

RAISING AWARENESS AND COMPLIANCE ON 48 THEMES IN 152 COUNTRIES WITH WAGEINDICATOR DECENTWORKCHECK

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Abstract

This paper presents a new way of comparing labour market regulations worldwide, i.e., through worker rights perspective. It documents a new tool, called DecentWorkCheck and uses it to analyse de-jure labour market institutions around 48 themes in 152 countries of the world. This self-assessment tool uses substantive elements of decent work agenda and converts these into legal indicators/questions that workers can easily respond to and know whether they are employed in decent working conditions.

The comparative work aims to raise awareness among the masses about their rights and obligations at the workplace. The work presents a great opportunity to enhance worker awareness about their rights and can be expanded to further countries. The work is equally useful for academics, employers and policy makers worldwide. It maps 33 labour law indicators for 152 countries of the world and analyses labour law changes for more than 70 countries over the last five years (2012-17).

The paper contends that compliance with labour legislation can be improved by increasing labour regulation awareness among the masses including workers and employers. WageIndicator’s work on labour law database creates this opportunity to increase awareness on labour rights in the most cost effective way. In 2016 alone, 39.5 million Internet users visited labour law pages on 92 WageIndicator country websites.

Keywords: labour law, decent work, legal awareness, DecentWorkCheck, WageIndicator Labour Law database

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1. Introduction

1.1 Background

It is easier to find economic data (prices, wages, GDP, etc.) than to find information on legislation mandating minimum wages, working hours, annual leave, employment contracts, child labour and so on. While information on statutory labour rights is maintained online by the state and trade unions in some of the developed countries, such information is widely lacking in the developing economies.

Such information gaps may seem convenient for the countries with no interest in raising awareness about legislation and ultimately improving it. The actual victim is the worker who never gets to know about his/her rights. Employer presumably also has no interest in raising a worker's awareness on labour rights since this means increased compliance and heightened cost of doing business (though there is plenty of research available which indicates that improved working conditions lead to higher productivity thereby helping to recovering the cost incurred in implementing such benefits, see Heymann and Earle, 2010).

Lee and McCann (2009) review considerable literature on the link between enforcement of labour legislation (compliance) and level of awareness (both among workers and employers). Their study brings forward the data from Tanzania and shows that "worker's awareness is strongly associated with better working conditions". Taking into account the low level of collective representation of workers (especially in developing countries) and budget-strapped and understaffed labour inspection system, workers' rights can be better enforced through a bottom-up approach – based on individual complaints. This approach requires dissemination of legal knowledge to workers. Bottom-up enforcement normally does not suit the low-wage and frontline workers since they lack both the knowledge and incentives (Alexander and Prasad, 2014). However, dissemination of legal knowledge is the first step towards compliance. Labour legislation, worldwide, requires employers to display abstracts of labour laws, however the above-referred study indicates that it has remained ineffective in disseminating knowledge in the US workplaces. In such a case, what would be optimal way to disseminate information on statutory rights?

1.2 Decent Work

Decent Work is the type of work for which all of us aspire. It is done under conditions where:

- i. people are gainfully employed (and there exist adequate income and employment opportunities);
- ii. social protection system (labour protection and social security) is fully developed and

- accessible to all;
- iii. social dialogue and tripartism are promoted and encouraged; and
- iv. rights at work, as specified in ILO Declaration on Fundamental principles and Rights at Work and Core ILO Conventions, are practiced, promoted and respected¹.

The above four pre-conditions, usually referred to as "four strategic objectives", which once achieved promise decent work (ILO, 1999). Decent Work, a term first used by ILO in 1999, was also adopted by UN as one of the measurements of Millennium Development Goals (MDGs). In 2008, Decent Work was included as a target on the first MDG² and ILO did all the reporting with regard to the achievement of this target (ILO, 2013)³. Employment and decent work for all are also part of the Sustainable Development Goals (Goal 8).⁴

While the first strategic objective seeks on creating income and employment opportunities, it is also concerned about quality of work. As indicated in above referred ILO Report (1999), there are different notions of "acceptable quality jobs" in different economies. Job quality is a multidimensional subject, which incorporates different dimensions of work and employment. These dimensions include labour compensation, i.e., wages, working hours, employment stability and fundamental rights at work as provisioned in core labour conventions, social protection, etc. All these facets of job quality (or inversely job insecurity) impact a worker's well-being. However, in the absence of any comparative tool, workers cannot compare their working condition with ideal decent working conditions and know whether they are employed in quality jobs.

Information gaps, as noted at the start of this paper, and absence of such comparative tool proved to be the starting point for development of "*DecentWorkCheck*". Having easy access to this information can raise awareness and compliance levels in a country. Different dimensions of job quality have been included in creating a *DecentWorkCheck*. ILO refers to these aspects of job quality as the substantive elements linked with four strategic objectives noted above (ILO, 2008). Table 01 (next pages) shows these elements of job quality and the indicators that are used to inform workers about their rights in their national settings.

¹ These are "freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced or compulsory labour, the abolition of child labour and the elimination of discrimination in respect of employment and occupation".

² Target 1B included information on growth rate of labour productivity, demand for labour in a country, working poverty rate and vulnerable employment rate. https://www.unicef.org/statistics/index_24304.html [accessed 17 May 2017]

³ http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_elm/documents/publication/wcms_208796.pdf [accessed 17 May 2017]

⁴ <http://www.un.org/sustainabledevelopment/economic-growth/#eb8a8c64a59c727cf> [accessed 17 May 2017]

2. *DecentWorkCheck*- An Innovative Concept

Since 2000, WageIndicator Foundation utilizes national websites with information on work and wages, including labour law, collective agreements, salaries, and alike. Started in the Netherlands, a growing number of websites in other countries have also been launched, accumulating to 92 websites in early 2017. The Foundation, and specifically the author of this paper, has been working on the idea of the *DecentWorkCheck* since late 2007 and the first series of *DecentWorkChecks* for South Africa, India and the Netherlands were prepared in 2008. The first version covered all substantive elements relating to Decent Work except “employment security” which was added in the current version in 2012. The *DecentWorkCheck* considers different work aspects, which are deemed important in attaining "decent work". The *DecentWorkCheck* makes the abstract Conventions and legal texts tangible and measurable in practice.

The *DecentWorkCheck* employs a double comparison system. It first compares national laws with international labour standards and gives a score to the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with their national regulations. Workers can compare their own score with national score and see whether their working conditions are consistent with national and international labour standards. The *DecentWorkCheck* is based on de jure labour provisions, as found in the labour legislation. *DecentWorkCheck* also takes a stance on desirability of national labour regulations and judges these against relevant ILO Conventions.

Experiences gathered through WageIndicator show that workers benchmark their position in the labour market with that of colleagues, others in their professional group or branch of industry and use these new insights to actively improve their current position. WageIndicator has also observed that decent work deficits exist mainly because workers are not informed about their rights. Similarly, these violations exist because employers are not apprised of their obligations. WageIndicator websites reach a wide audience (**39.5 million visitors in a 2016**). By placing the *DecentWorkCheck* as a web application prominently on their homepages, chances are that international decent work standards are perceived more and more as rightful national standards. The work is relevant to the challenges posed to the future of work especially the effective enforcement of legislation in financially constrained states, rise of precarious employment and measuring the impact of regulatory regimes.

2.1 Main characteristics of the *DecentWorkCheck*

The main characteristics of the *DecentWorkCheck* are the following:

- Topics of *DecentWorkCheck* relate to ILO's current work on Decent Work Indicators. While ILO's work focuses more on statistics⁵, WageIndicator's work strives to inform workers about their rights. *DecentWorkCheck* analyses de jure labour market institutions and provisions and compares these with international best practices as provided in international labour standards.
- The target population is the labour force and includes all types of workers, employees, employers or self-employed, whether they are formal or less formal.
- *DecentWorkCheck* aims to "create awareness among workers and employers about their rights and obligations respectively (and vice versa) vis-à-vis national and international labour standards. *DecentWorkCheck* is useful both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Employers can also use this as an employment law audit tool to examine whether their organizations are complying with local and international labour standards.
- *DecentWorkCheck* is different from other indices like World Bank's Doing Business Indicators (Employing Workers Index-EWI⁶), World Economic Forum's Global Competitiveness Report (Labour Market Efficiency Pillar⁷), Harvard/NBER Global Labour Survey⁸ or even ISSA's Social Security Programs throughout the World (SSPTW⁹) as it is not only descriptive in nature (like ISSA's SSPTW) and bereft of any subjective opinions (quite unlike GLS and GCR), but also covers a lot of different work related aspects. It is comprehensive when compared with all these labour market related indices. While the Women, Business and Law Database and the Labour Market Regulations Database, both maintained by the Word Bank, cover many topics related to employment security, decent working hours, combining work and family as well as sexual harassment, these databases, though useful for comparative purposes, have limited relevance for workers. Workers

⁵ ILO, under its project, "Monitoring and Assessing Progress on Decent Work (MAP)" created more than 20 country profiles which included both legal and statistical indicators. ILO legal framework indicators include information on evidence regarding implementation effectiveness and coverage of workers in law and practice, information on complaints received and observations made by the ILO supervisory mechanisms.

⁶ It is now referred to as Labour Market Regulation <http://www.doingbusiness.org/data/exploretopics/employing-workers> [accessed 17 May 2017]

⁷ <https://www.weforum.org/reports/the-global-competitiveness-report-2016-2017-1> [accessed 17 May 2017]

⁸ <http://www.nber.org/papers/w11598> [accessed 17 May 2017]

⁹ <http://www.ssa.gov/policy/docs/progdesc/ssptw/index.html> [accessed 17 May 2017]

cannot easily check whether their individual situation is in accordance to the regulations. ILO has also created many descriptive databases in the meanwhile however those are not regularly updated or have limited outreach.¹⁰ The table below shows how these indices are comparatively structured.

Table 1: Comparative Structures of Different Work Related Indices

Sub-Indicators	Issues Covered
<i>Employing Workers Index/Labour Market Regulation</i>	
Hiring	<i>Fixed term contracts, minimum wage regulations</i>
Working Hours	<i>Working days per week, Paid vacations, non-standard work schedules (overtime work, night work, holiday work and pay premiums)</i>
Redundancy Rules	<i>Mandatory legal requirements on economic dismissal (probationary period, third party notification, retraining or reassignment requirements)</i>
Redundancy Cost	<i>Weeks of salary (notice requirement and severance pay)</i>
Job Quality	<i>Equal remuneration for work of equal value, gender non-discrimination in hiring maternity leave (length and wage replacement), sick leave and unemployment protection</i>
<i>Global Competitiveness Index (Labour Market Efficiency)</i>	
Flexibility	<i>Cooperation in labour-employer relations, Flexibility of wage determination, Rigidity of employment, Hiring and firing practices, Redundancy costs, Extent and effect of taxation on incentives to work</i>
Efficient Use of Talent	<i>Pay and productivity, Reliance on professional management, Brain drain (country capacity to attract and retain talent), Female participation in labour force (ratio to men)</i>

¹⁰ These include Working Conditions Laws Database (<http://www.ilo.org/dyn/travail/travmain.home>), Global Database on Occupational Safety and Health Legislation (<http://www.ilo.org/dyn/legosh/en/f?p=14100:1::NO::>), Employment protection legislation database (http://www.ilo.org/dyn/epllex/termmain.home?p_lang=en), Industrial Relations Database (<http://www.ilo.org/dyn/irlex/en/f?p=14100:1:0::NO::>), and Labour Inspection Country Profiles (http://ilo.org/labadmin/info/WCMS_DOC_LAB_INF_CTR_EN/lang--en/index.htm)

The 2004 Global Labour Survey	
General Economic Situation	<i>Economic growth; Unemployment and poverty; Influence of IMF and World Bank on country policies</i>
The Labour Market	<i>Wage-setting; Enforcement of minimum wage policies; Wage arrears; Prevalence of child labour; Gender discrimination</i>
Freedom of Association & Collective Bargaining	<i>Legal and economic position of unions</i>
Labour Disputes	<i>Nature and frequency of industrial disputes; Institutions for resolving labour conflicts</i>
Employment Regulations & Working Conditions	<i>Effect of regulations and collective bargaining on labour contracts, work hours, hiring and firing decisions</i>
Employee Benefits	<i>Pension schemes; Sickness benefits; Unemployment insurance.</i>
Concluding Questions	<i>Respondents' views on several economic and political issues</i>
ISSA's Social Security Programs throughout the World	
Social Security	<i>Old-Age, Disability/Invalidity and Survivors' Benefits, Sickness and maternity benefits (cash benefits + medical care), Work Injury Benefits, Unemployment Benefits, Family Allowance</i>
WageIndicator's DecentWorkCheck	
Productive Work & Adequate earnings	<i>Minimum Wage, Regular and timely payment of wages, Overtime compensation, Compensation for night work, weekend work and holiday work</i>
Decent Working Hours	<i>Paid annual leave, Maximum hours of work (limits on overtime hours), Compensatory holidays for working on weekly/public holidays</i>
Employment Security	<i>Provision of a written statement of particulars at the start of employment, hiring fixed term contract workers for permanent tasks, Length of probation period, Notice requirements, Severance Pay</i>
Combining Work and Life	<i>Family Responsibilities (Paternity leave, Parental leave, Flex-time options), Maternity Protection (Maternity leave, Free medical care, Salary during leave, Exemption from hazardous/arduous work, Protection from dismissal, Right to return to same/similar job, Nursing/Breastfeeding breaks)</i>
Safe Working Environment	<i>Health and Safety at Work (Safe workplace, Provision of free protective equipment, Safety</i>

	<i>training, Labour inspection esp. Occupational safety and health related)Sickness and Employment Injury (Paid sick leave, Access to free medical care, Employment security during illness, Work injury/disability benefit/survivors' benefits)</i>
Social Security	<i>Unemployment Benefit, Old-Age Pensions, Invalidity Benefit, Survivors' Benefit</i>
Equal Treatment at work	<i>Equal pay for work of equal value, sexual harassment laws, Equal treatment in employment, Occupational segregation/Right to choose one's occupation</i>
Children at Work	<i>Minimum age for employment, Minimum age for hazardous work</i>
Forced Labour	<i>Forced labour, Worker's ability to terminate employment, Limit to maximum overtime hours</i>
Social Dialogue/Trade Unions	<i>Right to form and join unions, Right to bargain collectively, Right to strike</i>

2.2 What differentiates *DecentWorkCheck* from others?

- The Global Labour Survey (GLS) and Global Competitiveness Index (GCI) cover a limited number of variables and cannot be used to measure decent work in a country. Moreover, these enumerate only the subjective opinions of local law firms, union leader & activists on local de-facto practices and business executives respectively. On the other hand, *DecentWorkCheck* is based on de-jure labour provisions and real practice in this case is informed only by the workers. Although above mentioned various indicators rank countries on the basis of labour market regulations, however these do not provide any knowledge of labour laws to workers or even employers. These indices can be used only by businesses and highly educated. *DecentWorkCheck* not only ranks countries on the basis of de-jure labour market institutions but also creates awareness among workers about their rights (as well as among employers).
- The *DecentWorkCheck* is also comparable with corporate social responsibility tools like SA8000¹¹ and UN Global Compact principles¹². It is more elaborate and covers a lot more issues than these standards. Organizations, committed to corporate social responsibility and sustainability, may like to use *DecentWorkCheck* as a checklist whether they are following

¹¹ SA8000, the most famous social standard for decent workplace, covers most of issues already covered under DecentWorkCheck however it does not refer to combining work and family (family responsibilities, maternity protection etc.) and social security measures (like old-age pension, work injury benefits, sickness benefits, invalidity and disability benefits). [http://www.sa-intl.org/_data/global/files/SA8000Standard2014\(3\).pdf](http://www.sa-intl.org/_data/global/files/SA8000Standard2014(3).pdf) [accessed 20 May 2017]

¹² The UN Global Compact is a combination of ten universally accepted principles in the areas of human rights, labour, environment and anti-corruption. Its four labour principles (freedom of association and collective bargaining, elimination of forced labour, abolition of child labour and elimination of discrimination in all aspects of employment. [accessed 20 May 2017]

international best practices in the field or not. The concept has been used to create Decent Work App which is now being tested in Indonesian garment sector to measure compliance with national labour standards. The App also inspects the compliance with minimum wages and collect wage-data. The App is helpful in measuring compliance and can be used as a support tool for labour inspection services in the developing countries.

- The *DecentWorkCheck* is also useful for researchers, labour rights organizations conducting surveys on the situation of rights at work and general public wanting to know more about the world of work.
- The *DecentWorkCheck* can also be used as a comparative labour law tool to compare countries around the world and see which country has enacted more labour protective regime.
- The *DecentWorkCheck* is a multilingual tool and similar across these countries. The tool is available in the following languages: Arabic, Bahasa, Burmese, Chinese, English, French, Kinyarwanda, Malay, Malagasy, Portuguese, Russian, Spanish, Swahili, and Vietnamese.¹³
- A *DecentWorkCheck* is divided into three parts:
 - Scoring Part: It scores (happy or sad face) a country local legislation against international labour standards in the field (irrespective of the fact whether a country ratified those or not) on 49 indicators.
 - National Labour Regulations Part: It includes information from local labour laws on 13 topics (48 sub topics) of decent work agenda, as explained in Table 1, page 10.
 - International Regulations Part: It explains the relevant provisions of 28 ILO (Core, Governance, and Priority) Conventions and checks whether a country has ratified these international standards or not.
- Once a country's *DecentWorkCheck* is created, that national labour law information is translated into the national languages. DecentWorkChecks are currently available for 97 countries and for nearly all these countries, labour law information is also provided in the national language. The national part of *DecentWorkCheck* forms the basis of WageIndicator Labour Law Database.
- *DecentWorkCheck* provides both the substantive and procedural legal knowledge. While the substantive legal knowledge is mainly provided online, the procedural knowledge (information on submission of complaints) is provided through online legal help desks.

¹³ <http://www.wageindicator.org/main/labour-laws/labour-law-around-the-world/decent-work-check> [accessed 30 May 2017]

2.3 Why focus on de-jure labour market institutions

While many would argue against building another index focusing only on de-jure labour market institutions and provisions (namely existence of large informal sector, in developing countries, non-compliance coupled with tepid and lacklustre implementation of labour laws), well drafted and inclusive laws (with least "exclusions") are still a pre-condition for attaining decent work. Well-drafted laws provide clear and explicit answers to difficult and perplexing questions. This point is quite lucidly summed up in the World Social Security Report (ILO, 2010), which is of the view that even the widest and most expansive legal foundations cannot achieve the desired outcomes if these are not enforced and backed by sufficient resources. Nonetheless, strong legal foundations are a pre-condition for securing higher provisions and resources. There is not a single situation where a country provides generous benefits (this report focuses on social security provisions but its insights can still be generalized) without a comprehensive legal basis (ILO, 2010). Similar points have been raised by Botero et al. (2004) that formal rules, although different from "on the ground" situation, still matter a lot. Work of Heymann and Earle (2010) clearly indicates that in the absence of legislation, even the wealthiest country in the world, i.e., United States of America, is unable to ensure decent working conditions for majority of its citizens. As explained by the Heymann and Earle (2010), "laws indicate a state's commitment to its people, lead to change by shaping public attitudes, encourage government follow-up through inspection and implementation of law and allow court action for enforcement".

3. Comparing Labour Law Provisions Worldwide

WageIndicator Labour Law Database maps labour laws on 33 different indicators. These range from minimum wages and working time to employment contracts to occupational safety and health legislation to fair treatment at work laws. The work highlights employment protection legislation (probation periods, notice periods, severance payments) as well as work and family legislation (different kinds of leave and protection from dismissals and nursing breaks). It also brings forward legislative data on prohibition of child labour, forced labour, sexual harassment at work and equal pay for equal work. This data is updated every year and is the most up to date country level data with text referring to the primary legal resources (Constitutions, Labour Codes, Penal Codes, etc.).

The Labour Law Database can be used by the civil society as an information base for bolstering existing reform efforts. It can be used by the governments in the developing countries to compare legislative developments in the region and initiate reforms where needed. It can also help countries in identifying the best practices and the drafting of model legislation for enactment.

For example, length of single fixed term contracts is generally 37 month or more (including countries which do not specify any limit). The two-year limit is followed mostly in Central and West African

countries as well as in certain European countries. Indonesia and Brazil also follow the two-year limit on fixed term contracts. The countries which specify one-year limit on fixed term contracts are very limited and include Bolivia, Chile, Kazakhstan, Morocco, Pakistan, Spain, and Venezuela.

Figure 1: Length of Single Fixed Term Contracts



Source: WageIndicator Labour Law Database¹⁴

As for paternity leave, the most common arrangement is less than one week where entitlement ranges from one day (Angola, Chad, Italy, Malta, and Tunisia) to five days (Hungary, Mexico, and Russia). South Asian countries do not provide any paternity leave.¹⁵ Parental leave however seems mostly a developed country phenomenon as none of the African countries provides for parental leave except Burkina Faso and Guinea. Similar is the case of Asia where none of the countries except Russia, Central Asian States, Japan, South Korea, and Taiwan provide for parental leave.

¹⁴ <https://goo.gl/N4xxB4> or <http://www.wageindicator.org/main/labour-laws/decent-work-map> [accessed 30 May 2017]

¹⁵ <https://goo.gl/etlpjV> or <http://www.wageindicator.org/main/labour-laws/decent-work-map> [accessed 30 May 2017]

Figure 2: Parental Leave Duration



Source: WageIndicator Labour Law Database¹⁶

In the case of maternity leave, the most common provision is 1-13 weeks, mostly found in the developing countries. Gulf countries mostly provide a maternity leave of 10 weeks or so. In developed countries as well as French African countries, the provision is 14 weeks or more of maternity leave. Czech Republic, India, Iran, Ireland, Slovakia and Vietnam are the only countries which provide a maternity leave of 26 weeks. It is interesting to see that nursing breaks are more universal and nearly all of the countries provide nursing breaks of at least one-hour duration¹⁷.

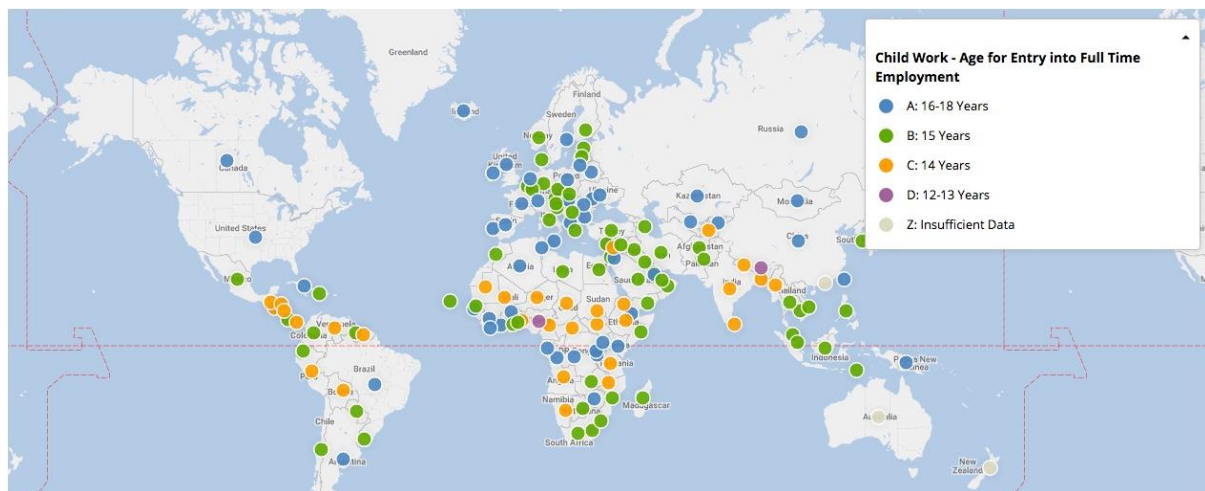
Minimum age for employment is 15 years and above in most of the countries. Many countries in Africa and South Asia retain the minimum age for employment as 14 years. Bhutan and Nigeria are the only countries where minimum age for work is 13 years and 12 years respectively. The support for higher minimum age for hazardous work has led to a universal level of 18 years¹⁸.

¹⁶ <https://goo.gl/quCVrE> or <http://www.wageindicator.org/main/labour-laws/decent-work-map> [accessed 30 May 2017]

¹⁷ <https://goo.gl/J6mvk2> or <http://www.wageindicator.org/main/labour-laws/decent-work-map> [accessed 30 May 2017]

¹⁸ <https://goo.gl/xfnKRe> or <http://www.wageindicator.org/main/labour-laws/decent-work-map> [accessed 30 May, 2017]

Figure 3: Minimum Age for Employment



Source: WageIndicator Labour Law Database¹⁹

4. Analysing Changes in Labour Legislation (2012-17)

WageIndicator Labour Law database has been tracking changes in labour law for the last 5 years. It must however be indicated that only the changes in major legislation (Constitution or Labour Code, Penal Code and Equality Law) are tracked and indicated here.

Labour law changes in the last 5 years can be classified under five heads:

- i. **Employment Security** which includes changes in requirements on written employment contracts, *fixed term and temporary contracts, probation period, termination notice requirements, and severance pay*;
- ii. **Work and Family** which includes changes in paternity leave, parental leave, flex-time options, maternity leave, and nursing breaks;
- iii. **Fair and Equal Treatment at Work** which includes changes in equal pay for work of equal value, sexual harassment laws, and equal treatment at work (without any discrimination)
- iv. **Children at Work** which includes changes in child labour legislation (minimum age for employment and minimum age for hazardous work)

¹⁹ <https://goo.gl/H63UtW> or <http://www.wageindicator.org/main/labour-laws/decent-work-map> [accessed 30 May 2017]

Table 2: Labour Law Changes (2012-17)

Employment Security (A)	Work and Family (B)	Fair and Equal Treatment at Work (C)	Children at Work (D)
Belgium, Brazil, Bulgaria, Croatia, Finland, France, Italy, Kuwait, Latvia, Lithuania, Netherlands, Norway, Poland, Qatar, Saudi Arabia, Slovakia, Slovenia, United Arab Emirates,	Austria, Brazil, Colombia, Czech Republic, Guinea, India, Italy, Luxembourg, Nicaragua, Paraguay, Poland, Portugal, Romania, Saudi Arabia, Spain, Sweden, Tanzania, Turkey, United Kingdom, Vietnam,	Costa Rica, Egypt, El Salvador, Guinea, Nigeria, Pakistan, Peru, Portugal, Romania, South Africa, Zambia	Argentina, Benin, India, Mexico, Myanmar, Pakistan, Tanzania, Uganda

A cursory look at the table above indicates that labour law changes in Europe have mostly focused on employment protection and its sub topics. Labour market rigidity has long been seen as a reason for the lack of competitiveness in the European countries as well as the low level of job creation. The labour market reforms in recent years are aimed at enhancing flexibility and reducing the cost of workforce restructurings. Work and family issues, especially parental leave, have again been mostly the concern of developed countries. In the case of fair treatment at work and child labour, most changes are noted in developing economies.

4.1 Employment Security

Belgium started a unified system of termination notice for both blue and white collar workers in 2014. In order to ensure flexibility in the labour market, Brazil has enacted an Outsourcing Law in 2017 which allows to outsource any jobs, even those related to the core business of an enterprise. Temporary employment contracts can be used for a maximum term of 9 months.

An amendment in the Bulgarian Labour Code now allows the employer to terminate the employment with one- month notice if the employee has acquired the right to retirement (with both full and reduced pension) on the grounds of retirement age and working experience. Croatian Labour Code,

amended in 2014, now allows greater flexibility in working hours; easier cancellation of employment contracts in certain cases; and encourages certain forms of atypical employment. Finland has raised the probation period from 4 to 6 months.

Maximum length of a single fixed term contract (including subsequent renewals) is 18 months (one and a half years) in France. Under a 2015 Law, there is a possibility to renew temporary agency work assignments twice (as well as fixed-term contracts). However, the total duration of the tenure (including renewals) remains unchanged. The earlier legislation provided for defensive agreements when the company faced financial difficulties and such agreements allowed to change working time and wages. In order to support employment creation, the new El Khomri Law provides for offensive agreements, which allow a company to expand its business. This employment creation agreement can be applied for two years.

In Italy, it is no longer needed to explicitly specify the reasons for the fixed term contract between the parties. The law sets a limit to use of fixed term contracts: the number of fixed term workers cannot exceed the 20% of the enterprise workforce.

As for January 2015, the length of fixed term contracts has been raised from 3 to 5 years in Latvia. The minimal break between two contracts is now 60 days instead of 30. Employers cannot dismiss a breastfeeding woman worker until the child reaches two years of age (earlier the restriction applied for the whole breastfeeding period). Law now also requires that all employment contracts must be in Latvian. If a foreign worker does not understand Latvian, their language must also be used in addition.

Lithuanian Labour Code is going through a major overhaul, which will be applicable from 1 July 2017. It introduces a number of different types of contracts, introduction of notice periods and severance pay for fixed term contracts. Maximum duration of fixed term contracts is also reduced from five to two years.

In Netherlands, law has changed with regard to routes for dismissal (termination proceedings at the sub-district court or dismissal with consent of the Employee Insurance Agency) depending on the causes of dismissal (personal reasons or dismissal based on commercial reasons and illness for more than two years. There are changes in redundancy pay and worker is entitled to receive 10 days' wages for every year of service for the first ten years and 15 days' wages for every year from eleventh year onward. The "chain of contracts" also changed in that the maximum term of fixed term contracts has been reduced from 36 months to 24 months.

In Norway, the statutory limit for employment termination by the employer has been raised from 70 to 72 years. Employers may choose a lower age limit however not under 70 years. These changes have no impact on pension rights however it allows workers to stay longer in employment if required by

the employers. Workers who have been employed for more than 3 years as a temporary replacement are considered permanent employee. Earlier the limit was 4 years. Only 15% of the enterprise workforce can be engaged on temporary contracts.

In Poland, employers are required under a 2016 law to conclude employment contract with a worker before start of employment. Earlier, it could be done by the first day of work. The maximum length of single fixed term contract or several fixed term contracts (maximum three) now cannot exceed 33 months. Notice periods are standardized for all types of contracts, ranging from 2-3 weeks depending on the length of service.

The maximum length of fixed term contracts has been reduced from three to two years in Slovakia since 2013. In Slovenia, the maximum notice period is reduced from 120 to 80 days. Workers are entitled to severance on termination of a fixed term contract though severance pay formulas are reduced both for fixed term and indefinite term contracts.

The changes in Gulf countries relate mainly to the creation of a model contract where employers are now required to use the model contract in all hiring. Moreover, laws now prohibit employers in the Gulf region to withhold workers' passports unless specifically requested by the worker.

4.2 Work and Family

From March 2017, new fathers in Austria are entitled to paternity leave of one month (28-31 days), referred to as “family time bonus”, which must be taken within 91 days of the childbirth.

Paternity leave is raised in the following countries:

- a) Brazil: five days to 20 days (2016)
- b) Czech Republic: No entitlement to one week (2018);
- c) Italy: No entitlement to one day (2012);
- d) Nicaragua: No entitlement to five days (2014);
- e) Portugal: 20 working days to 25 working days (2015);
- f) Saudi Arabia: one day to three days (2015);
- g) Spain: two weeks to four weeks (2017);
- h) Turkey: No entitlement to five days (2015);

In Brazil, adoptive parents are now entitled to 120 days of paid leave on the adoption of a child, irrespective of the age or sex of the adopted child. India also provides 12-week adoption leave. Turkey provides three-day adoption leave for fathers (as paternity leave). In UK, now a 52-week-adoption leave is available for the adoptive parents. In Vietnam, adoption leave is now available until the adopted child turns 6 months (earlier the limit was 4 months).

Parental leave is reformed in Luxembourg in December 2016. Parents can now choose between three options that can be further broken down into six parental leave arrangements. Parental leave is raised in the following countries:

- a) Poland: 26 weeks to 32 weeks (2016)
- b) Romania: parental leave available until a child reaches second birthday;
- c) UK: provision of shared parental leave of 18 weeks;

Maternity leave has been raised in many countries.

- a) Colombia: 14 weeks to 18 weeks (2017)
- b) El Salvador: 12 weeks to 16 weeks (2016)
- c) India: 12 weeks to 26 weeks (2017)
- d) Paraguay: 12 weeks to 18 weeks (2015)

- e) Saudi Arabia: 10 weeks (already available) and one month of unpaid leave (2015);
- f) Turkey: 16 weeks (already available) and unpaid maternity leave for 60-180 days depending the number of births (2016)

There have been changes in nursing breaks. Nursing breaks in Paraguay (applicable from 2015) are enhanced for the first 6 months to 90 minutes (earlier 60 minutes) and for the remaining 18 months, the duration is still 60 minutes. New law also requires companies employing 30 or more women to provide lactation room.

Under 2017 regulations, female breastfeeding workers in Tanzania are allowed (for a period of at least six months after maternity leave) nursing breaks for a maximum of two hours during working hours. Guinea, on the other hand, has reduced the length of nursing breaks from 15 months to 9 months under its 2014 Labour Code.

4.3 Fair and Equal Treatment at Work

Countries have reformed their labour legislation which now prohibits discrimination on various grounds. Similarly, workplace harassment is enjoined under new legislation in other countries.

Labour Procedure Code in Costa Rica, effective from July 2017, prohibits any discrimination in the workplace based on age, ethnicity, gender, religion, race, sexual orientation, marital status, political opinion, national extraction, social origin, affiliation, disability, union affiliation, economic status or any other similar form of discrimination is prohibited. Similarly, dismissal of workers on above grounds is also prohibited.

The 2014 Labour Code in Guinea prohibits sexual harassment at the workplace. It also prohibits discrimination on the basis of sex, age, national origin, race, religion, colour, political and religious opinion, social origin, union membership and union activity, disability and HIV status (real or perceived). Earlier, non-discrimination provisions were found in Constitution and interprofessional collective agreement. HIV and AIDS (Anti-Discrimination) Act 2014 prohibits discrimination in employment due to real or perceived HIV status in Nigeria. Provincial labour legislation in Pakistan, especially Khyber Pakhtunkhwa and Sindh, now prohibits discrimination on the basis of race, colour, sex, religion, political opinion, national extraction or social origin.

A 2016 law in Peru prohibits discrimination against the elderly (60 years or older) and also requires the state to promote employment and self-employment opportunities for the elderly. Labour Code amendment in 2015 now explicitly prohibits discrimination on the ground of gender identity and of gender reassignment. An amendment in the Employment Equity Act in South Africa now prohibits discrimination also on any other arbitrary ground. Another change in the Act now deals with unfair

discrimination by an employer in respect of wages and other employment conditions for workers doing “the same or similar work or work of equal value”. Gender Equity and Equality Act, 2015 is promulgated in Zambia. It has provision on equal remuneration. The Act further prohibits discrimination against women on the basis of sex, marriage, disability, pregnancy and maternity leave.

Egypt has amended its Penal Code in 2014 to incorporate prohibition of sexual harassment provisions. Both civil remedies and criminal penalties are provided under the Code. Egypt is the only country in the Middle East, along with Israel and Kuwait, which prohibits sexual harassment at workplace.

4.4 Children at Work

Legislation has been enacted or reformed by the countries in this area also. A 2016 Decree in Argentina prohibits employment of minors (under 18 years) in works which expose minors to physical, psychological and sexual abuse; work performed underground, under water, dangerous heights or confined places; exposure to hazardous chemical or biological substances; and construction work.

The Child Labour (prohibition and regulation) Amendment Act 2012 (passed in July 2016) in India has raised the minimum age for employment to 14 years. Minimum age for hazardous works has been raised to 18 years for work in mines, inflammable substances, explosives, and hazardous processes. The minimum age for other 16 ‘hazardous occupations’ and 65 ‘processes’ is still 14 years.

Federal Labour Law in Mexico has raised the minimum age for employment from 14 to 15 years. The minimum age for hazardous work is also raised from 16 to 18 years. Federal Labour Law now includes a comprehensive list of hazardous works prohibited for children.

Shops and Establishments Act 2016 in Myanmar fixes the minimum age for employment as 14 years (earlier 13 years) and minimum age for hazardous work as 18 years. Provincial legislation in Pakistan now sets the minimum age for work as 14 years (15 years in Punjab) and 18 years for hazardous work.

Child labour regulations improved in Tanzania in 2017. Night work and overtime work are prohibited for children under 18. A comprehensive list of hazardous works prohibiting child labour is also issued. In Uganda, the Child Amendment Act 2016 raised the minimum age for employment from 14 to 16 years.

The map below shows the changes in countries over years.

Figure 4: Labour Law Changes (2012-17)



Source: WageIndicator Labour Law Database²⁰

²⁰ <https://goo.gl/Lk1nKZ> [accessed 30 May 2017]

5. Conclusion

WageIndicator Labour Law Database is unique since it covers a large number of countries and areas related to labour and employment law. Decent Work Checks are currently available for 100 countries with plans to extend the work to 152 countries by end of 2020.

As indicated elsewhere, the database and its underlying Decent Work Check is relevant not only for workers, but also employers, civil society organizations, and policy makers. The comparative tool (maps) can also be used by Labour Ministries for finding the best practices within their own regions and around the world. With increased internet use, availability of reliable and objective legal rights information is the first step towards compliance. WageIndicator labour law database helps in achieving that step.

In the coming years, this database can be converted into an online tool (like constitute project²¹) which can help countries in drafting labour codes by following the regional or world best practices. Similarly, Decent Work App, currently being used in Indonesian garment sector, can also be used for other countries to inform de-facto practices. Labour rights information and awareness, through all these tools, can help workers organize and collectively bargain better terms and conditions including living wages²². The WageIndicator Labour Law Database²³ is complemented by other WageIndicator databases which include Collective Agreements Database²⁴, Minimum Wages Database²⁵, Real Wages Database²⁶, and Living Wages/Wages in Context Database²⁷.

²¹ <https://www.constituteproject.org/> [accessed 17 May 2017]

²² WageIndicator has collaborated with Global Labour Organization to promote collection of labour market data in all countries and provide access to this data. The labour law database and other databases' (numeric) data is accessible on demand. <https://glabor.org/wp/data/> [accessed 30 May 2017]

²³ <http://www.wageindicator.org/main/labour-laws/labour-law-around-the-world> [accessed 30 May 2017]

²⁴ <http://www.wageindicator.org/main/labour-laws/collective-bargaining-agreements> [accessed 30 May 2017]

²⁵ <http://www.wageindicator.org/main/salary/minimum-wage> [accessed 30 May 2017]

²⁶ <http://www.wageindicator.org/main/salary/Salarycheckers> [accessed 30 May 2017]

²⁷ <http://www.wageindicator.org/main/salary/wages-in-context> [accessed 30 May 2017]

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