Trade Unions (FKTU), were legally recognized. This in turn paved the way for recognition and registration of the Korean Confederation of Trade Unions (KCTU) in November 1999. A Tripartite Commission has been established to review labour legislation, in part to respond to the recommendations of the Committee on Freedom of Association, and assisted by various ILO missions to the country. Unfortunately, not all trade union organizations participate in the Commission, and the decision to accept trade union pluralism at the enterprise level has been delayed. The scope of "essential services" (in which industrial action is prohibited) will be narrowed down in the course of 2001. There have been recently renewed violent confrontations between organized labour and the police in the wake of dramatic job losses in the country, and the legislative improvements in protection of trade union rights have been delayed as a result.

New legislation in New Zealand, the Employment Relations Act, which came into force on 2 October 2000, extends the coverage of multi-employer collective agreements to newly recruited workers. Significant reforms in labour legislation affecting freedom of association are also at an advanced stage of consideration in Lebanon, the West Bank and Gaza and Yemen.

Democratization of both the workplace and the State, with a view to mobilizing the skills, talents, creativity and commitment of workers and managers alike – all critical factors in maximizing productivity and therefore competitiveness – is inextricably bound up with the credibility of the processes for those involved in or affected by them. That credibility, in turn, depends largely on the conviction of workers and employers that their representatives and the officers of their organizations are able to function, speak and decide autonomously, on their behalf, having been freely chosen as their spokespersons. It is a striking and incontrovertible fact that productivity is highest in those national economies in which freedom of association is valued and protected as a fundamental right.

Table 1.2. The world competitiveness scoreboard
(ranking as of 19 April 2000)

1	United States	100.00
2	Singapore	75.22
3	Finland	74.01
4	Netherlands	72.13
5	Switzerland	68.49
6	Luxembourg	68.09
7	Ireland	64.83
8	Germany	64.49
9	Sweden	63.86
10	Iceland	63.52
11	Canada	63.42
12	Denmark	63.38
13	Australia	63.12
14	Hong Kong, China	60.47
15	United Kingdom	59.36

Source: International Institute for Management Development: World Competitiveness Report.

While there are instances of practices involving forced and compulsory labour in parts of the region, any discussion of this topic, especially in the Asian region, must inevitably centre on the case of Myanmar, which, in the words of the ILO Commission of Inquiry (1998), is a “saga of untold misery and suffering, oppression and exploitation of large sections of the population [...] by the Government, military and other public officers”.

Debt bondage and trafficking of human beings (especially women and children) remain important problems in some parts of the region. The ILO is helping constituents to address this challenge in the Greater Mekong subregion and in Nepal.

The main focus of the Greater Mekong project is to prevent trafficking through employment creation, education and vocational training, building on existing programmes and good practices. A similar ILO project in South Asia (Bangladesh, Nepal and Sri Lanka) concentrates on capacity building of governmental and non-governmental organizations, direct intervention programmes for prevention and rehabilitation of child victims of trafficking and subre-

Box 1.1. Combating child labour in the Arab States

In October 1999, the ILO organized a Regional Tripartite Seminar on Child Labour, in Amman, which aimed at providing a forum for exchanging information and experiences on the problems of child labour in the Arab region and promoting action in line with the international labour standards related to child labour, in particular its worst forms. Attended by Government, Employers' and Workers' representatives, the seminar examined the child labour situation and defined practical measures to be taken against hazardous work and other abuses such as forced labour, domestic service and sexual exploitation. The event was the first

initiative at the regional level to address the issue of elimination of child labour. Following the seminar and a series of technical advisory/needs assessment missions, the Governments of Lebanon, Jordan and Yemen each signed a Memorandum of Understanding with the ILO, providing a framework for cooperation in their respective national efforts for the elimination of child labour. The International Programme on the Elimination of Child Labour (IPEC) undertook a pioneering initiative in the region in collaboration with the Palestinian Bureau of Statistics for applying its methodology in collecting statistics on child labour.

gional level cooperation among South Asian Association for Regional Cooperation (SAARC) countries.

Over the last few years, a number of Asian economies have shown dramatic economic growth; and some of the world's most dynamic economies are located in the region. Yet, in the domain of child labour, the record in Asia is both sobering and encouraging. On the one hand, Asia has two-thirds of the world's working children, including many who are trapped in the worst forms of child labour. On the other hand, Asia also shows visible results in reducing the numbers of working children.

The Asian landscape obviously shows qualitative differences in poverty levels and stages of development between countries. Even so, within the region, there are discernible trends and patterns in the development process that impact on child labour. While the globalization of economies has led to increased economic efficiencies, competitiveness and growth, the process of modernization and market integration has been disruptive. Rapid urbanization, consumerism and diminished family support have all raised the vulnerability of children to premature labour. Inequalities in employment and incomes within, between and among countries have intensified rural-urban and cross-border migrations that also involve significant numbers of children and young persons. The 1997 economic crisis, that sent millions of children and young people out of school and into the

workplace, clearly showed the vulnerability of children to the vagaries of economic growth.

In Asia, as in other parts of the developing world, children have always worked alongside their parents, helping in family farms, fetching water and firewood and undertaking craft-related activities. Work by children is seen by some communities as an essential part of the socialization process and a means for transmitting acquired skills from parents to children. Work of this kind is not without its problems, especially as regards children's health, safety and education. Although the profile of the typical working child remains valid in many parts of Asia, there are clear signs that the patterns of employing children have undergone change and become more exploitative in the process. Disturbing are indications of a structural shift to wage employment of children in industry and services, and the corresponding change in working conditions – long hours and full-time work. Many of these children work under conditions that seriously damage their physical and emotional development.

The faces of child labour in Asia, as on other continents, are: children trapped in prostitution; children caught up in the trafficking of drugs; child soldiers; children scavenging in dumpsites; children in coal and gold mining; children in quarrying; children on fishing platforms; children working in tourist resorts; child domestic workers; children in urban home-based sweatshops.

Poverty and child labour are often spoken of in the same breath, as both are closely interlinked. Poverty drives children to work, while poor children who are forced to work are often unable to overcome their educational deficit and remain trapped in poverty.

Child labour can aggravate poverty by increasing unemployment and underemployment of adults, and putting downward pressure on wages. Poverty makes families and children vulnerable to deceitful offers by agents and recruiters in search of cheap and malleable labour.

The unanimous adoption of the Worst Forms of Child Labour Convention, 1999 (No. 182), demonstrated the strong global commitment to eliminating unacceptable forms of child labour. Included among the worst forms are:

- all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

- the use, procurement, or offering of a child for prostitution, production of pornography and pornographic performances;
- the use, procurement or offering of a child for illicit activities, in particular, for the production and trafficking of drugs as defined in relevant international treaties;
- work which by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

On this last fourth category, each country must determine the types of work to be prohibited and eliminated in its national context. In the process of this determination, the government must consult employers' and workers' organizations and take into consideration relevant international standards.

The new ILO Convention has sharpened the focus of the ILO's and IPEC's technical cooperation efforts on child labour, building further on the United Nations Convention on the Rights of the Child and the ILO's Minimum Age Convention, 1973 (No. 138). Convention No. 182 adds a more focused approach with tangible and attainable targets, calling for urgent time-bound measures designed to:

- prevent the engagement of children in the worst forms of child labour;
- provide direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
- ensure access to free basic education and appropriate vocational training to all children removed from the worst forms of child labour;
- identify and reach out to children at risk; and
- take account of the special situation of girls.

Starting in 1992 with six participating countries, including India, Indonesia and Thailand in Asia, IPEC is now a global ILO InFocus programme, which campaigns for universal ratification and implementation of the fundamental Conventions Nos. 138 and 182. This rights-based approach to the problem is part of the follow-up to the Declaration on Fundamental Principles and Rights at Work, as well as the supervisory mechanisms operating where the Conventions are ratified – i.e. in a rapidly increasing number of countries in the region. That approach goes hand-in-hand with the operational work of IPEC which now has country programmes in over 70 countries worldwide. IPEC in South Asia covers Bangladesh, India, Nepal and Pakistan; in East and South-East Asia, IPEC is operational in Cambo-

dia, the Lao People's Democratic Republic, Indonesia, Mongolia, the Philippines and Thailand. In Arab States of West Asia, three new national programmes have been initiated in Yemen, Lebanon and Jordan. Country activities are currently ongoing in China and Viet Nam. Programme support for IPEC country programmes and projects in Asia in 2000-01 have now reached US\$36.5 million.

At the heart of the IPEC strategy is the principle of country ownership. Strong political will and social commitment are essential to decisive forward-moving action on child labour. IPEC aims at facilitating policy reform and change in social attitudes that will lead to sustainable prevention and abolition of child labour. Through its country programmes, IPEC has supported pioneering and innovative interventions against child labour, enhancing the relative country's capabilities to address child labour in the process. National steering and coordinating committees have been installed to oversee and be increasingly responsible for national child labour programmes.

More recently, IPEC has gradually enlarged the scope of its projects, often on a sector- or industry-specific basis. In Asia, these industry-specific activities have, *inter alia*, focused on: deep-sea fishing; footwear production; small-scale gold mining; the urban informal sector; the garments industry; football production; salt production; and rubber agriculture. Integrated and comprehensive projects, which simultaneously address a number of key aspects of the problem through social protection measures (such as educational and training opportunities, reliable and decent incomes for adults in the family, and awareness and understanding of the problems and their solutions), have combined workplace monitoring and verification measures. These programmes have aimed at withdrawing children from specified workplaces and ensured that children removed from work – and their families – have been provided with feasible developmental opportunities.

In both South-East (the Greater Mekong subregion) and South Asia (Bangladesh, Nepal and Sri Lanka), IPEC has expanded the scope of its efforts against the trafficking in women and children for exploitative employment and commercial sexual exploitation. Programme areas have included research and institutional development, legislation and enforcement, awareness raising, advocacy networking and social mobilization, health and education, income and employment generation, rescue and rehabilitation.

The complexities of the child labour situation dictate that the problem should be tackled on the socio-economic, educational, de-

velopmental and cultural fronts simultaneously. Through time, IPEC has built up a network of key partners in member States – including government agencies and social partners. The media, religious institutions and schools, NGOs and community leaders now form a broad coalition against child labour.

Fundamental in the work against child labour are sound situation analysis and monitoring mechanisms for effective child labour intervention programmes. Rapid assessments on child labour's worst forms have been implemented – including pioneering efforts in children in drug trafficking (Philippines and Thailand), sexual exploitation of children (Viet Nam, Indonesia), salt and rubber plantations (Cambodia), children in gold mines (Indonesia) and children in tobacco plantations (Lebanon). Nationwide child labour surveys are ongoing in Cambodia, and are planned for the Philippines and Bangladesh. Country programme management reviews, evaluations and thematic assessment exercises are now a feature of IPEC country and regional programmes.

IPEC looks to its future in Asia optimistically. Its aims for the next three to five years are shaped by the following four strategic goals:

1. Universal ratification of the relevant ILO Conventions Nos. 182 and 138.
2. Strengthening significantly IPEC's qualitative and quantitative information base on child labour in the Asia-Pacific region, with respect to causes and distribution, and building strong intervention models to tackle child labour.
3. Developing IPEC country strategies for every country in the region where IPEC has operations (at least five time-bound programmes will operate over the next three to five years).
4. Building the capacity of ILO social partners and other programme partners in the campaign against the worst forms of child labour.

A clear indicator of IPEC success will be the mainstreaming of child labour programmes in the national development agenda – thereby resulting in greater coherence and integration and effective use of IPEC resources at country and regional levels.

Child labour programmes in Asia, among the oldest worldwide, are poised to enter a new phase opened up by Convention No. 182. Time-bound programmes (TBPs) aim at preventing and eliminating the worst forms of child labour in a country within a defined period of time. This period might extend from five to ten years, depending on the prevalence of child labour and its complexity in each country. Nepal is one of three countries (El Salvador and the United Republic

of Tanzania are the others) which have begun their commitment to TBPs. In Asia, Indonesia, the Philippines and Thailand have started the preparatory work for implementing such programmes.

A TBP will combine sectoral, thematic and geographically based approaches to child labour, linking these to the national development agenda. The design and implementation of the TBPs will contribute both directly and indirectly to the ILO's primary goal of promoting access for women and men to decent work. Productive work with social protection and rights at work cannot be attained without investment in future human capability. Child labour pre-empted this by keeping the children of the poor out of school and limiting their prospects for training, upward social mobility and, ultimately, access to decent work as adults. Furthermore, the objective of the elimination of child labour offers another criterion for adults' decent work: adults should enjoy such conditions of employment and social protection that they do not have to send their children to work prematurely. TBPs will also contribute to the attainment of a world free of poverty.

Equality of access to training and employment, equality of treatment in that employment – including (though not limited to) remuneration, advancement and social protection – are all vital elements and a prerequisite to the success of the decent work agenda. The ILO Declaration Expert-Advisers have been very clear on the issue:

“There can be no exclusions from the fundamental principles and rights enshrined in the Declaration. Their exercise cannot depend upon belonging to a particular status, category or sector. Moreover, the groups most vulnerable to being denied one set of rights – children, migrant workers, ethnic minorities, women – can be similarly at risk of denial of others. Socio-economic conditions can make the circumstances for promoting fundamental principles and rights at work differ, but the principles and rights themselves are immutable and universal.”³

The ILO cannot help but view with great concern the significant increase in violent ethnically and racially based conflicts which have plagued the South Pacific in recent years, especially in Fiji, the Solomon Islands and Papua New Guinea, as well as in neighbouring Indonesia and East Timor. While each of these situations springs from complex causes, some of which are quite particular to each national context, a pattern emerges of severe, and often desperate, competition for scarce resources, exacerbated by unemployment, inadequate

³ *ibid.*, para. 20.

social protection and non-existent or malfunctioning mechanisms for social dialogue and dispute settlement. Thus while the expression of the conflict is ethnic or racial, the root causes often have much more to do with a perceived absence of social justice. In both the national and international efforts to resolve these conflicts the ILO has been seen as an important partner and has striven, both on the basis of its standards and through its technical cooperation programme, to make a positive contribution. Not only are the “core” international labour standards highly relevant in this connection but also instruments such as the Indigenous and Tribal Peoples Convention, 1989 (No. 169), the Employment Policy Convention, 1964 (No. 122), and the social security Conventions.

Convention No. 122 exemplifies the integration which is sought between the ILO’s normative and operational work. The commitment to a policy of full, productive and freely chosen employment is now formally accepted by the vast majority of the region following ratification by China and India.

The ILO submits annually to the International Labour Conference a report on the situation of workers in the occupied Arab territories. At the time of writing this report, the corresponding Conference document for the 89th Session of the International Labour Conference was not yet available.

Gender inequality and discrimination on the basis of sex are unfortunately still very widespread in the region. Despite the overall intensification of female participation in the labour market in the South Asia subregion, and the entry of women into some formerly male-dominated occupations, gender remains a ubiquitous source of labour market inequalities and inadequately utilized human resources. The main issues concerning women are reflected in their employment situation. One major area of gender inequality – unequal pay for work of equal value and widening wage differentials – deserves particular attention. Male-female wage differentials are highest at the level of illiterate workers, but mitigated considerably in the part of the labour market occupied by university graduates.

The unequal bargaining power of women workers has been identified as an important cause of the persistent wage differentials observed even in manufacturing. An organizational strategy of concerted and combined action on the issue of civic amenities by trade unions, as well as women’s organizations, is proposed as a major step towards strengthening the bargaining capabilities of women workers in relation to wages.

Box 1.2. Legal provision for equal wages for women in India

In India there was no specific legal provision mandating payment of equal wages to women until 1975, when the Equal Remuneration Ordinance was issued, to be replaced later by the Equal Remuneration Act (ERA) in 1976. However the ERA has aspects distinct from ILO standards. While Convention No. 100 requires “equal remuneration for women and men for work of equal val-

ue”, the ERA places a duty on the employer to pay “equal remuneration to men and women workers for same work of a similar nature”. It will be necessary to carry out case studies and surveys in major sectors to assess the extent of the application of the principle in the economy as a whole, and to take the measures required to fully realize it.

In Sri Lanka, expansion in the garment sector has been the cornerstone of export-oriented industrialization, despite some efforts at diversification. With women making up 90 per cent of employees in the garment industry, the percentage of women workers in export processing zones has been around 80 per cent since their inception. It is apparent, therefore, that women have had access to new employment opportunities and have made a crucial contribution to industrialization. But several recent micro-studies conclude that gender subordination in the labour market has been reinforced by the concentration of women in semi-skilled assembly line operations and “dead-end” fragmented production jobs. Men, on the other hand, are concentrated in managerial and technical jobs. Since transfer of technology has been minimal, women workers, the majority of whom have at least ten years of education, are denied opportunities for upgrading skills and achieving upward occupational mobility. The deskilling syndrome is pervasive, with women moving horizontally, as semi-skilled labourers, from factory to factory in search of better employment.

There is very clear evidence from most parts of the region that women constitute the majority of the group known as “the working poor” – the group to which any decent work agenda must pay particular attention for they represent the very paradigm of what that agenda must be designed to overcome. In other words, it is neither appropriate nor functional to design “general” poverty reduction strategies into which “gender components” (including women’s issues) are incorporated. Programmes, projects and strategies must address female poverty as the central focus, while adding on, where possible and appropriate, elements to address other vulnerable categories. While carrying out the role of watchdog and conscience on

gender issues in the world of work, the ILO must be much more active to promote gender balance in its own technical work.

Another category of workers particularly vulnerable to discrimination is migrant labour. The Expert-Advisers have drawn attention to the seriousness of this problem in the States belonging to the Gulf Cooperation Council (GCC), but it is evident in other parts of the region in various forms. Female migrant workers are especially vulnerable. The ILO has launched studies on female domestic workers in Lebanon and Jordan to collect data and information to enable establishing appropriate measures for better protection of this group of workers.

There have been some encouraging developments in relation to employment opportunities for disabled workers; a notable case in point is a very forward-looking programme from the Ceylon Employers' Federation (Sri Lanka), which is being used as a model in the region. Nevertheless the general picture is still one of a tragic waste of human potential, resulting both from the occupational marginalization of this group and a failure to invest in the training that would enable them to make a significant contribution to national development. Although ILO offices and multidisciplinary teams (MDTs) in the region are constantly requested to provide support for programmes in favour of the disabled, it has proved extremely difficult to respond in a structured, coherent and sustainable manner, largely because donors have shown relatively little interest in this category of workers.

However, in West Asia, the programme supporting disabled persons accounts for the largest share in the extra-budgetary funded technical cooperation programme. Those projects, which are designed to promote socio-economic reintegration of disabled persons, have been implemented in Iraq, the Syrian Arab Republic, the West Bank and Gaza and GCC States. Convention No. 159 has been ratified by a dozen or more countries in the region.

The international and regional financial institutions have also shown significantly increased interest in ILO standards – both in their efforts to focus on sustainable poverty reduction and to attenuate potential socially negative consequences of their lending policies. In Bangladesh, Nepal, the Philippines and Thailand, the ILO is undertaking joint activities with the Asian Development Bank to measure the financial impact of applying – and conversely not applying – ILO standards in the fields of child labour, gender mainstreaming and occupational safety and health. Another aim is to draw up guidelines and checklists both for governments and the Bank itself to avoid sit-

uations in which loan and project arrangements affect women's, children's and workers' safety and health negatively as an unintended – and often unforeseen – consequence of the lending.

While, inevitably, an important focus remains on the Declaration, it goes without saying that the long-standing work of the ILO to assist countries in meeting their constitutional obligations in relation to all international labour standards and to give effect to the findings of the Committee of Experts on the Application of Conventions and Recommendations, the Committee on Freedom of Association and the Conference Committee on the Application of Standards, continues. ILO standards are also increasingly being used as important tools in peace settlements and civil conflict resolution. As part of its democratization process, Cambodia has ratified most of the ILO's fundamental Conventions. ILO standards are being incorporated into nation-building efforts in East Timor. With donor support for countries, e.g. Indonesia and East Timor, technical assistance projects are being carried out to strengthen the social dialogue process. The Indigenous and Tribal Peoples Convention, 1989 (No. 169), is an important element in resolving the civil conflict in Fiji and the Solomon Islands.

A number of donors are providing or offering significant extra-budgetary resources to supplement the ILO's regular programme efforts to promote and apply the Declaration in the region. It has always been an objective of the ILO to use its technical cooperation activities to promote and secure ratification and observance of international labour standards; however the Declaration follow-up process has opened up a wholly new dimension of operations. The report of the Expert-Advisers, referred to several times earlier in the text, provides a solid and objective basis on which to define a workplan for Asia. Tripartite commitment by constituents and the ILO alike will be indispensable if the programme is to remain focused and produce tangible and sustainable results. It would perhaps be useful to consider what regional mechanisms and structures would be most appropriate to ensure sustained and coherent implementation of the fundamental principles and rights at work.

