



International standards

International labour standards aim to improve women's position in the labour market and in society at large by providing common benchmarks and minimum standards at work around the world. Influential international instruments directed at improving women's status and working conditions include:

- International Labour Organisation (ILO) Conventions and Resolutions
- The United Nations Convention on the Elimination of Discrimination Against Women (CEDAW)
- The Beijing Platform for Action (1995 and subsequent years)
- The United Nations Agenda for Sustainable Development Goals

The ILO has a specific workforce and workplace focus, with the objectives of improving and upholding labour standards, promoting social justice and political stability. The other institutions have a broader approach, covering for example, political access and freedom, health, education and protection from discrimination, harassment and violence.

ILO conventions and CEDAW

The ILO is a tripartite body comprised of employers, unions and governments. It develops conventions and

resolutions for ratification by nation states, with the intention that those standards are then incorporated into national legislation. Once a convention is ratified, member states are committed to respecting its terms, submitting reports to the ILO, demonstrating compliance and being open to investigations of alleged breaches. The ILO adopted a policy of 'gender equality mainstreaming' in 1999, which requires that gender awareness be interwoven through all conventions and implementation strategies.

Enabling rights for all workers are contained in the Freedom of Association and Right to Organise Convention 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention 1949 (No. 98). In addition to these general standards, there are a number of ILO conventions that deal specifically with gender equality. These include:

- The Equal Remuneration Convention 1951 (No.100)
- The Discrimination (Employment and Occupation) Convention 1958 (No.111)
- The Workers with Family Responsibilities Convention 1981 (No.156)
- The Part-time Work Convention 1994 (No. 175)
- The Home Work Convention 1996 (No. 177)
- The Maternity Protection Convention 2000 (No.183)
- The Decent Work for Domestic Workers Convention 2011/13 (No.189)

These international standards are not static and are often reviewed and updated, or new conventions introduced. In 2018, for example, the ILO will seek to introduce a new convention relating to reducing and eliminating violence against women and men at work. This convention will address all forms of gender-based violence, harassment and discrimination against women, including domestic or family based violence and its impact in the workplace.

The other major international treaty on women's equality is the United Nations Convention on the Elimination of Discrimination Against Women, typically referred to as CEDAW. CEDAW was adopted in 1979 by the United Nations General Assembly and has been ratified by almost two hundred states. CEDAW is significant as it recognises culture and tradition as influential forces shaping gender roles and family relations.

CEDAW positions women's rights as human rights and focuses on eliminating all forms of discrimination against women. Discrimination is defined by CEDAW as 'any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women ... of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field'. Article 11, meanwhile, outlines the right to work for women as 'an unalienable right of all human beings'.

CEDAW requires equal pay for equal work, the right to social security, paid leave and maternity leave with pay or comparable social benefits and without loss of former employment, seniority or social allowances. In many ways, CEDAW is a complement to ILO standards and is an important international instrument for advocating women's equality.

Principle	CEDAW	ILO
Equality before the law	Sec. IV Art. 15.1	
Equal rights and responsibilities as parents	Sec. IV Art. 16.1d	
Equal access to work	Sec. III Art. 11.1	C111 Art. 2
Equal pay for equal work	Sec. III Art. 11.1d	C100 Art. 2.1
Equal access to benefits and entitlements	Sec. III Art. 11.d Sec. III Art. 11.e	
Elimination of unfair dismissal on the basis of pregnancy or marriage	Sec. III Art. 11.2b	
Elimination of unfair dismissal to prevent the receipt of maternity leave		C183 Art. 8.1
Provision of maternity leave with pay	Sec III Art. 11.2b	C183 Art. 4.1 C183 Art 6.3
Provision of breastfeeding leave		C183 Art. 10.1
Appropriate access to childcare facilities	Sec. III Art. 11.2c	C156 Art. 5.b
Appropriate measures to protect the health of pregnant or breastfeeding mothers at work		C183 Art. 3
Fair and equal treatment of domestic workers		C189 Art. 3.2

Diffusion of international norms

International labour standards are important for setting normative expectations and for providing minimums and international comparators for advocates to use in their arguments and campaigns.

They are important in preventing a 'race to the bottom' and ensuring that basic conditions and entitlements at work are respected. Used in concert, governments can raise the floor of work for all and thus not undermine their respective country's international competitive advantage.

Although ratification is done by governments, other actors, such as consumer groups, labour activists and Multinational Enterprises (MNEs) reference international labour standards. MNEs, for example, may require them to be met by their suppliers, acting as important conduits for improving women's working conditions within global supply chains.

Notably, however, the UN Global Compact – which has been signed by thousands of MNEs in 145 countries – and the OECD Guidelines for MNEs make minimal explicit reference to women.

Principle	Myanmar law/regulation	Specific provision
Equality before the law	2008 Constitution	<ul style="list-style-type: none"> • Ch 1, Art 21(a) • Ch 8, Art 347, 348, 349, 350, 351, 352, 370
Equal rights and responsibilities as parents	1993 Law on Children	<ul style="list-style-type: none"> • Ch 5 Art 11 (a,b), 12 (a)
Equal access to work	2008 Constitution	<ul style="list-style-type: none"> • Ch VIII, Art 350
	2013 Civil Service Law	<ul style="list-style-type: none"> • Ch XIV, Art 73
Equal pay for equal work	2008 Constitution	<ul style="list-style-type: none"> • Ch VIII, Art 350
	2013 Minimum Wage Law	<ul style="list-style-type: none"> • Ch VIII, Art 14(h)
	2013 Civil Service Law	<ul style="list-style-type: none"> • Ch XIV, Art 73
	Employment and Social Security Notification No. 64/2013 on Minimum Wage Rules	<ul style="list-style-type: none"> • Ch 9, Art 43(i)
Equal access to benefits and entitlements	2008 Constitution	<ul style="list-style-type: none"> • Ch VII, Art 350
Elimination of unfair dismissal on the basis of pregnancy or marriage	2012 Social Security Law	<ul style="list-style-type: none"> • Ch VII, Art 66(a)
Elimination of unfair dismissal to prevent the receipt of maternity leave	2012 Social Security Law	<ul style="list-style-type: none"> • Ch VII, Art 66(a)
Provision of maternity leave with pay	2012 Social Security Law	<ul style="list-style-type: none"> • Ch V, Art 25 (c, d) • Ch V, Art 27 • Ch V, Art 38 (d)
	2013 Civil Service Law	<ul style="list-style-type: none"> • Ch IV, Art 12 (k)
	2016 Law Amending the 1951 Factories Act	<ul style="list-style-type: none"> • Ch IV, Art 36 (6)
Provision of breastfeeding leave	Currently no provisions.	
Appropriate access to childcare facilities	2016 Law Amending the 1951 Factories Act	<ul style="list-style-type: none"> • Ch 50 Arts 1-3
Appropriate measures to protect the health of pregnant or breastfeeding mothers at work	Currently no provisions.	
Fair and equal treatment of domestic workers	Social Security Law	<ul style="list-style-type: none"> • Ch IV, Art 11(h) • Ch V, Art 21-23

For national governments, the ratification of, and compliance with, international standards is a way of signalling their commitment to meeting global expectations and norms about women and work.

International standards serve as important models to use in the development of national laws and social policies, such as in employment and work and family policies. Once legislated, these laws and policies can then be used to prosecute non-compliance in their own jurisdictions. The ILO also argues that international standards can be used to improve administrative structures related to labour inspection, social security administration, and employment services. Compliance with international labour standards can be critical to attracting foreign aid from donor countries and other international bodies.

The principle of gender equality, including access to equal rights and equal pay at work, is guaranteed under the constitution. In recent years, the government of Myanmar has commenced a comprehensive reform process, revising or replacing existing laws and enacting some new laws.

According to some sources, there is a gender pay gap of 25 per cent exists in Myanmar. Minimum wage laws enacted in 2015 may increase women's earnings, but only if it is enforced by government.

As part of the process of legislative renewal, the Myanmar government has also enacted legislative changes to combat discrimination against women and to improve access to childcare facilities. However, there are no provisions for menstruation leave or for breastfeeding mothers in the workplace. A draft law on sexual and gender based violence includes provisions to end workplace violence and harassment but the present iteration is considered too weak to be effective.

Problems with enforcement

While international standards play an important normative role, their enforcement is highly problematic. The ILO sets out concrete measures, but has no direct means of ensuring compliance.

CEDAW does not include any reference to key performance measures, nor do they have the power to enforce or implement provisions. Instead, it relies on the global conferences, political processes and NGO activities to bring gender equality to the attention of governments and the international community at large.

In Myanmar, many of the laws and regulations that impact on women's economic empowerment are new, and there has been limited assessment of their implementation or, indeed, analysis of how they might affect women.

More broadly, Myanmar struggles with enforcement, not only because of the weaknesses of enforcement mechanisms but because many women work in informal sector occupations.

In the absence of more effective monitoring by governments, the onus for compliance falls primarily on individual companies. As a consequence, pregnancy, childcare, and family responsibilities continue to be significant barriers to women's career development, and women continue to be vulnerable to discrimination, harassment and violence in the workplace.

The question is, then, not only one simply of diffusion of international norms but also of introducing concrete measures to enforce legislation and change workplace cultures in order to ensure that women have equal opportunities at work.

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