

Decent Work Check and SDG Target 8.8

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2030 Agenda for Sustainable Development

- Sustainable Development Goals, approved in 2015
 - 17 Goals
 - 169 Targets
 - 232 Indicators
- Millennium Development Goals, approved in 2000
 - 8 Goals
 - 18 Targets
 - 48 Indicators



Excess is not always BAD!

- **SDG 8:** Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
 - 5 Targets and 7 Indicators relate to Decent Work
- **Target 8.8**
 - Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment
- MDGs added Target 1B, related to decent work, only in 2007!

Decent Work Check and WageIndicator Labour Law Database

Decent Work

- Decent Work, a term first used by the ILO in 1999, is done under conditions where:
 - people are gainfully employed (and there exist adequate income and employment opportunities);
 - social protection system (labour protection and social security) is fully developed and accessible to all;
 - social dialogue and tripartism are promoted and encouraged; and
 - rights at work, as specified in ILO Declaration on Fundamental principles and Rights at Work and Core ILO Conventions, are practiced, promoted and respected

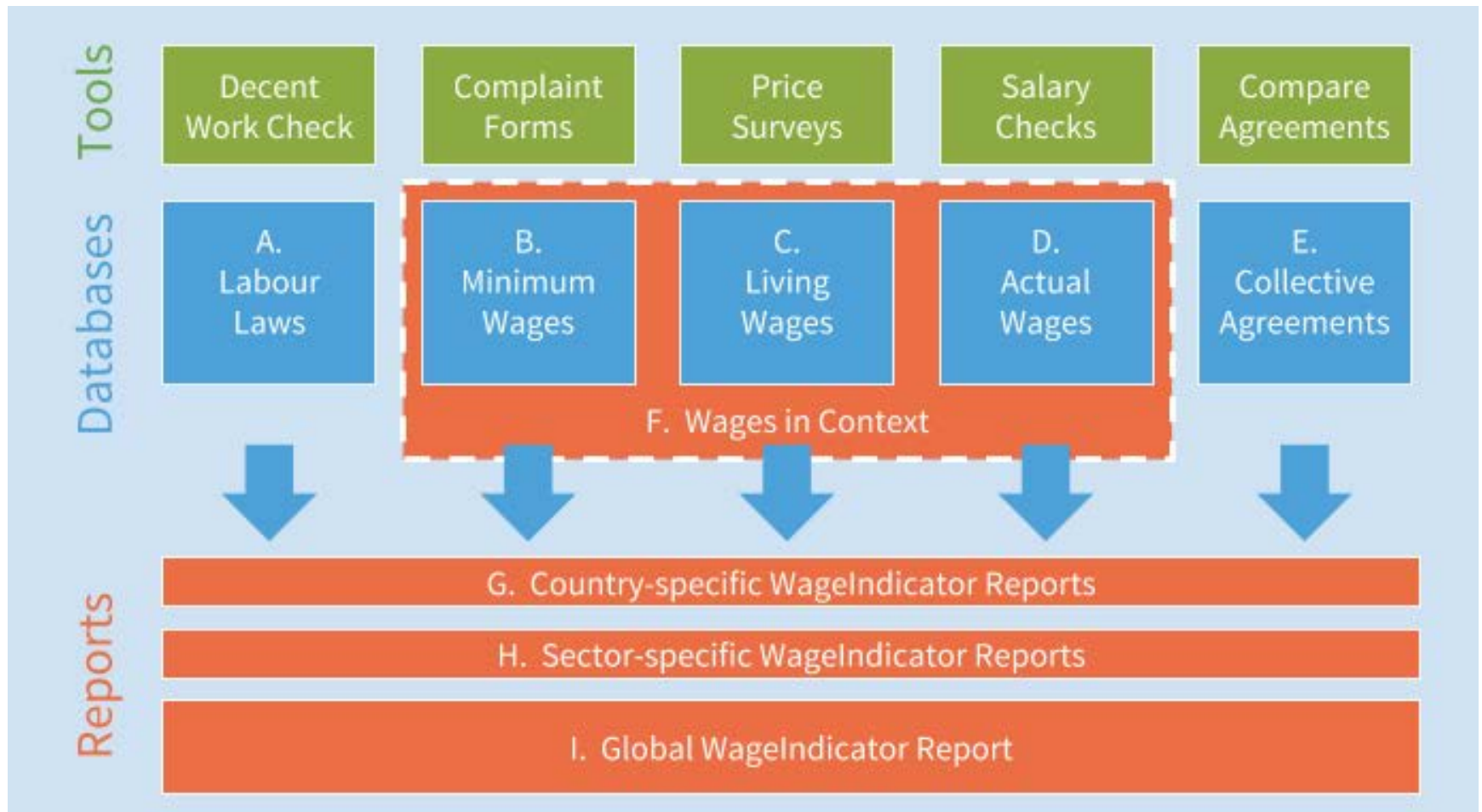
Achieving Decent Work

- Removing Information Gaps
- link between enforcement of labour legislation (compliance) and level of awareness among stakeholders (*Lee and McCann, 2009; Fenwick et al, 2007*)
 - Enhanced enforcement through bottom up approach (*Alexander and Prasad, 2014*)
- Provision of a tool to measure quality of work
 - Decent Work Check (*Ahmad, 2017*)

Decent Work Check

- WageIndicator Foundation
 - Share and compare wages, labour law and career info (since 2000)
 - 92 country websites with nearly 40 million users (2016)
- Measuring quality of work with Decent Work Check (since 2007) – 100 countries in 2017
- Double Comparison System
 - Compare national law with international labour standards
 - Worker compares his/her own situation with local and international standards

WageIndicator Platform



Understanding Decent Work Check

- Three parts
 - Scoring Part (49 questions)
 - National Labour Law information (48 themes):
WageIndicator Labour Law Database
 - International Regulations Part (28 ILO Conventions:
Core, Governance and Technical Conventions)
- Substantive Elements of Decent Work Agenda
 - 10 elements of DWA
 - 13 topics and 48 sub topics

Decent Work Agenda

WageIndicator's Decent Work Check

Productive Work & Adequate earnings	Minimum Wage, Regular and timely payment of wages, Overtime compensation, Compensation for night work, weekend work and holiday work
Decent Working Hours	Paid annual leave, Maximum hours of work (limits on overtime hours), Compensatory holidays for working on weekly/public holidays
Employment Security	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
Combining Work and Life	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)
Safe Working Environment	Health and Safety at Work (Safe workplace, Provision of free protective equipment, Safety 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)
Social Security	Unemployment Benefit, Old-Age Pensions, Invalidity Benefit, Survivors' Benefit
Equal Treatment at work	Equal pay for work of equal value, sexual harassment laws, Equal treatment in employment, Occupational segregation/Right to choose one's occupation
Children at Work	Minimum age for employment, Minimum age for hazardous work
Forced Labour	Forced labour, Worker's ability to terminate employment, Limit to maximum overtime hours
Social Dialogue/Trade Unions	Right to form and join unions, Right to bargain collectively, Right to strike

Cambodia: Maternity Leave

International Regulations

06/13 Maternity and Work

ILO Conventions on maternity and work

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

Cambodia has not ratified both Conventions 103 & 183.

Free medical care

During pregnancy and maternity leave, you should be entitled to medical and midwife care without any additional cost.

No harmful work

During pregnancy and while breastfeeding, you should be exempt from work that might bring harm to you or your baby.

Maternity leave

Your maternity leave should last at least 14 weeks.

Cambodia: Maternity Leave

National Regulations

Maternity Leave




Female employees are entitled to at 90 days paid maternity leave on the birth of a child. The Arbitration Council has ruled that 90 days of maternity leave refers to 90 calendar days, including Sundays and holidays. There are no clear provisions in the law providing for an extension of maternity leave. Employment contract of a female worker is suspended during pregnancy, delivery and for absences due to any post-natal illness. The Labour Law implicitly provides extension in maternity leave in the event of post-natal illness.

Sources: §182 of the Labour Law, promulgated by Royal Order No. CS/RKM/0397/01 of 13 March 1997 (amended in 2007); Arbitration Council Awards (25/2008, 23/2008, 08/2007)

Cambodia: Maternity Leave

Scoring Part

06/13 Maternity & Work

- | | | | | | |
|-----|---|-----|---|--------------------------|--------------------------|
| 18. | I get free ante and post natal medical care | Y N |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 19. | During pregnancy, I am exempted from nightshifts (night work) or hazardous work | Y N |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 20. | My maternity leave lasts at least 13 weeks | Y N |  | <input type="checkbox"/> | |

Labour Rights/Law Databases

Labour Rights Databases

- **ILO Databases**
 - Working Conditions Laws Database (Travail)
 - Global Database on Occupational Safety and Health Legislation (Legosh)
 - Employment protection legislation database (Eplex)
 - Industrial Relations Database (Irlex)
 - Labour Inspection Country Profiles
 - Decent Work Country Profiles
 - Labour Rights Indicators
- **World Bank Databases**
 - Women, Business and Law Database (WBL)
 - Doing Business (Labour Market Regulation)
- **World Economic Forum**
 - Global Competitiveness Index (Labour Market Efficiency Pillar)
- **International Social Security Association**
 - Social Security Programs Throughout the World (SSPTW)
- **Harvard/NBER**
 - Global Labour Survey (GLS)
- **ITUC**
 - Global Rights Index

Comparison of Labour Rights Databases

Comparative Analysis of Labour Law/Rights Databases								
Database	Countries covered	Covered Elements of DWA	Description (A) (based on full legal reference) or coded data (B)	objective or subjective (opinion survey)	Database aimed at (awareness (A), or comparative analysis (B))	Availability in Languages	Frequency of updates	Last updated
International Labour Organization								
Working Conditions Laws Database (Travail)	156	03	A	Objective	B	English (01)	Once only	2012
Occupational Safety and Health Legislation (Legosh)	132	01	A	Objective	B	English (01)	Once only	2013-17
Employment protection (Eplex)	97	01	A	Objective	B	English (01)	Two years	2009-2013
Industrial Relations Database (Irlex)	41	01	A	Objective	B	English (01)	Once only	2016
Decent Work Country Profiles	18	10	A	Objective	B	English (01)	Once only	2009-13
Labour Inspection Country Profiles	65	01	A	Objective	B	English (01)	Once only	2013
Labour Rights Indicators	187	01	B	Objective	B	English (01)	Three years	2012-2015
World Bank								
Women, Business and Law Database (WBL)	173	03	A	Objective	B	English (01)	Two years	2010-2016
Doing Business (Labour Market Regulation)	190	02	B	Objective	B	English (01)	Every year	2004-2018
World Economic Forum								
Global Competitiveness Index (Labour Market Efficiency Pillar)	137	02	B	Subjective	B	English (01)	Every year	2001-17
International Social Security Association								
Social Security Programs Throughout the World (SSPTW)	170	01	A	Objective	B	English (01)	Two years	2002-2017
Harvard/NBER								
Global Labour Survey (GLS)	33	02	B	Subjective	B	English (01)	Once	2004
International Trade Union Congress								
Global Rights Index/ITUC Survey	139	01	B	Both	B	English (01)	Every year	2014-17
WageIndicator Foundation								
Decent Work Check	100	10	A	Objective	A + B	English and national language (38 Languages)	Every year	2012-17

Issues with Indices

(except **Decent Work Check**)

- Lack of description and incomplete information (no reference to the law or its section/article);
- Updated irregularly or outdated information;
- Composed of subjective opinions of experts, executives or trade unionists;
- Cover limited issues and/or countries

Why WageIndicator Labour Law Database?

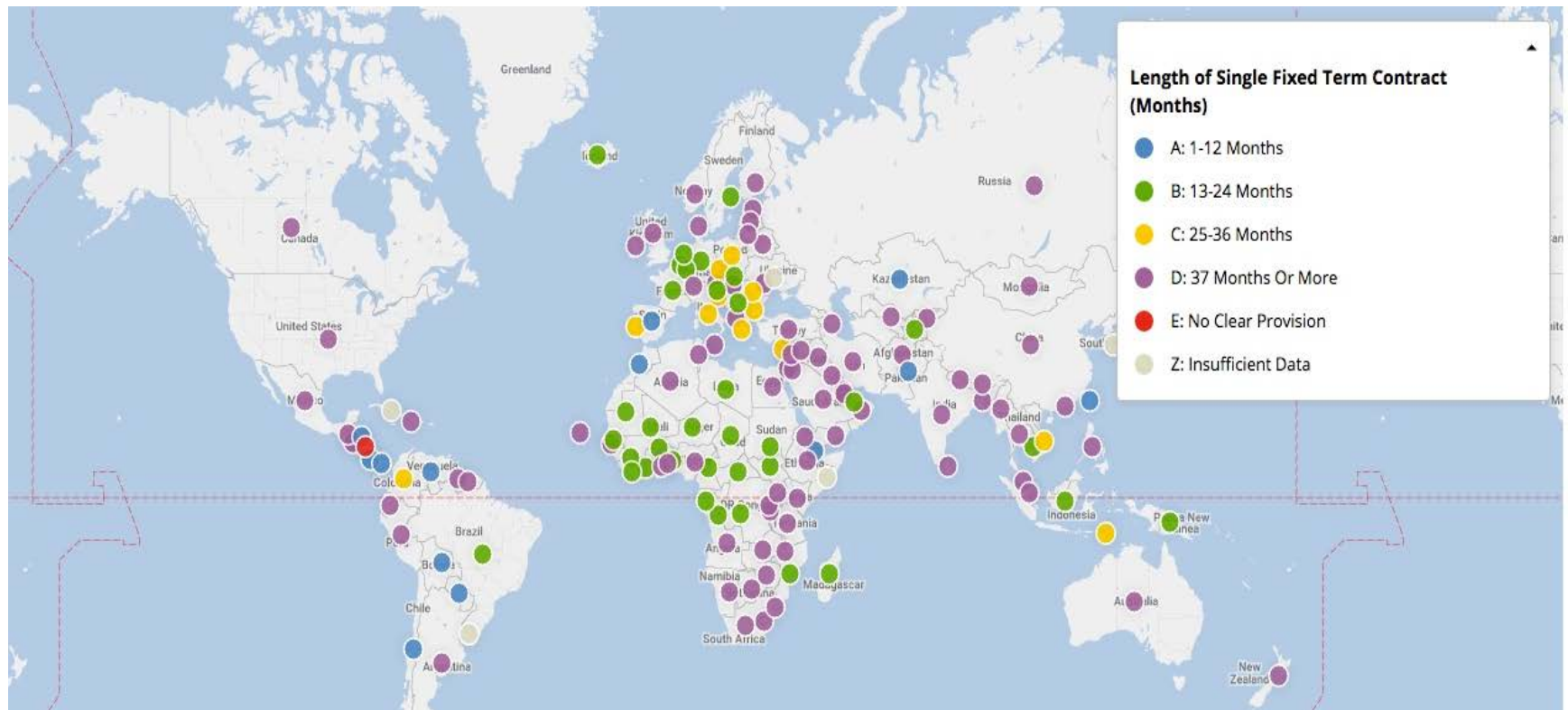
- Covers most topics (**10 DWA elements and 48 themes**) and countries (**100 countries**);
- Updated **every year**;
- Maps **33 labour law indicators** for **152 countries**;
- Extensive outreach (**40 million visitors in 2016 on 92 country websites**); and
- Available in multiple languages: **22 EU official languages + 16 other languages**
 - Albanian, Amharic, Arabic, Bahasa, Bangla, Burmese, Chinese, Dutch, English, French, German, Japanese, KinyaRwanda, Malay, Malagasay, Portuguese, Russian, Sinhalese, Spanish, Swahili, Tamil, Turkish, Ukrainian, and Vietnamese
- Creates awareness among **workers and employers** about their rights and obligations respectively vis-à-vis national and international labour standards;
- Used by the **civil society** as an information base for bolstering existing reform efforts;
- Used by the **governments** in the developing countries to compare legislative developments in the region and initiate reforms where needed;
- identifying the best practices and the **drafting of model legislation** for enactment.
- Comparative legal database for researchers

Mapping Labour Law

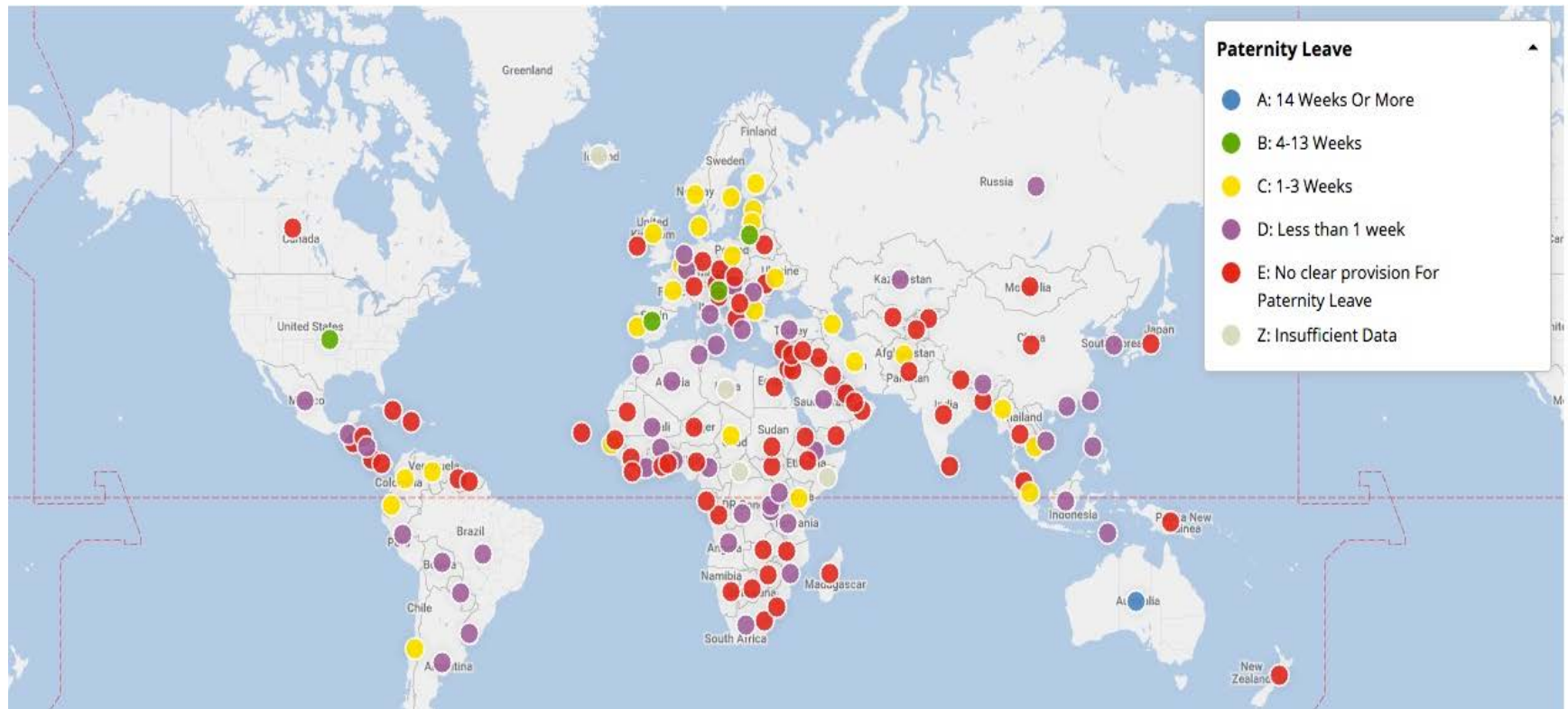
Mapping Labour Law: 33 Indicators, 152 countries

Working Conditions	Employment Conditions	Work and Family	Fundamental Rights
Wage Payment at the end of wage period (Days)	Employment Contracts (format)	Paternity Leave	Equal Pay for Equal Work
General Working Hours	Length of Single Fixed Term Contract (Months)	Parental Leave	Sexual Harassment
Maximum working hours (including overtime)	Probation Period	Maternity Leave	Forced Labour Prohibition
Overtime Compensation Rates	Contract Termination Notice Period	Maternity Leave (Duration): ILO Conventions	Child Work - Age for Entry into Full Time Employment
Night Work Compensation (Type)	Severance Pay	Maternity Leave Payment	Child Work - Age for Hazardous Work
Premium for Night Work	Unemployment Benefits	Nursing Breaks - Length (Months)/Age of Child	Work Prohibited for Children under 18 years (Type)
Public Holidays (Number of Days)	Minimum Wage Provision		Freedom to Join and Form a Union
Weekly Rest Time (hours)			Freedom of Collective Bargaining
			Right to Strike

Mapping Labour Law: 33 Indicators, 152 countries



Mapping Labour Law: 33 Indicators, 152 countries



Mapping Labour Law: 33 Indicators, 152 countries



Labour Law Changes (2012-17)

Analysing Changes in Labour Legislation (2012-17)

- **Employment Security**

- changes in requirements on written employment contracts, fixed term and temporary contracts, probation period, termination notice requirements, and severance pay;

- **Work and Family**

- changes in paternity leave, parental leave, flex-time options, maternity leave, and nursing breaks;

- **Fair and Equal Treatment at Work**

- changes in equal pay for work of equal value, sexual harassment laws, and equal treatment at work (without any discrimination)

- **Children at Work**

- changes in child labour legislation (minimum age for employment and minimum age for hazardous work)

Analysing Changes in Labour Legislation (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

Analysing Changes in Labour Legislation (2012-17)



Conclusion

- With its greater outreach and objective explanation of labour rights, Decent Work Check and WageIndicator websites help in achieving SDG Target 8.8 through increased awareness at a global level;
- 40 million WageIndicator websites users are 40 million individuals, rather households, with increased awareness on labour rights;
- Decent Work Check Survey Application: used in 2017 in Indonesian garment sector (1,800 surveys) already proves the importance of raising legal literacy among workers and its impact on compliance, especially in export-sectors.

All Decent Work Checks and maps are available here

www.decentworkcheck.org

Thanks