



The Global Initiative
for Economic, Social and Cultural Rights



**Joint submission by
Defend Job Philippines &
Global Initiative for Economic, Social & Cultural Rights
to
the Office of the High Commissioner for Human Rights
on**

**The realization of the right to work and the enjoyment of all human rights
by women, with an emphasis on the empowerment of women**

September 2016

1. Introduction

This is a joint submission made by Defend Job Philippines and the Global Initiative for Economic, Social and Cultural Rights (GIESCR).

Defend Job Philippines is a Filipino non-profit non-governmental organization founded by displaced women and men workers, labor unions and other sectoral groups in Metro Manila affected by the global economic crisis. Defend Job Philippines' mission is to raise awareness in workplaces and communities about human rights, document and expose violation of these rights, bring these cases to the government's attention and forge solidarity amongst social movements and affected people for the realization of human rights and social justice.

The **GIESCR** (www.globalinitiative-esr.org) is an international human rights non-governmental organization that works to improve the lives of persons living in poverty across the globe through human rights advocacy and legal strategies.

In March 2016, the Human Rights Council passed a resolution on the right to work, requesting the Office of the High Commissioner for Human Rights to prepare a report '*on the relationship between the realization of the right to work and the enjoyment of all human rights by women, with a particular emphasis on the empowerment of women, in accordance with States' respective obligations under international human rights law and the relevant major challenges and best practices in that regard*'¹

This submission provides input to the OHCHR for the purposes of informing the preparation of that report. It provides information and analysis on the situation of women 'sweat-shop' workers in the Philippines.

¹Human Rights Council resolution, A/HRC/RES/31/15, paragraph 25.



The information provided emanates from the work of Defend Job with sweat shop workers in Manila, a study undertaken in conjunction with the Polytechnic University of the Philippines involving interviews and focus group discussions with workers from Valenzuela and case studies of female sweat shop workers.

2. The situation of women 'sweat-shop' workers

'Sweat shop workers' are workers working in factories or manufacturing businesses under very poor working conditions. 'Sweatshop' is defined by the US Department of Labor as a factory that violates 2 or more labor laws.

Sweatshops are characterized by poor working conditions, unfair wages, unreasonable hours, child labor, and a lack of benefits for workers. Often, these workers are treated like slaves and deprived of rest, sleep and water and they have no legal rights, so are powerless to complain about their treatment.

The problem of sweat shops is particularly relevant to women because women make up a very high proportion of these workers. This is due to the discriminatory perception that women are less assertive or likely to complain, less likely to be members of unions and are entitled to lower wages. Again this is based on stereotyped sex roles of men as the bread winners and women as supplementary earners. Therefore, many employers prefer to employ women workers who they believe they can pay less and exploit.

For example, garment manufacturing sectors, particularly throughout Asia, are overwhelmingly comprised of women workers who are generally less unionised and have lower bargaining power over their wages and working conditions. This is the case in countries like Bangladesh and Cambodia, where women make up over 80% of each country's highly profitable garment manufacturing industry and are paid a fraction of a living wage.²

3. The International context

Women workers make up the overwhelming majority of the workforces of labour-intensive, export industries in developing countries and tend to be concentrated in the most vulnerable and precarious jobs of global production systems. Thus as labour has become more flexible, informal and insecure it has also become feminized.

The increased demand for women workers in export industries has been credited, mainly or at least partially, for the phenomenal expansion of women's

² See Report of the Working Group on the issue of Discrimination Against Women in Law and Practice, 'Thematic report on discrimination against women in economic and social life', A/HRC/26/39, April 2014, paragraphs 70 – 73.



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paid employment in developing countries. This expansion has taken place even in countries where women's participation in paid work was traditionally low and socially unacceptable (e.g. Bangladesh). Under the current international division of labour, labour-intensive portions of production where wage costs are important are located in low-wage locations. These segments are at the low end of global supply chains, where workers and producers receive proportionately the least return for their labour, and wield the least negotiating power over the terms of the exchange.³

Women are the majority of these low-wage workers. In Asia, this is reflected in a correlation between the gender wage gap and the growth in export-oriented manufacturing growth.⁴

The demand for women workers is based on gender stereotypes of women as docile, less likely to complain or challenge authority and on women's lower status in society and lower participation in unions. For example, a study of factory workers in Malaysia 'showed that employing young female workers is more profitable for corporations. Young female employees between the age of sixteen and twenty are more disciplined, naïve, and obedient than older women. Also, they are usually not married, which means that their time is more flexible than that of married women with children. In addition, employers can pay them just 58% of men's wages. These women work 50% more hours than women doing the same work in the global north and they receive only 10-12% of their wages'.

In this way, the 'work in global production systems has replicated and reinforced gender inequalities: women's segregation in stereotyped "feminine occupations" and lower-skilled jobs; and women's labour is perceived as more flexible and available at lower cost than men's'.⁵

Not only do these employment conditions violate women's right to work and entrench women's poverty, there are high 'costs' of this type of work, as described by UNIFEM:

Together these costs take a huge toll on the financial, physical and psychological well-being of many informal workers, eroding the benefits earned through employment. In the long-term, the cumulative toll of being over-worked, under-compensated and under-protected on informal workers, their families and

³ Amelita King Dejardin, 'Gender Dimensions of Globalization', Policy Integration and Statistics Department, International Labour Office (Geneva), 2008, p 4.

⁴ See Asia Pacific Forum on Women Law and Development, Report of the Asia Pacific Regional Consultation with UN Special Procedures: 'Framing Development Justice', October 2013, pp 6-7.

⁵ Dejardin, op. cit. p 7



their societies undermines human capital and depletes physical capital.⁶

4. Low-wage factory workers in the Philippines

Women sweat shop workers in the Philippines endure very low wages, long working hours, no leave or maternity benefits, unsafe work environments and sexual harassment by male employers and other workers.

a. Low wages

Factory workers are paid very low wages which are frequently below the minimum wage. Because of the very low level of the minimum wage, even those who are paid the minimum wage find that it is insufficient to pay for the basic necessities of life for them and their families. Workers report wages of 150 – 350 pesos (approx USD \$3-\$7) per day and say that frequently unilateral deductions are made by their employers, without the workers' consent, for access to water (50 pesos), insurance (250 pesos, although no insurance documentation was provided to the workers) and penalties for having a dirty work station or not having the correct uniform (100 pesos). Workers receive no over-time or night differential pay. The wages of 2 adults is not sufficient to support a family of 5 people entrenching families in poverty. Many workers say their families eat only two very simple meals a day.

Further, it is common practice in factories to pay women lower wages than men, for doing the same or comparable work. For instance, factory workers from one factory reported that women receive 200 pesos (USD\$4) and men receive 250 pesos (USD\$5.2) per day for the same job. For another job operating machines in the same factory, workers reported that women receive 250-280 pesos, whereas men receive 300-400 pesos per day for 12 hours of work.

Despite the fact that many factories pay below the statutory minimum wage in the Philippines, the authorities fail to enforce the law and fail to carry out labour inspections. Many workers reported that even when labour inspectors do visit their factory, their employers/superiors threaten them with dismissal if they tell the inspectors their true wage and working conditions.

b. Deplorable working conditions

Factory workers commonly work 12 hours per day, often with only 2 days off per month. This is contrary to the Filipino labour laws which mandate a maximum of 8 hours per day. However, these laws are ignored by employers and not enforced by

⁶ UNIFEM, 'Progress of the World's Women 2005: Women, Work & Poverty', p 65



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the regulatory authorities. Again, workers report being threatened with dismissal if they complain or tell the authorities that their working conditions breach the legal standards.

The long working hours particularly impacts women who are expected to also maintain the household and look after the children, sick or elderly. This extra burden has significant adverse health impacts for women workers.

My salary as a re-packer in the plastic factory was only P200 for 12 hours of work. I felt so tired that I had no time to take care of my children. I started to work at 7:00 in the morning till 7:00 in the evening. With my fellow workers, we also do household work in our employer's house, doing laundry, cleaning and cooking then later go back to factory work again. There are lot of things the employer ordered us to do. At 10:00 am, we have 15 minutes break and 1 hour break at 12:00-1:00 in the afternoon and another 15 minutes at 3:00 in the afternoon.

Women also work during night shift. In the evening, you cannot rest or even take a short nap because the machine is really noisy. I experienced that every time I went home, I felt really tired. I cannot move my body. I can't eat. When I still have energy, I tried to help with my kids' school assignments or laundry their clothes. I will sleep at 9:00pm in the evening and wake up again at 1:00am or 2:00 in the morning to prepare food for my children and other household chores before reporting to work at the factory again. This means that I only have 4 to 5 hours of sleep everyday. This is the daily suffering of women workers which is different from men.

Arlene, Filipino factory worker

In addition, workers report a lack of health and safety measures in the factory. There is a lack of access to water and fresh air or air cooling, despite working in very hot environments. There is also a lack of adequate training when working with machinery. There is also a shortage of, or lack of access to toilets, which is particularly difficult for women who are pregnant or menstruating.

Factory workers also reported that many factories have no fire exits or water sprinklers installed and have no proper storage of hazardous chemicals within the factory. The Kentex factory fire where 74 factory workers died, is illustrative of the devastating outcome of such scandalous neglect of occupational health and safety



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measures.⁷ Whilst the Philippines has legislated fire safety standards, these were ignored by the factory owners and the authorities.

Women workers are also forced to undertake domestic work in the homes of their employers in addition to their factory work, whether or not they want to.

c. Contractualisation of work

Contractualization or casualization of work is no less the direct deprivation of workers' right to job security, fair wage and benefits, union rights and other democratic rights. Contractualization is an outright form of abuse against our working people in the name of super profits for multi-national corporations and big local business.

“Contractual employment has long been a bane for the Filipino workers and people. While it surely allows capitalists to rake in bigger profits, it has not brought about anything beneficial to workers. Contractuals receive wages that are lower than those received by regulars and are denied various benefits. They can be removed from work any time and therefore find a hard time forming unions and asserting their rights. Women contractuals are denied maternity benefits, especially in the havens of contractualization in the country – the export processing zones, malls and other segments of the service sector of the economy.”

Excerpt from the Explanatory note of House Bill 4396 filed by Gabriela Women's Party on 2014 at the Philippines Congress

Women are the main 'beneficiaries' of the casualization of work, which is sold as giving women flexibility to balance paid work and unpaid care/domestic work. However, in reality, the price of 'flexibility' is short-term, insecure employment contracts with no benefits, very low wages and a commensurate lack of bargaining power.

d. Sharp practices

Many cases have also been reported of employers failing to make compulsory social security system contributions (such as Philhealth Insurance premiums and the Philippines Social Security System and the Pag-ibig Housing scheme) despite the deductions being made from the workers' salaries. This amounts to theft of these employee contributions and it also leads to the situation where numerous

⁷ See <https://www.theguardian.com/global-development-professionals-network/2015/jul/20/the-inside-story-of-the-kentex-disaster-74-workers-died-but-no-one-is-in-prison> ; <http://www.gmanetwork.com/news/story/508470/news/metro/labor-group-claims-99-of-factories-around-kentex-violate-labor-safety-standards>



government benefits are not available to the workers, such as maternity benefits, disability and death benefits and emergency and educational loans (due to the failure to pay the contributions).

Commonly workers are not provided with written contracts. Many workers said they were required to sign blank documents which they later discovered were resignation letters and waivers of their rights to unfair dismissal or redundancy pay. Employers would keep these signed documents to use at a later date to say that the worker voluntarily resigned and waived her rights.

e. Union membership

Female factory workers report that if they attempt to organize or form a union their employers immediately threaten to dismiss them. There is no protection of the right to form trade unions in the Philippines. Employers discourage union membership by carrying out reprisals against employees who attempt to join or form unions and they act with impunity. There is a general atmosphere of fear and exploitation in the factories and the precariousness of the work means that employees do not complain about their conditions, for fear of losing their job.

This situation clearly violates the right to form and join trade unions and freedom of association. The ability to organize and bargain collectively are critical components of ensuring 'decent work' and realizing the right to work. Similarly, UNIFEM identifies encouraging women's organizing in the informal economy as one of the key policy prescriptions for aiding women to lift themselves out of poverty:

Organizing and the act of creating responsive organizations are critical elements in their economic, social and personal empowerment. These enable them to take action to advance and defend their interests, formulate policies that will benefit them and hold policy makers accountable over the long term.

Organizing can begin to address the costs and risks of informal work as well as the vulnerability, insecurity and dependence commonly experienced by women whose lives are controlled by powerful cultural, economic and political forces. This is particularly true for poor women.⁸

f. Sexual harassment in the workplace

Women low-wage factory workers are frequently subjected to sexual harassment in the workplace by male employers or male superiors. Due to their job insecurity

⁸ p 75.



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and poverty, they are reluctant to complain for fear of losing their job.

Sexual harassment of women workers of Advan Shoe Factory

Female workers at a shoe factory in XX in the Philippines have been subjected to sexual harassment by the owner himself, since 1993. Most of the time, the owner arrived at the factory drunk. He would then come close to a women worker who he liked and started to touch the sensitive parts of the worker's body (Breast, genitals, bottom). Sometimes he would kiss the worker on the lips, or make her sit on his lap, or show off his penis to his victim and order her to hold it. He also invites some women workers to one-night stands.

For years, women workers suffered under these conditions, they were afraid and traumatized. According to Ms. Gloria Bongon, the union President and one of the victims herself, women workers make themselves inconspicuous to avoid being noticed and harassed by the owner. Victims of sexual harassment cannot do anything but cry after being abused by the owner, out of fear, inferiority, and lacking knowledge of their rights, women workers remained silent until the establishment of their union.⁹

Testimony of women workers in a shoe factory in the Philippines subjected to sexual harassment

5. Conclusion

Arlene, a Filipino low-wage factory worker sums up as follows:

'Due to long working hours, no one is taking good care of my children. My children seem to have no mother. But for the sake of additional income, I endured this kind of situation.

Our combined salary is not enough to pay for food, rent for our small room, water and electricity. Nothing is left. That is why we borrowed money from friends to pay our expenses. With little income, we often eat rice with soy sauce or sugar to add taste or we buy cheap pile of fish in the market for P20. There was also many times where I can only afford to provide coffee or water with sugar to my baby. Two of my kids are malnourished until now.'

Filippino factory worker, Arlene

The Filipino women factory workers see tremendous value in working collectively to

⁹ For further information see <https://defendjobphilippines.wordpress.com/2013/03/11/respect-our-right-to-work-and-human-dignity-an-urgent-appeal-of-the-advan-shoe-workers-to-stop-the-forced-leave-and-no-work-policy/>



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press for their right to work and to just and favourable conditions of work. Arlene said '*I will strive with my fellow women and workers in our workplace to be organized as a community union, to be strong and broaden our ranks to collectively fight for genuine changes in our working and living conditions*'.

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