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Comparing countries on characteristics of the ILO 'Decent Work Agenda': A WageIndicator Foundation perspective

M.L. Kuipers

Final report on Research Internship for the Bachelor Human Geography and Planning

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WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

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Bibliographical information

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1. Introduction

This paper will showcase the value of the WageIndicator Foundation Collective Bargaining Agreement (CBA) database, for knowledge institutions, workers, workers unions, employers associations and researchers by using a newly developed online tool for easy visualization and comparison of CBAs. The paper will, on the basis of a qualitative analysis, compare data originating from the WageIndicator Foundation CBA database with official documents and reports, concerning the progress towards the ‘Decent Work Agenda’, derived from the International Labour Organisation (ILO) and the World Bank. A comparison was made between the findings presented in ILO country reports and data concerning the contents of collective bargaining agreements (CBAs) residing in the WageIndicator Foundation CBA database. The country profiles of Cambodia, Ethiopia and Indonesia, on the topic of ‘combining work, family and personal life’, using an online comparison tool, were compared with the contents of CBAs, residing in the *industry* sector, retrievable from the aforementioned database.

Although many similarities were found between the ILO country reports and the data visualised through the WageIndicator Foundation CBA database and corresponding online tool, it became evident that the not taking into account, or usage of a database containing information about the contents of collective bargaining agreements, leads to incomplete and imprecise reports that are aimed at assessing and showcasing progress towards the ‘Decent Work Agenda’.

Overall, this paper aims to clarify how the WageIndicator Foundation CBA database, and the corresponding online CBA comparison tool, can give better insights in, among other things, the progress towards the ‘Decent Work Agenda’ and can be of value to the ILO and members of civil society, researchers, scholars, employees and others interested in and involved with labour relations and the bettering of the plight of workers worldwide.

The research question dealt with in this paper is the following: *How do the measurements of the International Labour Organization’s ‘Decent Work Agenda’, and more specifically ‘Combining work, family and personal life’ in the industry sector, compare to the state of Collective Bargaining Agreements as recognisable in the WageIndicator Foundation Collective Bargaining Agreements database in Cambodia, Ethiopia and Indonesia?*

2. Concepts and terminology

This chapter will firstly discuss what a Collective Bargaining Agreement (CBA) is and how it comes into existence. This is followed by a description of the value of CBAs and the WageIndicator Foundation CBA database. Thereafter, the by the World Bank defined description of the concept of *industry*, the ILO's Decent Work Agenda and its topic 'combining work, family and personal life' will be discussed in relation to the by the WageIndicator Foundation formulated topic of: *Work and family arrangements*.

Collective Bargaining Agreements (CBAs) and the WageIndicator Foundation CBA database

A collective bargaining agreement (CBA) consists of a document coming forth out of negotiations between independent workers unions and employers or employers organisations on terms and conditions of employment and relations between the aforementioned parties (Ceccon, 2017, p.1). As described by Ceccon (2017), CBAs can be constructed for application on single companies, specific employment sectors or even at inter-professional levels, thus applying to all workers in a country.

As described by Ceccon (2017), the value and or importance of CBAs has been put forth by the ILO and is agreed upon at a global level. Gernigon, Odero and Guido (2000), in their article discussing ILO principles on collective bargaining, describe how the ILO since onset has put great emphasis on the importance of the process of collective bargaining and collective bargaining agreements. The authors, among other things, describe how one of the main ILO principles concerns the institutions task of putting effort in programmes striving for the effective recognition of the right to collective bargaining by nations worldwide through the development, promotion, ratification and enforcement of different ILO conventions (Gernigon, Odero & Guido, 2000, p. 34). Gernigon et al. (2000) go on to state that according to the ILO, the purpose of collective bargaining and the agreements resulting from them, is to bind signatories to stipulations resulting from collective bargaining and to deem employment contracts which are contrary to- or less stringent then the collective bargaining agreement as invalid and applicable (Gernigon et al., 2000, p.35). The article, furthermore, makes clear that the preference of the ILO for collective bargaining stems in the institutions opinion that individual employment contracts are being used to the detriment of workers (Gernigon et al, 2000, p.36).

Despite the great importance accredited to CBAs and the process of the creation of

these documents only few countries worldwide keep a database of the contents and provisions agreed in CBAs whereby, if a database exists, CBAs are not comparable across countries (Ceccon, 2017, p.1). As shown in previous research, the value of the WageIndicator Foundation CBA database lay in the creation of a better understanding of what labour conditions and provisions for workers are in different sectors within nations and across different countries and how they develop over time (Ceccon, 2017, p.30). This data can, as described by Ceccon (2017), be harnessed in several ways by the aforementioned actors such as, among other things, progress towards better work/family balance arrangements and reduction in existing gender pay gaps. Furthermore, the WageIndicator Foundation CBA database is used for the creation of model CBAs that were applied by workers- and employers unions and companies for the creation of new and improved CBAs.

This paper intends to showcase the value of the WageIndicator Foundation CBA database by comparing the CBAs residing in the *industry* sector of Cambodia, Ethiopia and Indonesia, with the ILO country reports of these respective countries. The aim of this comparison is to further the understanding of the state of CBAs residing in Cambodia, Ethiopia and Indonesia and progress towards the 'Decent Work Agenda' and simultaneously inform workers, workers associations, unions and employers associations about differences in and possible improvements that can be made in employer-employee relationships.

Industry

Although the sector *industry* encompasses a large variety of activities and provides the livelihoods for many people worldwide, this paper will utilize the definition of *industry* as defined by The World Bank (2017b). The *industry* sector subsumes several sectors and includes sectors wherein value is added in manufacturing, construction, electricity, water and gas (The World Bank, 2017b). The paper will utilize this definition of *industry* in identifying, via usage of a newly developed online tool, what CBAs and what countries will be compared. In the CBA database tool, CBAs can be filtered on the basis of the aforementioned sectors of manufacturing, construction and activities related to electricity, water and gas.

Upon review of the instruments of measurement, used by the ILO for measurement of progress and achievements in relation to the striving for, among other things, the 'Decent Work Agenda', the Decent Work Indicators ILO Manual was identified. The manual describes how, in 2008, the ILO adopted *The Framework on the Measurement of Decent Work*

which covers “...ten substantive elements which are closely linked to the four strategic pillars of the Decent Work Agenda” (ILO, 2013a, p.12). The four pillars - full and productive employment, rights at work, social protection and the promotion of social dialogue - are linked to these ten elements: employment opportunities; adequate earnings and productive work; decent working time; combining work, family and personal life; work that should be abolished; stability and security of work; equal opportunity and treatment in employment; safe work environment; social security; and, social dialogue, employers’ and workers’ representation (ILO, 2013a, p.12). The Decent Work Agenda, related to the idea of “Decent Work for All”, is the principle that guides the work of the ILO.

Measuring Decent Work - ‘combining work, family and personal life’

As described by ILO (2013b), “measuring and assessing progress across the decent work agenda is an important concern for the ILO’s constituents” (ILO, 2013b, p.2). Following a meeting in 2008, ILO members agreed upon the adoption of “a comprehensive approach to the measurement of decent work by compiling a catalogue of indicators...” and the creation preparation of country profiles which could be utilized for, among other things, stocktaking of progress “...towards decent work, highlight the remaining challenges in the decent work landscape, and provide insights into the policies required for progress to be accelerated...” (ILO, 2013b, p.2).

As described by ILO (2013a), the element ‘Combining work, family and personal life’ relates to “...a small set of decent work indicators related to standards and fundamental principles and rights at work and social protection” among which *a-social/unusual hours* and *Maternity protection* (ILO, 2013a, p.106). The aforementioned indicators, as ILO (2013a) describes, consist of a set of different sub indicators, namely maternity leave in weeks, rates of benefits during maternity leave and indicators related to parental leave in general (ILO, 2013a, p.106).

Maternity leave is provided to women before and after childbirth to “...prevent harm during pregnancy to themselves and to their unborn child and to allow them to recover from childbirth and nurse their child for an adequate amount of time”, and is of great importance because it allows women to combine reproductive and productive roles and thereby contributes to achievement of equality of opportunity and treatment (ILO, 2013a, p.109). The Maternity Leave indicators, according to ILO (2013a), concern not only the amount of weeks of maternity leave a childbearing mother is entitled to but also concerns rates of benefits

received during maternity leave and regulations protecting pregnant or expectedly pregnant women from dismissal or other discriminatory actions (ILO, 2013a,p.109).

The Parental leave indicator refers to “...longer periods of leave for either or both parents (or adoptive parents), to be taken after maternity and paternity leave” and concerns the rights of parents to take time off to care for their child(ren) and be able to “...strike a better balance between work and family responsibilities” (ILO, 2013a, p.111).

ILO (2013a) furthermore specifies which international conventions and recommendations relate to the subject of ‘combining work, family and personal life’ namely, *The Maternity Protection Convention*, 1919 (No.3), *The Maternity Protection Convention* (Revised), 1952, convention (No.103), *The Maternity Protection Convention*, 2000 (No. 183), *The Family Responsibilities Convention*, 1981 (No. 156) and *The Workers with Family Responsibilities Recommendation*, 1981 (No.165).

Topic 5: Work and Family Arrangements

The WageIndicator Foundation, in a similar fashion as with the Decent Work Agenda, has coded the contents of CBAs in their database on the basis of ten topics. The ten topics, such as *Topic 2: Wages and Allowances* or *Topic 7: Sickness And Disability*, subsume information about and several related characteristics of CBAs. The information and characteristics concerns “coverage according to geographical characteristics, to job types, and to industries...”, which relates to the in- or exclusion of certain groups from benefits and privileges provided by the agreement, and “number of employees covered, where possible broken down by gender...” (Ceccon et al., 2016, p. 10).

The afore presented indicators for ‘Combining work, family and personal life’ show close resemblance to the by the WageIndicator Foundation formulated *Topic 5: Work And Family Arrangements*. The topic, among other things, concerns information on CBAs related to maternity leave, its duration and rate of pay during maternity leave and the existence of regulation against discrimination based on (expected) pregnancy (Ceccon et al., 2016, p.10). Furthermore, the topic, among other things, also contains data concerning paternity leave and its rate of pay, regulations on hazardous work done by pregnant women and the provision of facilities for nursing and childcare (Ceccon et al., 2016, p.19).

Within the online CBA visualization tool, 31 variables were included under *Topic 5: Work and Family Arrangements*. These variables consist of 23 dichotomous variables (yes/no) and 8 numeric variables. The dichotomous variables related to subjects of CBA coverage such as if clauses on employer-provided childcare facilities are included in the CBA or if a

CBA contains clauses on job security for women returning from maternity leave. The numeric variables relate to, among other things, the duration of maternity and paternity leave and the rates of pay during these periods.

For an exhaustive description of all the variables under *Topic 5: Work And Family Arrangements* used in this paper please refer to figure 1 in the appendix. The above presented concepts and terminology were used for the demarcation of the selected cases and the formulation of research questions, which are presented in the next chapter.

3. Methodology and Research Questions

The following chapter gives insights in the for this paper used methods, case demarcations and research questions. The chapter starts with a description of the used research design followed by an explanation of the WageIndicator Foundation CBA database online comparison tool. This is followed by a description of the method of case demarcation used for the selection of the ILO country profiles of Cambodia, Ethiopia and Indonesia. The chapter is concluded with a description of the for this paper formulated research question and corresponding sub-questions.

The methods used to answer the below described research questions consist of the following. To examine the research questions, a qualitative cross-sectional design with case study elements was used (Bryman, 2012 p.69). The research studied three country (or cases), namely Cambodia, Ethiopia and Indonesia, through the utilization of “more or less identical methods”, namely the findings sketched by the ILO country profiles and the contents of collective bargaining agreements, individually coded in identical fashion, residing in the WageIndicator Foundation CBA database. The WageIndicator CBA database was manipulated using a newly developed CBA comparison tool which will be discussed in the section below.

The WageIndicator Foundation CBA Database Tool

The re-development of the CBA database tool was commissioned by the WageIndicator Foundation for easy visualization and comparison of CBAs and informational- and educational purposes. A prior version of the WageIndicator CBA Database tool needed replacement because of the ceasing of existence of the previous platform whereupon the new tool was built. The new CBA database tool was created in 2018 with the use of Google Data Studio. The database tool allows researchers, social partners, employers, employees and other individuals to retrieve, visualize and compare 923 individual CBAS divided over 53 countries and 57 detailed industries and are classified on the basis of the by the WageIndicator Foundation defined ten *topics*. The tool allows for easy filtering on the basis of characteristics such as country, start and end year, industry and if CBAs are applicable on the private or public sector.

Case demarcations

As mentioned earlier, this paper will attempt to highlight the value of the WageIndicator CBA database by means of the utilization of the newly developed online CBA comparison tool. The online tool permits easy filtering, identification and comparison of CBAs included in the WageIndicator database. For the purpose of formulating the research question, the tool was utilized to select countries for comparison. The selection of countries was done on the basis of the following criteria. Firstly, the available CBAs in the WageIndicator database were filtered on the basis of the previously described definition of *industry* by The World Bank (2017b). Following the aforementioned action, of the in total 923 CBAs in the WageIndicator Foundation database, 291 CBAs remained.

The second action taken for the selection of countries for comparison was the comparison of available ILO Decent Work Country Profiles with the countries remaining from the previous action. The countries where ILO profiles were not available were removed from previous stock resulting in 120 CBAs, distributed over Brazil, Cambodia, Ethiopia, Indonesia, Niger and Tanzania remained.

Thirdly, to ensure *industry* is a significant benefactor to the country's GDP the remaining countries were compared on the basis of the contribution of *industry* in % tot the GDP of the country. A minimum of 20% contribution to the GDP was utilized. For example, Niger, with 18% of its GDP derived from *industry*, falls outside of the set criteria.

Finally, a comparison of the remaining countries was made on the basis of the countries respective distributions of male and female workers across the *industry* sector. As visible in the data of The World Bank (2017a), which gives an estimate of the participation of female and male persons of working age active in the different sectors, one country, namely Brazil, shows significant disparities in distribution of female and male persons of working age active in the industry sector. With a distribution of 10.9% of its female- and 29.1% of its male- population of working age active in the *industry* sector, in comparison to the remaining countries, gives Brazil a distinctive pattern in gender participation which makes comparison hard and led to the exclusion of Brazil from the remaining countries.

Summing up, on the basis of the aforementioned criteria the selected countries for research and comparison are Cambodia, Ethiopia and Indonesia. The afore described tool was used for the answering of the for this paper relevant research questions. Via filtering, on the basis of the by The World Bank defined sector of *industry* and the year of the coming into existence of the Decent Work Agenda, 2008, relevant CBAs were identified and retrieved

for comparison with the contents of the ILO country profiles of Cambodia, Ethiopia and Indonesia.

Research Questions

Through the above described country selection and definition of the *industry* sector and the topic ‘combining work, family and personal life’ comparisons will be made and the following research question will be answered:

- *How do the measurements of the International Labour Organization's ‘Decent Work Agenda’, and more specifically ‘Combining work, family and personal life’ in the industry sector, compare to the state of Collective Bargaining Agreements as recognisable in the WageIndicator Foundation Collective Bargaining Agreements database in Cambodia, Ethiopia and Indonesia?*

With the related sub-questions:

- How do CBAs in the *industry* sector in Cambodia, Ethiopia and Indonesia take shape on the topic ‘Combining work, family and personal life’ as retrievable from their respective ILO country profiles?
- How do CBAs in the *industry* sector in Cambodia, Ethiopia and Indonesia, take shape according to the under *industry* subsumed sectors and the *Topic 5: Work and family arrangements* as retrievable from the WageIndicator Foundation CBA database tool?
- How do both perspectives compare?

The following chapter will give a description of the used data for the analysis of the above formulated research questions obtained from the ILO country profiles of Cambodia, Ethiopia and Indonesia and the WageIndicator CBA database by using the CBA comparison tool.

4. Data presentation - Perspectives on Cambodia, Ethiopia and Indonesia of the ILO and the WageIndicator Foundation

The following chapter gives a presentation of the data used for this paper acquired from the ILO country profiles of Cambodia, Ethiopia and Indonesia and CBAs existent in these countries, in the *industry sector* on the topic ‘work and family arrangements’, retrieved from the WageIndicator Foundation CBA database compiled and visualized via usage of the online CBA database tool.

The chapter deals with every case separately in firstly presenting data retrieved from the respective ILO country profile followed by a presentation of data retrieved from the WageIndicator Foundation CBA database. The ILO country profiles are all structured in similar fashion therefore making it possible to discuss similar aspects of these reports for every case dealt with. The chapter starts with the presentation of data regarding the case of Cambodia, followed by the cases of Ethiopia and Indonesia.

Cambodia - According to the ILO Country profile report

The first issue addressed in the country report on the ‘combination of work, family and personal life’, concerns the prevalence of excessive working hours endured by Cambodian workers. It is explained that, although “Cambodia has a reasonable legal and policy framework to safeguard the work-life balance...poor coverage of the law and weak enforcement at the enterprise level” have an undermining effect on progress towards a decent work-life balance for many workers (ILO, 2012, p.VIII). The document goes on in explaining that in some sectors, namely the garment sector, an increasing amount of workers are hired on the basis of casual and probationary contracts which not only reduces job security but also makes these workers less eligible for potential benefits and entitlements stemming from labour law or collective bargaining (ILO, 2012, p.IX).

In relation to collective bargaining and workers unions, ILO (2012) describes how a growing number of workers unions, and corresponding members, are materializing in the Cambodian context. According to the country report, union formation has increased with unions also taking shape to better the plight of those employed in other sectors than the garment industry (ILO, 2012, p.X). Regarding collective bargaining the country report describes how ‘genuine’ agreements, entailing CBAs which are the result of bargaining processes instead of obedience to present legislation and that cover multiple rather than single issues or employers, in the Cambodian context are few (ILO, 2012, p.X).

The chapter specifically dedicated to the subject of ‘combining work, family and personal life’ starts with stating that the Cambodian government has implemented several legal and policy measures directed towards enabling male and female workers to balance work, family and personal life (ILO, 2012, p.39). In relation to female workers, the document describes how it is prohibited, by law, to layoff female workers as a result of or because of reasons related to pregnancy and maternity and that female workers have the right to full pay during maternity leave (ILO, 2012, p.39). All women working in enterprises, except domestic workers, are entitled to maternity leave, with paid leave available to employees who have been in service for one year uninterruptedly. In relation to the rate of pay during maternity leave inconsistencies exist between the national law, requiring full pay during maternity leave, and the Cambodian Labour Law, which provides for a pay rate of 50% of basic wage during maternity leave (ILO, 2012, p.39). In both laws the duration of maternity leave is set at 90 days whereby 70 percent of the leave will be funded by the National Social Security Foundation and the remains by employers (ILO, 2012, p.40). Furthermore, the labour law also provides for the right to additional breastfeeding breaks for nursing mothers and childcare facilities, in case of larger enterprises, for female employees with preschool infants (ILO, 2012, p.39)

General parental leave, as described by ILO (2012), is not provided for in Cambodian labour law although all employees are entitled “...to a maximum of seven days of special leave for family events directly related to the workers immediate family” (ILO, 2012, p.41). Employers are entitled to deduct this family related leave from a workers annual leave, or if none is left for that year, of the annual leave of the following year. The parental leave is financed by employers and the qualification condition for employees is set at one year of service.

ILO (2012) concludes its chapter on ‘combining work, family and personal life’ by explaining that although “...reasonable legal and policy framework[-s exist] to safeguard the work-life balance, particularly on maternity leave and childcare...” gaps exist in levels of consistency, implementation and enforcement (ILO, 2012, p.42). Furthermore, it is stated that as a result of qualifying conditions, for maternity as parental leave, set at one year, many workers, on temporary- or fixed term contracts, are not eligible to rules and regulations set in the Cambodian constitution and labour law.

Cambodia – According to the WageIndicator Foundation CBA Database

After filtering on the basis of the afore described characteristics of *industry* and starting year, two CBAs were identified in the context of Cambodia. Both CBAs applicable to the sector of *manufacturing of textiles*, are not national frameworks and are both individually only applicable to workers employed by a specific private enterprise.

Both CBAs contained clauses on pregnancy, maternity and paternity leave, childcare, prohibition of discrimination to maternity and clauses against screening for pregnancy before regularizing a contract and promotion. Furthermore, both CBAs contained clauses on providing all female employees with paid maternity leave, with a corresponding percentage of basic wage paid during this leave, and clauses on time off for prenatal medical examinations. The total duration of paid maternity leave in consecutive weeks amounts to 13 weeks with a 50% pay rate during this period. Both CBAs also provide for an entitlement to breastfeeding breaks for a duration of 12 months after birth.

In relation to health and safety at the workplace and other provisions required from employers, both CBAs included clauses regarding health and safety related to pregnancy and or breastfeeding, clauses regarding pregnant and or breastfeeding women not being obliged to do dangerous or unhealthy work and that alternatives for these women are available and clauses that require employers to carry out a workplace assessment on safety and health and inform pregnant and or nursing women accordingly. Furthermore, both CBAs also included clauses on employer- provided and subsidized child care facilities and education for workers offspring. Additionally, the retrieved CBAs also included clauses on paid time off for breastfeeding, employer-provided nursing facilities and on job security for women wishing to return to work after maternity leave.

Concerning rights and privileges provided to both parents, both CBAs included clauses on paid paternity leave, with a corresponding percentage of wage paid during this period and clauses on paid leave to care for dependent relatives or in case of the death of a relative. Upon review of the corresponding numerical variables it becomes apparent that one CBA only describes the percentage of wage paid during paternity leave, namely a 100%, while the other CBA sets the total duration of paid paternity leave at one day with a 100% pay rate during this period. Both CBAs, furthermore, specify that the total duration of paid leave per year in case of caring for relatives or following the death of a relative amounts to zero days.

Ethiopia - According to the ILO Country profile report

Concerning 'combining work, family and personal life', the Ethiopian country report described the following. The chapters starts off with the statement that "...data on combining work, family and personal life is difficult to obtain." (ILO, 2013,p.27).

In relation to maternity leave, ILO (2013) describes that, in accordance with the Ethiopian Federal Constitution of 1995 and the Ethiopian Labour Proclamation, both permanent and temporary female employees are entitled to paid maternity leave (ILO, 2013, p.28). The document furthermore describes how maternity leave is set at 90 days, whereof 30 days are intended for prenatal leave and the remaining 60 days for postnatal leave after which it is stated that "longer maternity leave may be obtained through collective agreement" and that payment during maternity leave is provided for by employers (ILO, 2013,p.28).

Concerning paternity leave, it is described how according to the ILO, the Ethiopian Labour Proclamation does not contain provisions on paternity leave although it does rule that male employees "...may be entitled to leave without pay for up to five consecutive days in the case of "exceptional and serious events"... "after which it is explained that childbirth might also be designated as a serious event (ILO, 2013, p.29). Additionally, the Ethiopian country report describes that male employees are, themselves, responsible for covering the costs of paternity leave.

The chapter concerning 'combining work, family and personal life' is concluded by a description of how the Ethiopian Labour Proclamation contains "...provisions for balancing work, family and personal life and maternity protection..." which is applicable to all permanent and temporary paid employees (ILO, 2013, p.29). The country report furthermore describes how benefits such as maternity leave duration are determined by law or CBA and "...take into account the nature of the work, the health of the mother and the wellbeing of the new infant and family"(ILO, 2013, p.29). Additionally, the Ethiopian Labour Proclamation prohibits night work for pregnant employees and also provides for marriage leave, following the wedding of an employee of either sex, and mourning leave following the death of a near relative (ILO, 2013, p.29).

The report furthermore states how the prevalence of informal labour, especially since many women tend to opt for informal employment, makes it difficult to assess and or research the combination of work, family and personal life in the informal sector and on the labour market as a whole.

Ethiopia - According to the WageIndicator Foundation CBA Database

After the application of the CBA database tool in the case of Ethiopia, 17 CBAs were retrieved. The examined CBAs resided mainly in the industry of manufacturing with manufacturing of rubber and plastic products containing the most CBAs. Furthermore, the remaining CBAs are divided over the industries of construction and waste treatment. Additionally, none of the retrieved CBAs are part of a national framework and all CBAs are all only in force with single employers.

In analysing the contents of the retrieved Ethiopian CBAs it, firstly, became apparent that all CBAs contained clauses on pregnancy, maternity and paternity leave and clauses that prohibit discrimination related to maternity. All except one CBA also contains clauses against screening for pregnancy before promotion of female workers. Furthermore, all CBAs contained clauses providing all female employees with paid maternity leave, with a corresponding percentage of basic wage paid during this period, and clauses on time of for prenatal medical examinations. Upon review of the numerical variables related to the aforementioned variables, it became apparent that all except one CBA maintain a duration of maternity leave of 13 weeks and that, all except two CBAs maintained a pay rate of 100% during maternity leave. None of the CBAs gave any mention of a set duration for daily breastfeeding breaks nor the duration of entitlement to breastfeeding breaks. Additionally, one CBA, according to the database tool, did not specify anything related to duration of maternity leave of paid percentage of basic wage during this period.

Upon review of the variables related to responsibilities of employers it became apparent that all retrieved CBAs contained health and safety clauses related to pregnancy and breastfeeding and clauses ensuring pregnant and or breastfeeding are exempted from performing dangerous or unhealthy work. All CBAs also included clauses on employer-provided and subsidized childcare facilities and education for employees offspring. Furthermore, it was noticed that all CBAs contained clauses on time off for breastfeeding or nursing activities and employer-provided nursing facilities.

Concerning rights and privileges enjoyed by both parents, provided by the retrieved CBAs, it came to the fore that all agreements contained clauses on paid paternity leave with a corresponding set pay rate in percentage of basic wage and clauses providing for paid leave to care for dependent relatives and in case of the death of a relative. Lastly, it became apparent that only one CBA maintained a duration of paid paternity leave of one day while all CBAs maintained a pay rate of a 100% during paternity leave.

Indonesia - According to the ILO Country profile report

Concerning 'combining work, family and personal life' the Indonesian country report puts forth the following: "Indonesia has adopted legal provisions on leave and working time responding to the decent work dimension of combining work, family and personal life, especially for maternity leave and annual leave" (ILO, 2011, p.VIII). The document explains that working hours have been regulated to provide workers with a balance between work, family and personal life (ILO, 2011, p.VIII). The maximum amount of working hours a week is set at 40 with over-time payment if employees exceed that number (ILO, 2011, p.31). Furthermore, ILO (2011) describes how employees are entitled to 12 working days of annual leave, apart from weekly days of such as weekends.

In relation to female workers, Indonesian law provides for three months, one and a half prior to- and one and a half post birth, of paid maternity leave (ILO, 2011, p.33). Female workers are eligible, as long as they receive wages or other forms of remuneration, whereby domestic workers and casual workers are not covered. Next to the aforementioned, ILO (2011) describes how pregnant women are also supported by the Indonesian government through the funding of child-delivery facilities to foster safer and healthier birth deliveries with respect to maternal- as well as infantile wellbeing.

Concerning general parental leave, the Indonesian country report notes that there is no parental leave provided for by Indonesian law. Male employees are, however, entitled to two days of leave at the birth of a child (ILO, 2011, p.33).

Difficulties sketched in the Indonesian country report concerning combining work, family and personal life, mainly revolved around Indonesian workers an increasing amount of hours in formal, as well as informal, employment and increasing commuting times for Indonesian workers. It is mentioned throughout the report how a large proportion of Indonesian workers are active in irregular informal employment, sometimes next to formal employment (ILO, 2011). Beside that irregular and informal employment does not provide for benefits as provided by Indonesian law and labour law, it makes working more hours then the set maximum of 40 more easily accessible and prevalent with all Indonesian workers.

"Current trends show that workers need longer time to commute..." to gain access to employment after which it is stated that "longer working and travelling hours resulting in less time for personal/family time will create a challenge for the future" and thereby also the striving for 'combining work, family and personal life' (ILO, 2011, p.33-34).

Indonesia - According to the WageIndicator Foundation CBA Database

After filtering for the characteristics of the *industry* sector, as described by the World Bank, and filtering on the basis of starting and ending years, making sure CBAs from before the coming into being of the Decent Work Agenda, in the case of Indonesia, 72 CBAs were identified. The CBAs identified were divided over several sectors whereby the majority, namely 69 individual CBAs, resided in the industry of *manufacturing* with *manufacturing of wearing apparel* harbouring 31 CBAs. The 41 remaining CBAs are divided over 18 categories concerning manufacturing, such as the manufacture of electrical equipment, textiles and rubber, and several in the construction and water treatment.

Because of the large proportion of CBAs in the category *manufacturing of wearing apparel* the following chapter will discuss these CBAs separately after which the remaining construction related CBAs will be discussed and particularities will be highlighted.

Manufacturing of wearing apparel

In analyses of the from the WageIndicator Foundation CBA database retrieved CBAs subsumed under the industry of *manufacturing of wearing apparel* the following came to light.

Firstly, it became apparent that all CBAs contained clauses on pregnancy, paternity- and maternity leave- and childcare. Additionally, it became clear that all CBAs contained clauses prohibiting discrimination related to maternity and clauses against screening for pregnancy before promotion of women workers. Eleven out of the 31 CBAs also contained clauses against screening for pregnancy before regularizing non-standard workers.

Furthermore, analyses of the retrieved CBAs showed that all CBAs contained clauses on paid maternity leave with a corresponding set percentage of basic wage received by these workers, that all female workers are eligible for paid maternity leave and that the CBAs contained clauses on time off for prenatal care for women workers. The aforementioned duration of paid maternity leave in weeks is set at 13 in all CBAs while only in 10 of those CBAs the percentage of wage paid during maternity leave was specified at 100%. The remaining CBAs did not give mention about a percentage of basic wage paid during maternity leave and additionally the retrieved CBAs contained any closes related to duration of breastfeeding breaks or the duration of the entitlement thereof.

Concerning labour circumstances for pregnant and nursing women, the CBAs all included safety clauses related to pregnancy and or breastfeeding and clauses ensuring that pregnant and or breastfeeding workers are not obliged to perform dangerous or unhealthy work. Nine out of the 34 selected CBAs also included clauses ensuring alternatives to

dangerous and or unhealthy work available to pregnant or breastfeeding workers and clauses requiring employers to carry out a workplace risk assessment on safety and health of pregnant and or nursing women and inform them accordingly.

In relation to benefits enjoyed by parents in terms of childcare- and educational facilities it became apparent that all CBAs contained clauses on employer- provided childcare facilities and employer subsidized child care facilities and education for employees offspring. Furthermore, all CBAs also included clauses providing for time off for employer- provided nursing facilities, time off for breastfeeding breaks and job security for women wishing to return to work after maternity leave. Just four out of the selected CBAs contained any clause providing breastfeeding breaks as considered as working time and paid accordingly.

In relation to fathers' rights and those of both parents in relations to caring for relatives and being able to take time off in relation to a death in an employee's near vicinity, as represented in the WageIndicator Foundation database the following was noticed. All CBAs identified utilizing the tool contained clauses granting fathers paid paternity leave with a specified percentage of basic wage paid during this period. Clauses granting parents paid leave to care for dependent relatives, with children in particular, and paid leave in case of the death of a relative were also present in all CBAs. Furthermore, all new fathers active under CBAs applied in the *Manufacturing of wearing apparel* sector are entitled to one day of paid paternity leave while receiving 100% of basic wage. Concerning paid leave in case of caring for relatives 5 CBAs contained clauses on this privilege with the duration of paid leave set at one day. Concerning the duration of leave in relation to the death of a relative, 24 out of the 34 CBAs the duration, as provided by the CBA, is set at one day with the remaining CBAs specifying a leave duration of 0 days.

Remaining Indonesian industry CBAs

The following section will discuss the retrieved CBAs outside of the industry of *manufacturing of wearing apparel*. As mentioned earlier, the remaining 41 CBAs are divided over 18 different more specific industries with the largest amount of them still applied in manufacturing occupations.

Firstly, it became apparent that the majority of the CBAs, 34 out of 41, contained clauses on pregnancy-, maternity- and paternity leave and childcare. Furthermore, the same CBAs also prohibited discrimination related to maternity and contained clauses against screening for pregnancy before promotion of female workers. Just 7 out of the 41 CBAs

contained clauses against screening for pregnancy before regularizing non-standard workers. The retrieved CBAs also all included clauses on maternity leave whereby all female employees are eligible for paid maternity leave and a percentage of basic wage to be paid during maternity leave is set. The duration set for the paid maternity leave in all CBAs amounted to 13 weeks whereby for 7 CBAs the percentage of basic wage paid during maternity leave amounted to 100%. None of the retrieved CBAs contained clauses concerning the duration of daily breastfeeding breaks nor the duration of the entitlement to breastfeeding breaks measured in the age of the child in months.

In relation to provisions and measures taken by employers in relation to 33 out of the 41 CBAs only contained clauses referring to health and safety related to pregnancy and or breastfeeding and insurance for pregnant and or breastfeeding workers not to be obliged to perform dangerous or unhealthy work. 9 out of the 41 CBAs additionally included clauses requiring employers to carry out a workplace risk assessment, inform pregnant and nursing women accordingly and ensure alternatives to dangerous or unhealthy work for these groups of women. All retrieved CBAs, furthermore, contained clauses on employer provided and subsidized child care facilities whereby monetary tuitions and or subsidies for children of workers employed under the CBA are also included. All retrieved CBAs, furthermore, contained clauses on job security for women wishing to return to work after maternity leave, time off and or facilities for nursing and breastfeeding and on employer-provided nursing facilities. 5 out of the 41 CBAs, additionally, provided for breastfeeding breaks as considered as working time and paid accordingly.

In relation to fathers and general parental rights it became apparent that all remaining CBAs contained clauses on paid paternity leave with a corresponding percentage of basic wage paid during maternity leave and clauses on paid leave to care for dependent relatives and in case of death of relatives. The duration of paternity leave according to all except one CBA is set at 1 day with a pay rate of a 100% of basic wage. Concerning paid leave to care for relatives and paid leave in case of the death of relatives a larger variety exists. Paid leave to care for dependent relatives was only included in 16 out of the 41 CBAs whereby the duration of paid leave amounted to one day. Paid leave in case of the death of a relative was included in 3 out of the 41 CBAs whereby the set duration hereof amounted to 1 day.

5. Findings

This chapter gives a description of the findings stemming from the above described data. The above made analysis of Cambodia, Ethiopia and Indonesia will be compared and striking features or peculiarities will be mentioned. The chapter is structured on the basis of the selected cases and will discuss Cambodia, Ethiopia and then Indonesia. In comparing the perspective of the ILO with the contents of CBAs as retrievable from the WageIndicator Foundation CBA database, the following came to light.

Cambodia

In the context of the case of Cambodia the following became apparent. Firstly, in relation to the, in the country profile described dual set of percentages of basic wage paid during maternity leave, it became apparent that all CBAs retrieved from the WageIndicator Foundation database maintained a percentage of basic wage paid during maternity leave of 50% as prescribed by the Cambodian labour law. From this it can be deduced that in the sector of the manufacturing of textile a percentage of basic wage paid during maternity leave is maintained in accordance with Cambodian labour law but not in accordance with Cambodian national law, requiring a pay rate of 100%. Although the country profile highlights that inconsistencies in enforcement of the aforementioned pay rate during maternity leave exist, on the basis of the CBAs retrieved from the WageIndicator Foundation CBA database, it can be concluded that a pay rate of 50% is consistently adhered to. Furthermore, it became apparent that the retrieved CBAs from the Cambodian context seemed to cover more aspects, such as clauses considering breastfeeding breaks as working time, and paid accordingly, then described in the ILO country profile. It was also noticed that the two analysed CBAs maintained paternity leave of one day with a pay rate of 100% which, as described by ILO (2012), is not a legal requirement. Lastly, it came to the for that, although the analysed CBAs contained clauses on paid leave for care of a dependent child and or the death of a relative, no durations of paid leave or percentages paid during these periods are specified.

From the above it was concluded that although similarities exist between the picture outlined by the ILO and that retrieved from analyses of the relevant Cambodian CBAs, inconsistencies do exist. As becomes apparent above, in relation to paternal-rights the CBA database shows that, although not a legal requirement, the retrieved data shows that fathers do receive have access to provisions that concern the topic of 'combining work, family, and

personal life'. In relation to the, by the ILO described, right to paid leave to care for relatives no specifications of duration nor pay rate come forth from the retrieved data.

The above shows that analysis of the CBAs present in the WageIndicator CBA database can give a more in depth insight in employee-employer relationships and progress towards a 'Decent work agenda' in the context of Cambodia.

Ethiopia

In comparing the perspectives of the ILO and the WageIndicator Foundation in the context of Ethiopia it became apparent that the image drawn by the ILO country profile almost completely corresponds with the contents of the retrieved Ethiopian CBAs. Inconsistencies however existed in relation to the duration of paid maternity leave and the pay rate during this period. As retrieved from the CBAs, only a single CBA specified the duration of maternity leave while according to the ILO country profile all female employees are entitled to paid maternity leave for a duration of 90 days. The lack of specification of the duration of maternity leave could signal a lack of implementation and or adherence to set regulations regarding this subject. Although, as further explained in the recommendations, the contents of CBAs retrieved from the WageIndicator Foundation database might not be fully complete nor decisive. Moreover, the ILO country profile does not specify a rate of adherence to the set requirements regarding maternity leave duration, as it becomes clear that utilizing the CBA comparison tool the 'cautious' conclusion can be made that, at least in the CBAs, a 90 day period of maternity leave, specified in the country profile as obligatory, is not included in the majority of Ethiopian CBAs.

Indonesia

Upon comparison of the perspective sketched by the ILO and the WageIndicator on Indonesia many similarities were once again identified. A difference lay in the given that the Indonesian ILO country profile describes how the duration of maternity leave is set at 12 weeks while. To the contrary, as retrieved from the WageIndicator Foundation CBA database, all Indonesian CBAs maintain a duration of maternity leave set at 13 weeks. This shows that the Indonesian ILO country profile does not capture the given that CBAs present in the country outperform the legal requirements set in the Indonesian labour laws signalling that the progress towards a 'Decent work agenda' might be further ahead than perceived by the institution.

From the above it can be concluded that although the ILO country profiles of Cambodia, Ethiopia and Indonesia show similarities to the contents of CBAs as retrieved from the WageIndicator CBA database, the use of the WageIndicator Foundation CBA database can give a detailed perspective of the state employee-employer relationships, enforcement of labour laws and provisions enjoyed by workers. The ILO country profiles broadly draw a similar picture as retrieved from the CBAs in the WageIndicator Foundation CBA database but do not specify or mention other provisions, residing within existing CBAs, that relate to the Decent Work agenda and or 'combining work, family and personal life'. Utilization of the WageIndicator CBA database could therefore benefit the ILO, and their country profiles, by shedding light on the previous and present state of employee-employer relationships and the progress towards a decent work agenda.

The following chapter discusses several recommendations formulated on the basis of the conducted research that are hoped to be of benefit for the functioning, understandability and precision of the WageIndicator CBA database and the corresponding online comparison tool.

6. Recommendations

On the basis of the conducted research and the usage of the WageIndicator CBA database and the online CBA comparison tool the following recommendations were formulated. The recommendations relate to the contents and functioning's of the WageIndicator Foundation CBA database and are hoped to be of use to the Foundation for further improvement and precision of their database.

The first recommendation relates to the presence of several (possible) gaps in the data residing within the database. During the development- and using of the tool, and the conduction of the research, that in many instances the contents of CBAs were not fully present or added to the database. As visible in figure 2 residing in the appendix, a screenshot of the visualisations present in the WageIndicator CBA database, in some cases not all variables were added to the database. The dichotomous variables, used to signal if a CBA contains certain clauses, in some cases only mention of a positive entry, or a 'yes', while if there is no mention of a clause on a certain topic the dichotomous variable is not present in the database instead of being indicated with a negative value or a 'no'. In such a case it becomes unclear if this should be understood as a 'no' or that data on this subject is unavailable or unascertainable. The addition of negative values or a 'no' in case of the lack of certain clauses, or the addition of a third variable signalling 'unknown', within CBAs could improve understanding and make the CBA tool more user friendly and enhance the clarity and understandability of the data present in the WageIndicator CBA database.

A second recommendation relates to the classification of the topics used for coding in the CBA database. Without suggesting that the manner wherein the ILO classifies their variables, such as with 'combining work, family and personal life', is in any way superior to the manner utilized by the WageIndicator Foundation it might be favourable to, in some cases, reclassify or broaden certain topics. As described in the chapter concerning the view of the ILO on the researched countries, (excessive-) working hours and regulations surrounding them are included in the subject of 'combining work, family and personal life' from the logic that these variables also influence employees' possibilities to successfully balance work, family and personal life. Although *Topic 5: Work and family arrangements* is not necessarily geared towards analyses of CBAs to further understanding of possibilities of employees to combine employment with family life, a reclassification or broadening of the by the WageIndicator Foundation utilized topics might prove useful to other actors using the tool, such as researchers or possibly even actors such as the ILO.

Lastly, although possibly an obvious recommendation, it is recommended to strive for a further expansion- and keeping up to date of the CBA database. It is believed that the broader, in terms of different countries, and the more up to date, in terms of the addition of the newest CBAs and or changes therein, the WageIndicator Foundation CBA database get the more, the already great, value of the WageIndicator Foundation CBA database and the Foundations work in general will be recognized by actors such as the ILO and others. Therefore it is emphasized that the WageIndicator Foundation should further its noble and important striving towards the mapping out of CBAs globally and should aim for inclusion of all (future) CBAs in their database.

7. Bibliography

- Ceccon, D., Tijdens, K.G., Osse, P., Pralitasari, N., Ndoricimpa, A. and Ngeh Tingum, E. (2016). *Manual and codebook of the WageIndicator Collective Agreements Database - Version 2 - May 2016*. WageIndicator Foundation, Amsterdam.
- Gernigon, B., Odero, A., & Guido, H. (2000). ILO principles concerning collective bargaining. *International Labour Review*, 139(1), 33-55.
- Ceccon, D., (2017). *Are collective agreements around the world doing their job in increasing equality and promoting work/family balance arrangements? The analysis from the WageIndicator database*. July 2017. WageIndicator Foundation, Amsterdam
- ILO (2011). *Decent work country profile: Indonesia* / International Labour Office Geneva.
- ILO (2012). *Decent work country profile: Cambodia* / International Labour Office Geneva.
- ILO (2013a). *Decent work indicators: guidelines for producers and users of statistical and legal framework indicators: ILO manual: second version* / International Labour Office Geneva.
- ILO (2013b). *Decent work country profile: Ethiopia* / International Labour Office, ILO Country Office for Ethiopia and Somalia; Federal Democratic Republic of Ethiopia, Ministry of Labour and Social Affairs- Addis Ababa.
- © WageIndicator 2018 - WageIndicator.org - Collective Agreement Database per Country:
Retrieved from: <https://wageindicator.org/labour-laws/collective-bargaining-agreements/collective-agreement-database-per-country-1>
- The World Bank (2017a). *World Development Indicators: 2.3 Employment by sector*.
Retrieved from: <http://wdi.worldbank.org/table/2.3> [Last checked 20-4-2018]
- The World Bank (2017b). *World Development Indicators: 4.2 Structure of Output*. Retrieved from: <http://wdi.worldbank.org/table/4.2#> [Last checked: 20-4-2018]

Appendix

**Figure 1 - Exhaustive list of the for the CBA tool utilized variables of Topic 5:
Work And Family Arrangements**

Variable name

1. Does the agreement contain clauses on work and family arrangements (including pregnancy, maternity/paternity leave and childcare)?
2. Does the agreement contain clauses on paid maternity leave?
3. What is the total duration of maternity leave in consecutive WEEKS?
4. Are all female employees eligible for paid maternity leave?
5. Does the agreement provide for the % of basic wage to be paid during maternity leave?
6. What percentage?
7. Does the agreement contain clauses on job security for women wishing to return to work after maternity leave?
8. Does the agreement contain clauses which prohibit (any form of) discrimination related to maternity?
9. Are there groups of women workers which are under different arrangements from those specified in the above clauses (e.g. part-time workers entitled to fewer months of paid maternity leave than regular workers)?
10. Does the CBA contain any other clause on maternity leave arrangements?

11. Does the agreement contain health and safety clauses related to pregnancy and/or breastfeeding?
12. Does the agreement contain clauses ensuring that pregnant or breastfeeding workers (and not ALL women) are not obliged to perform dangerous or unhealthy work?
13. Does the agreement contain clauses requiring the employer to carry out a workplace risk assessment on the safety and health of pregnant or nursing women and inform them accordingly?
14. Does the agreement contain clauses ensuring that alternatives to dangerous or unhealthy work are available to pregnant or breastfeeding workers (namely, elimination of risk, adaptation of working conditions, transfer to another post, paid leave with right to return to work)?
15. Does the agreement contain clauses on time off for prenatal medical examinations?
16. Does the CBA contain clauses against screening for pregnancy before regularising non-standard workers?
17. Does the CBA contain clauses against screening for pregnancy before promotion?
18. Does the agreement have clauses on paid paternity leave?
19. What is the total duration in days of paid paternity leave at the time of delivery?
20. Does the agreement provide for the % of basic wage to be paid during paternity leave?

21. What percentage?
22. Does the agreement contain clauses on paid leave to care for dependent relatives (children in particular)?
23. What is the total duration of paid leave per year in case of caring for relatives (children in particular) in days?
24. Does the agreement provide for paid leave in case of death of relatives?
25. What is the leave duration in DAYS?
26. Does the agreement contain clauses on time off (breastfeeding breaks) and/or facilities for nursing mothers?
27. What is the duration of daily breastfeeding breaks, as provided by the CBA?
28. What is the duration of the entitlement to breastfeeding breaks (age of the child in MONTHS)?
29. Is there any clause providing that breastfeeding break has to be considered as working time and paid accordingly?
30. Does the agreement contain clauses on employer-provided childcare facilities?
31. Does the agreement contain clauses on employer-subsidized childcare facilities?
32. Does the agreement provide for a monetary tuition/subsidy for children's education?

Figure 2 - Screenshot of lacking/non-present data in CBA database

The image below shows a screenshot of data visualised using the online CBA comparison tool. The legend shows what variable is represented by what colour, in case not all colours are shown, either on the yes or no side of the table, the data corresponding with that variable is not present within the CBA database. This does not however mean that it is automatically a no.

