

The Global Tribunal of Women Workers

Outcome Document

Prepared for International Women's Rights Action Watch Asia Pacific

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Introduction

This report chronicles the process and outcomes of the Global Tribunal of Women Workers. The tribunal is a milestone initiative organised by the International Women's Rights Action Watch (IWRAW) Asia Pacific along with 28 collaborators. It was inspired by a series of global people's tribunals, which focused on women's rights and gendered violations, particularly the Malaysian Women's Tribunal that preceded it. As one of the first of its kind to be organised since the beginning of the COVID-19 pandemic and directly involving many women workers, it sets precedence for global people's tribunals in the post-covid world.

Staying true to its spirit, the tribunal drew from a diverse range of local and regional communities initiating a ground-up dialogue that put the lived realities of the Global South women workers at its centre. The tribunal, accordingly, crowdsourced narratives and live testimonies of women workers from across the Global South to situate women workers' struggles within the human rights and labour rights frameworks. The idea was to connect everyday rights violations with the international human rights framework and elucidate on gendered discrimination to call for action by the states as well as other accountable non-state duty bearers.

The women workers from both the formal and informal economy who testified before the tribunal were more than victims. They were survivors and organisers who came to testify, share their stories of struggle, and celebrate their journeys as active contributors to the economy. The tribunal made visible many workers who suffered the violation of their human rights in silence, while strengthening the voices of those who represent and organise them. Through their stories, which were heard and deliberated on at the tribunal, these women contribute to expanding on the Global South experiences and the use of international legal standards to assert women's rights in the world of work.

This tribunal was inspired by many preceding tribunals in different parts of the world. It had to overcome unprecedented challenges posed by a global pandemic. Therefore, organising this tribunal was really a trial on further strengthening Global South grassroots-level workers' voices and the thoughtful use of technology. The tribunal's success leaves useful lessons and reflections for future tribunals. We hope that this report will inspire similar endeavours in the years to come.

In documenting the process of the tribunal, this report contains a background to the tribunal and core chapters on thematic backgrounds, worker testimonies, and jury recommendations. Chapter 1 outlines the background information including the

objectives, themes and process of the tribunal. Chapter 2 encompasses aspects of testifying and the background in which the worker testimonies are heard. Taking the discussion to the core of the tribunal, Chapter 3 offers summaries of tribunal hearings and responses and reactions by the jury working groups. Chapter 4 extends the narrative to accountability and the tribunal's recommendations to the respective duty bearers at all levels of governance, including state and private actors. The report concludes with reflections and future directions. At the end, the report provides a list of statements and documents that will provide a deeper insight into the process, testimonies and recommendations of this tribunal.

This report captures the essence of women workers' experiences and rights violations that they encountered and survived. The discussion draws directly from the testimonies of women workers and their words, which are integrated into the narrative of the tribunal here. These extractions demonstrate the tribunal's commitment to amplify their stories. Core parts of the testimonies represent evidence that is instrumental in the search for justice for these witnesses, and their plea for change to create a better world of work for others who will come after them.

Chapter 1



“Rewriting our own history, when it is so painful, sometimes seems like suicidal... it is a grieving process, useful to put an end to the unfortunate chapters of life. We, the victims, hear this over and over again, and I think it would be beneficial and useful in order to move on that such a process is accompanied by justice.”

Jineth Bedoya Lima
Journalist, Bogota - Colombia



IWRAW Asia Pacific, in collaboration with women’s rights and civil society organisations, trade unions, activists and women workers, co-convened the Global Tribunal of Women Workers during the annual Global South Women’s Forum (GSWF) in September 2022. The Tribunal, the first of its kind to bring together such a large group of women workers from the Global South on a virtual platform, heard and curated the first-hand experiences from the victims and survivors themselves. Testimonies from witnesses like Jineth, quoted above, speak to the effect and impact of the platform that was created for Global South women workers.

This chapter offers an overview of the Global Tribunal of Women Workers, its background, purposes and the process. It also speaks to how the tribunal is an example of successfully using the potential of technology to expand the outreach and impact of global people’s tribunals for the new world.

1.2. Overview of the Tribunal

The Global Tribunal of Women Workers brought together a mass of women workers who testified before it. It was a collective effort by IRAW Asia Pacific together with collaborating organisations, which ranged from civil society organisations and workers' rights organisations that work at the grassroots level, to trade unions and regional collectives of women and workers.¹

Seventy-three women workers came forward to testify before the tribunal. They were from 24 countries in Asia, Africa and Latin America, and 12 different work sectors in the formal and informal economies. There were domestic workers, factory workers in the apparel and electronics sectors; there were sex workers, entertainment workers, street sweepers and waste pickers, street vendors, home-based workers making fishing nets, workers in offices, hospital cleaners and agricultural workers. They included citizens and migrant workers.

The tribunal took place in two stages in September and October 2022. At the first stage from 24-28 September, tribunal hearings drew in workers and collaborating organisations for testifying. Jury working groups and audience members were present at the hearings and had the opportunity to respond. These sessions were interspersed with healing sessions and creative corners described in Chapter 2.3 of this report. 9 October saw the second session, at which the thematic jury working groups presented their recommendations to an audience of workers, organisations and duty bearers. The report explains the constitution and functions of jury working groups in section 1.6, and their responses and recommendations in Chapters 3 and 4 of this report.

The tribunal was purposefully designed to reduce the hierarchies of knowledge between women workers providing testimonies, their peers who would witness the proceedings, women's human rights activists, labour rights activists, legal experts, judges, and all participants in the GSWF/Global Tribunal. IRAW AP used the Global South Women's Forum (GSWF) in order to create a more inclusive platform rather than a conventional courtroom structure.

The participants spoke 16 different languages: Arabic, Bahasa Malaysia, Bahasa Indonesia, Bangla, English, French, Khmer, Nepali, Portuguese, Sinhala, Spanish, Tagalog, Tamil, Thai, Urdu and Vietnamese. All tribunal hearings were accessible to all in multiple different languages at a given time.

¹ See Annexure 1 for the full list of collaborators for the Global Tribunal for Women Workers.

1.3. Objectives

Jineth's testimony before the tribunal, cited above, speaks to the key motivation behind organising the Global Tribunal of Women Workers. IWRAP Asia Pacific describes it as a collective global initiative resulting from a cross-movement.

“The Global Tribunal was a collaborative, transnational and cross-movement initiative which set out to make visible the broad spectrum of women’s work and address the gross human rights violations they experience in the world of work. It was a space to demand accountability, strengthen solidarity and develop evidence-based policies pursuant to international human rights and labour standards.”

Priyanthi Fernando

Executive Director of IWRAP Asia Pacific, and a member of the Global Tribunal’s core team and Jury Working Group

The concept of this tribunal was launched at a side event at the 66th Commission on the Status of Women (CSW66) on 17 March 2022. The organisers pointed to the need to connect women’s rights and labour movements and bring together the voices of activists, workers and technical experts from different regions and sectors, and the proposal was well received.

The tribunal was organised around **three core objectives**:

Make visible the broad spectrum of women’s work and the gross human rights violations and power imbalances experienced by women engaged in paid and unpaid work.

Affirm the human and labour rights of women workers in the formal and informal economies to assert their rights to a decent and dignified world of work free of violence and discrimination.

Hold accountable duty bearers and perpetrators of violations for non-compliance with international human rights and labour rights standards and commitments, and identify the gaps in national laws, policies and institutional structures.

1.4. Immediate Outputs of The Tribunal

The tribunal intended to;

Create an alternative space for Global South women to advocate for justice in the world of work and bring together women workers from different regions of the Global South and from different sectors with a view to sharing experiences, building solidarity, amplifying collective demands across the regions and the sectors, and strengthening advocacy at the national level.

Document the violations of international human rights and labour rights standards by the duty bearers, states and employers in the different regions and sectors, by collating the testimonies of women workers.

Make specific recommendations to duty bearers (states, employers) as well as to the relevant international women's human rights and labour rights bodies (e.g. CEDAW, ILO etc.) on changes which must be effected at both international and national levels to protect and fulfil the rights of women in the world of work.

1.5. Themes for hearings and recommendations

The tribunal hearings were organised under five key themes, which were identified in its design as core areas to focus on and contribute to. The thematic areas were:

1. Ending gender-based violence and harassment in the world of work;
2. Wage equality, living wage, and equal pay for work of equal value;
3. Freedom of association, collective bargaining and right to unionisation;
4. Care work, social protection, decent work and informalisation;
5. Health rights including occupational health and safety, mental health, sexual and reproductive health and rights of the workers.

Worker testimonies were categorised under these themes and each thematic area had a designated jury working group which participated in the hearings and made recommendations based on the witness testimonies. Five background research briefs were produced by the research assistant, locating the five themes within the relevant international standards and women's human rights practice. While related to the themes, worker testimonies included various other lived experiences which collectively intersected with the principles of equality, non-discrimination, inclusion and accessibility.

1.6. Jury Working Groups

The tribunal had five jury working groups (JWGs) organised under the five thematic areas above. Each jury working group comprised legal/academic experts, women human rights defenders, women workers with lived experience, and a legal assistant. The JWGs were a representation of the diversity of expertise and their own lived experience. The legal assistants and the tribunal research assistant supported the different jury working groups to access the different material that was required to frame the outcomes.

The JWGs' role was to listen to the testimonies and make recommendations on the nature of the violations and how these violations must be addressed, primarily to the duty bearers but also to civil society. They studied the testimonies in their different thematic groups, identified national and international laws and standards, and developed a set of recommendations that contextualised the workers' testimonies and proposed how they should be addressed.

The recommendations were presented on the day of recommendations, which took place ten days after the conclusion of the tribunal hearings. Jury working group members were also present at the various hearings and were able to respond directly to each and every testimony that was presented.

Leading up to the hearings and after they had heard the witnesses, each working group met virtually and discussed the different international standards, domestic laws and good practices that could be applied to the different cases in order to craft their recommendations.

1.7. Collaborators

The witnesses were introduced to IWRAW AP by members of the Global Tribunal Coalition: 28 partner organisations working on women's labour rights across the globe, including organisations from the women's movement and the labour movement, including trade unions, the sex worker movement and the domestic worker federations.

The organising committee was the immediate sounding board for IWRAW AP. Its members were drawn from the wider coalition representing five organisations: the Asia Pacific Forum for Women, Law and Development (APWLD); the Association of Women in Development (AWID); the Local Women's Initiatives for Rights and Empowerment (LWIRE) - Philippines; Egna Legna Besidet; and the Uganda Association of Women Lawyers (FIDA - Uganda).

All collaborators supported the witnesses to craft their testimonies according to the guidelines provided by the IWRAW AP team; sent advance copies in English so that the testimonies could be categorised into the different tribunal themes; and also shared ahead with the JWG. IWRAW AP relied on the coalition partners to support the workers as they prepared and delivered their testimonies. They provided the back-up support post-tribunal, and leveraged their participation and the lessons learned from the tribunal in their own advocacy.

Chapter 2 of the report further expands on the testifying process and what was involved.

Chapter 2: The process

“Through my participation in the tribunal, I wish to learn to speak out and be able to assist others to speak out if they are facing similar issues. I kept it to myself for a long time... To speak out is a healing process from inside out, and it builds confidence in others to do the same.”

***From the testimony of Nellie
Domestic Worker and General
Secretary of Namibian Domestic and
Allied Workers Union***



This chapter expands on the process of the tribunal within the framework set in Chapter 1. It commences with the range and diversity of witnesses before it closely describes the process of the hearings. It finally offers a summary into the five thematic areas which were the focus of the hearings and recommendations.

2.2. Witnesses

Chapter 1 set out the diversity and the range of worker participation in this tribunal. As mentioned, 73 women workers from 24 countries in Asia, Africa and Latin America, and 12 different work sectors testified before the tribunal. The collaborators connected workers with the tribunal and assisted them through the submission of testimonies, testifying and participating in the recommendation sessions.

All of the hearings and recommendation sessions were accessible in the 16 languages listed in Chapter 1. More on witnesses and workers testifying is detailed in Chapter 3.

2.3. Process and the support system

Delivery of the Tribunal

The tribunal was an inclusive digital platform delivered through Zoom technology. It made the forum accessible for many women workers who otherwise would not have been able to join to testify. Witnesses were able to join from the convenience and the security of their familiar spaces.

Many contributed to the co-creation of this platform. Stractiv8 Impact, a South Africa-based company, managed the digital space. It provided crucial technical support throughout time zones spanning UTC -5 to UTC +8. The interpreters for 16 languages contributed to enhanced accessibility of this digital space. There were challenges due to Zoom's limitation of simultaneous delivery for only 13 languages at a given time. The report touches on troubleshooting and challenges in the concluding chapter's reflections.

IWRAW Asia Pacific has established that online spaces can be just as accessible as in-person spaces. Women workers were able to join, listen in and share their experiences in their own language and were assisted throughout the process. Although the digital platform could not completely replicate the in-person interactive experience, the organisers believe that the effort was largely successful.

In addition to the five organisations that formed the organising committee, there were two subcommittees which were instrumental for the smooth launch of the sessions: the security sub-committee, and the mental health support sub-committee. The two subcommittees both played an invaluable role in creating a safe space for witnesses to deliver their testimonies.

Support systems for witnesses and participants: Security and wellbeing

Security of all participants was a priority of the process and the security sub-committee ensured that the digital space was safe for all. Legal and digital security experts were on standby during the hearings to address any security threats. In preparation for the tribunal, the legal security experts reviewed all the witness testimonies and provided a summary of a legal risk assessment of all 73 witness testimonies. The digital security experts provided guidance in terms of managing the security risks during the online hearing sessions.

Mental health and wellbeing of all participants was a priority for this event. Healing sessions and counselling were organised with this purpose in mind and they were distributed across the agenda. Counselling support was made available to the witnesses during and beyond the tribunal to support them with their mental health needs, especially after recounting trauma, violence and denial of their rights.

At several instances during the hearings, mental health counsellors were needed to intervene and help witnesses who were overwhelmed by the process of recounting their

stories. The counsellors were also on hand to provide calming breaks when listening to the testimonies was hard for the virtual audience. They were ready to provide services following the close of the hearings. Due to the diversity of the participants, the tribunal had assigned counsellors from Asia, Africa and Latin America who were familiar with the context which was important to ensure witnesses felt comfortable in their interactions.



Creative corners and GSWF sessions

Interspersed with the Global Tribunal Sessions between the 24th and 28th September were the Global South Women's Forum (GSWF) sessions in the form of civil society dialogues and creative corners. The GSWF sessions helped frame the testimonies in the context of feminist economic thinking and the discourse on women and work in the women's human rights and labour rights movements.

The creative corners were initiated at the 2021 GSWF and provided the opportunity for creative expression of the issues relating to the theme by visual artists, writers, poets, musicians and dancers. These were intended to lessen the tension of the hearing sessions and to make the experience more enjoyable and meaningful for all participants.

2.4. Thematic background: Summary of thematic background papers

In order to understand the worker experiences in the framing of human rights violations, this section offers a summarised overview from the thematic background papers prepared ahead of the Tribunal. These thematic background papers feed into the chosen five themes and offer context for the facts, law and policy under each of them.

Ending gender-based violence and harassment in world of work

Gender-based violence and harassment is a grave form of discrimination that disproportionately affects women. The working concept of gender-based violence (GBV) for this tribunal was, “violence which is directed against a woman because she is a woman, or that affects women disproportionately”.² Under international law, the prohibition of gender-based violence against women is considered a principle of customary international law.³ Due to its personal, social and economic costs, the International Labour Organisation (ILO) in 2019 introduced new and more broad-based standards to respond to violence and harassment in the world of work.⁴ In relation to the world of work, eliminating discrimination in respect of employment and occupation forms one of ILO’s fundamental principles and rights at work.⁵

World Health Organisation (WHO) statistics evidence that approximately 1 in 3 women have experienced some form of physical or sexual violence in their lifetime.⁶ Women in fact experience intersecting forms of discrimination. A person’s identity as a woman is ‘inextricably linked’ to several other aspects, including ethnicity/race, religion/belief, socioeconomic status, nationality, disability, age and migrant status.⁷

Ahead of the tribunal, several concept-related challenges pertaining to GBV and harassment were identified. In the new broad-based conceptualisation of violence and harassment related to work recognised by ILO, the term ‘world of work’ calls for further clarification. This extensive definition raises questions on how the worker-employer

² CEDAW Committee, General Recommendation No. 19: Violence against Women (1992), para 6, at <https://www.refworld.org/docid/52d920c54.html>.

³ This is by way of state practice and opinion juris; See CEDAW Committee, General Recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19 (2017), para. 2, <https://digitallibrary.un.org/record/1305057?ln=en>.

⁴ C190 - Violence and Harassment Convention, 2019 (No. 190), https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0:0::NO::P12100_ILO_CODE:C190.

⁵ ILO Declaration on Fundamental Principles and Rights at Work (1988), at https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/normativeinstrument/wcms_716594.pdf.

⁶ World Health Organisation (WHO), ‘Devastatingly pervasive: 1 in 3 women globally experience violence’ (9 March 2021) at <https://www.who.int/news/item/09-03-2021-devastatingly-pervasive-1-in-3-women-globally-experience-violence>.

⁷ See CEDAW Committee General Recommendations No. 15 on women and AIDS; No. 18 on women with disabilities, No. 21 on equality in marriage and family relations; No. 24 on women and health; No. 26 on women migrant workers, No. 27 on older women and protection of their human rights; No. 30 on women in conflict prevention, conflict and post-conflict situations, No. 31 on harmful practices; No. 32 on gender-related dimension of refugee status, asylum, nationality and statelessness of women, No. 34 on the rights of rural women, which refer to the multiple forms of and intersectional discrimination women face.

relationship could occur and be perceived (i.e. who could be considered employers and employees in a given situation), and what involves a ‘workplace’ and ‘work-related commitments,’ in terms of deliberating responsibility.

Further challenges on fully understanding GBV on the ground called for clarity on other aspects. A key issue was the impact of GBV on specific groups of workers such as sex workers and identifying how GBV can affect them and disrupt their livelihoods. Another challenge for sex work is that it is not explicitly recognised as work in official forums. However, UN Women recognises the term ‘sex workers’ and rights of sex workers to choose their work or leave it, and to have access to other employment opportunities.⁸ The witness testimonies at the tribunal offered insights into how the soft and hard laws could respond to mitigate violence and harassment in the workers’ everyday realities.

Additional hurdles on matters related to GBV further substantiated the importance of a ground-up approach in understanding this problem. There is a noticeable lack of comprehensive national-level disaggregated data on violence and harassment in the world of work, the impact of domestic violence on work, the employability and efficiency of such workers, the lack of legislation and policies, and the implementation and enforcement of existing laws and policies and other issues which include imposition of employment contract clauses on forced arbitration and confidentiality. A more extended discussion of GBV and the applicable legal framework is available in the thematic briefing paper appended in the annexes.

Wage equality, living wage and equal pay for work of equal value

Wage inequality in the context of women workers exists in multiple forms. The problems of wage inequality can manifest as gender pay gap and wage theft. The World Economic Forum estimated that it will take 151 years to close the economic participation and opportunity gender gap.⁹ Wage inequality faced by women workers is a result of several factors including structural barriers in the world of work as well as in the broader social context outside the workplace.

The issues of wage inequality, living wages and equal pay for work of equal value are rooted in the principles articulated in ILO Convention No. 111 on Discrimination in Employment (1958) and Convention 100 on Equal Remuneration. These rights intrinsically connect with the right to just and favourable conditions of work, which must apply to all workers regardless of their gender, age, disability, ethnicity, migrant or minority status, among other attributes. Equal remuneration for work of equal value could be ensured formally through: 1) national laws or regulations; 2) legally established or recognized machinery for wage determination; 3) collective agreements between employers and

⁸ UN Women, ‘Advancing the rights of women engaged in sex work in the COVID 19 context’ (Annex B 2021) 3, www.unwomen.org/sites/default/files/Headquarters/Attachments/Calls%20for%20proposals/2021/03/CFC-2021-002-NPL-Advancing%20the%20rights%20of%20women%20engaged%20in%20sex%20work-extension%20until%2016%20April%202021.pdf.

⁹ Global Gender Gap Report 2022: Insight Report (World Economic Forum, July 2022), at https://www3.weforum.org/docs/WEF_GGGR_2022.pdf.

workers; and 4) a combination of those means.¹⁰ The concept of living wage extends from minimum wage and represents a more realistic expectation of remuneration from employment that would enable the employee to afford a sustainable standard of living.

The structural problems that cause wage inequality take multiple forms. Some of the key causes include: a) ineffective, incomplete and outdated laws, regulations and policies and the lack of effective implementation; b) lack of transparency regarding wage structures and pay determination; c) lack of disaggregated data; and d) sectoral minimum wage setting and lack of regular wage adjustment. Additional causes contribute to placing women in an intersection of disadvantage when it comes to wage equality. Some such causes are discrepancies in education, such as STEM education that can lead to high-remuneration jobs; feminisation of some low-paying labour-intensive jobs; devaluation of women-majority industries and sectors such as care work and sex work; the ‘motherhood penalty’; and female underrepresentation in leadership positions. A more extended discussion of these rights and the applicable legal framework is available in the thematic briefing paper appended in the annexes

Freedom of Association, Collective Bargaining and Right to Unionisation

A guaranteed fundamental human right, freedom of association, entails the freedom of workers and employers to form and join organisations of their own choosing.¹¹ It is the enabling right that allows for ‘effective participation of non-state actors in economic and social policy, lying at the heart of democracy and the rule of law. It is crucial for the effective functioning of labour and economic markets. More broadly, it is integral to good governance. The pandemic, coupled with globalisation, casualisation and digitalisation of labour markets presents trade unions and workers’ organisations with evolving challenges to their effective protection and the exercise of their rights.¹²

One of the principal means by which the right to work is protected is through the right to unionisation. Vital to these rights is the associated right to industrial actions such as striking. The ILO mandates that ‘workers and employers, without distinction whatsoever, [must] have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation’¹³ Workers must enjoy adequate protection from anti-union discrimination, which includes conditional employment hinged on leaving or not joining a trade union, or causing the dismissal of or prejudice to workers consequent to union membership.

Standards specific to particular categories of workers have also been drafted to ensure their rights to association and unionisation. These categories include agricultural workers,

10 Article 2, ILO Convention No.100 Equal Remuneration for Men and Women Workers for Work of Equal Value (1951), https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C100.

11 Article 20, Universal Declaration of Human Rights (1948) (UDHR); Article 22, International Covenant on Civil and Political Rights (1966) (ICCPR).

12 A Global Trend Analysis on the Role of Trade Unions in Times of COVID-19: A Summary of Key Findings’ (ILO), at https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publication/wcms_767226.pdf.

13 Article 2, ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organise Convention (1948), https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::p12100_instrument_id:312232.

rural workers, workers in non-metropolitan territories, public service workers and migrant workers. Worker representatives must enjoy effective protection from prejudicial acts in the world of work, and must be offered facilities to carry out their functions, in addition to necessary time off from work without losing any benefits, and to carry out their representation functions.¹⁴ This right is instrumental in ensuring other rights such as equal and just wages, safe working conditions and elimination of workplace violence and harassment.

Women workers face multiple challenges. General challenges for all workers in relation to this right include the criminalisation of union activities and prejudicial acts against association members and activity, and challenges to specific categories of workers attached to casual or informal status. In addition, there is a problem with patriarchal norms associated with women's activism in unions. Even if women join unions or workers' organisations, issues within trade unions pose a critical challenge. Further, the underrepresentation of women in trade unions and decision-making positions impacts women's membership in trade unions and their ability to be active in the labour bargaining spaces. A more extended discussion of these rights and the applicable legal framework is available in the thematic briefing paper appended in the annexes.

Care Work, Social Protection, Decent Work and Informalisation

As of 2018, the global care workforce is estimated at 381 million workers—about 249 million women and 132 million men.¹⁵ The ILO determines that there has been an increased demand for paid care work in the last decade, consequent to changes in family structures, higher dependence ratios and changing care needs. A large proportion of care work falls on women and girls particularly due to gender roles and stereotyping. Added to this are other economic and social policies which lead to women having to fill the gap as unpaid carers; cuts in funding of public care services as part of austerity measures during economic crises and a reduction in social investment. The care economy is currently largely unregulated leaving the care workers, a majority of whom are women, unprotected by the law.

Care work refers to both direct, personal and relational care activities, such as feeding a baby, and indirect care activities such as cooking and cleaning.¹⁶ Care work is also both paid and unpaid. Unpaid care work is gendered and functions as an important social and economic activity that is pivotal to the total wellbeing of individuals, families and communities. One of the key issues is that a large proportion of care work falls on women and girls particularly due to gender roles and stereotyping. Added to this are other economic and social policies which lead to women having to fill the gap as unpaid carers, including cuts in funding of public care services as part of austerity measures during economic crises and a reduction in social investment.¹⁷

¹⁴ See Article 1, ILO Convention 135 on Workers' Representatives (1971) and Part IV, ILO Workers' Representatives Recommendation 143 (1971).

¹⁵ 'Care Work and Care Jobs: For the Future of Decent Work' (ILO 2018), at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_633135.pdf.

¹⁶ 'Care Work and Care Jobs: For the Future of Decent Work' (ILO 2018), at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_633135.pdf

¹⁷ ILO, Empowering Women at Work: Trade Union Policies and Practices for Gender Equality (2020), at https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_760529.pdf, 38.

The fact that a large proportion of care work is carried out by women means they are pushed to lower-paying jobs including those in the informal sector and limited in their options of decent work. It may also force them to leave the workforce, or accept undervalued and underpaid work with no social protection. Moreover, many of the women engaged in care work are from marginalised and vulnerable groups, who consequently experience low pay, poor working conditions and violence and harassment at work. The COVID-19 pandemic exacerbated the inequalities between men and women in relation to housework and family responsibilities, thereby pushing a significant number of women out of the global workforce.¹⁸

Care work largely forms a part of the informal or hidden economy. The informal economy has been defined by the International Labour Conference as “all economic activities by workers and economic units that are—in law or in practice—not covered or insufficiently covered by formal arrangements.”¹⁹ Social protection for workers and labour rights framework are absent in these settings. The informal economy has grown over the past few decades due to ‘widespread deregulation and flexibilisation’, with a large proportion of informal workers being women due to the lack of gender-sensitive labour, economic and social policies.²⁰ During the COVID-19 pandemic, the informal sector was severely impacted due to the lack of income replacement or savings, the precarious nature of work and the general exclusion from support measures.²¹

There are several challenges faced by women care workers, primarily arising from gendered and structural discriminations as discussed above. The gap in the care economy specifically affects worker groups such as sex workers and migrant domestic workers who tend to fall through the cracks in the formal labour regulatory system. Contributing to the lack of social protections and safety nets including their labour rights, there is a lack of sex-disaggregated quantitative and qualitative data on unpaid work and particularly on the informal sector. An extended discussion on the care workers and the applicable legal framework is available in the thematic briefing paper appended in the annexes.

Health rights including occupational health and safety, mental health, sexual and reproductive health and rights of the workers

The right to a clean, healthy and sustainable environment is intricately interlinked with other human rights and human existence. In 2008, the ILO estimated that about 2.3 million men and women died from work-related accidents each year.²² More recently, in 2017 it

¹⁸ ILO, Empowering Women at Work: Trade Union Policies and Practices for Gender Equality (2020), at https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_760529.pdf, 38.

¹⁹ See Care at work: Investing in care leave and services for a more gender equal world of work (ILO, 2022) at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_838653.pdf

²⁰ Conclusions concerning decent work and the informal economy, General Conference of the International Labour Organisation, 90th session, para. 3.).

²¹ The Crucial Role of Trade Unions in the Implementation of the Beijing Platform for Action Beijing +25 (ITUC) at https://www.ituc-csi.org/IMG/pdf/beijing_25_report_en.pdf, 9.

²² ‘A Global Trend Analysis on the Role of Trade Unions in Times of COVID-19: A Summary of Key Findings’ (ILO), at https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publication/wcms_767226.pdf.

was found that the annual costs of occupational illnesses and injuries in the health and social service sector in the United Kingdom was \$ 3.38 billion.²³

Occupational hazards and injuries can take many forms. They could result in impacts on sexual and reproductive health, musculoskeletal and ergonomic disorders, stress and mental trauma and hazardous impacts specific to types of substances and new technologies. There exists a comprehensive international law framework around occupational health and safety. Additionally, in June 2022, the International Labour Conference recognised a safe and healthy working environment as a core right in the International Labour Organisation's 'Fundamental Principles and Rights at Work'.²⁴ This meant that all ILO Member States committed to respecting and promoting this fundamental right regardless of having the relevant conventions ratified. In July 2022, the UN General Assembly by way of a resolution declared a clean, healthy and sustainable environment as a universal human right.²⁵ There is a substantive duty upon the state and the employer to prevent workplace accidents and injuries in addition to remedying any harm caused.

Further, the International Covenant on Economic, Social and Cultural Rights (ICESCR) extends the right to protection of health and safety in working conditions, including the safeguarding of the reproduction function to new categories of workers such as self-employed workers, workers in the informal economy, agricultural workers, refugee workers and unpaid workers.²⁶ In relation to women specifically, international standards and guidelines have reiterated the need for focused protections and responses. The ILC Resolution on equal opportunities and treatment 1985 notes that steps must be taken to extend special protection to women and men from types of work that have been proven to be harmful, particularly in relation to their reproductive function.²⁷

A key challenge of occupational health and safety includes underreporting of occupational injuries and lack of disaggregated data. At the ground level, sector-specific hazards pose a risk to a majority of women workers involved in industrial and manufacturing processes. This is due to the reality of women often being trapped in low-paying jobs with little or no social benefits and overrepresented in the informal economy. Occupational safety and health hazards that affect women are underestimated because many of the standards are

23 Caring for Those who Care: Guide for the development and implementation of occupational health and safety programmes for health workers (ILO & WHO 2022), at https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/publication/wcms_837585.pdf.

24 ILO, 110th International Labour Conference (10 Jun 2022), https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_848132/lang--en/index.htm.

25 UN General Assembly recognizes human right to a clean, healthy, and sustainable environment (29 Sept 2022), https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_857164/lang--en/index.htm#:~:text=This%20reality%20was%20recognized%20by,been%20a%20long%20time%20coming.

26 UN Committee on Economic, Social and Cultural Rights (CESCR), General comment No. 23 (2016) on the right to just and favourable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights), 7 April 2016, E/C.12/GC/23, <https://www.refworld.org/docid/5550a0b14.html>.

27 See Article 2, Resolution on equal opportunities and equal treatment for men and women in employment (Geneva, June 1985), cited in Valentina Forastieri, 'Women Workers and Gender Issues on Occupational Safety and Health' (ILO, 2000), at https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/publication/wcms_108003.pdf

based on male populations and tests.²⁸ This means that ergonomic and biological needs are not taken into account when women engage in specific types of work.

Long-term impacts on women workers and survivors highly depend on the nature of the injury, abuse or violation one experiences. A survivor might have health management needs ranging from short-term to long-term care that would prevent them from working or doing daily activities. These factors might influence one's well-being and quality of life through physical, mental, social and financial challenges. In addition, severe injuries might cause chronic pain and suffering. An extended discussion on occupational health and safety and the applicable legal framework is available in the thematic briefing paper appended in the annexes.

Key Actors in the Accountability Ecosystem

While the ILO standards operate within a tripartite structure which includes obligations of governments, employers and workers' organisations, the actors who are responsible for protecting women workers' rights in the world of work extend far beyond these three actors.



²⁸ See Valentina Forastieri, 'Women Workers and Gender Issues on Occupational Safety and Health' (ILO, 2000).

Chapter 3: Workers testifying

“I seek justice and support from the global tribunal.”

Tuli Begam
ready-made garment
worker, Bangladesh

The Global Tribunal of Women Workers had the unique struggles and narratives of women workers at its centre. As a people’s tribunal, it aimed to hear the human rights violations, discrimination and power imbalances faced by women workers and demand justice from duty bearers. This chapter chronicles the essence of the testimonies by witnesses and the responses and reactions of the Jury Working Group Members at the hearing sessions of the Tribunal.

3.1. Tribunal hearings and responses



As explained above, tribunal hearings and recommendations were presented in two sessions, the first session being hearings scheduled from 24th–28th September 2022. The hearings spanned five days and across ten hearing sessions before an audience that consisted of the public and the JWG members. Each hearing session had about eight witnesses testifying and JWG members listening in, responding and directing clarifying questions.

The second session was the presentation of recommendations where the JWG members shared further responses from the hearings and recommendations to identified duty bearers. The recommendations contained legal and policy responses to violations reported before the tribunal during the previous session. A summary of testimonies and responses in this chapter is followed by an overview of key recommendations by the JWGs in the next chapter.

3.2. Summary of worker testimonies

Chapter 2 offered an introduction to the witnesses who testified before the tribunal. This section summarises the experiences submitted before the tribunal. For ease of accessing each of these experiences, they are categorised under the thematic working areas of the Tribunal. The overview under each topic captures the experiences and directly draws from worker testimonies to illustrate the rights violations and their impact on women workers.

Ending gender-based violence and harassment in world of work

A majority of 23 workers who testified before the tribunal shared experiences of gender-based violence and harassment. They were nurses, domestic workers, journalists, migrant workers, domestic workers, cleaners and factory workers from garment factories and other factories like seafood processing facilities. They were from different parts of the world including countries in South America, Middle East, Africa, South and East Asia. These women workers were from ages spanning from eighteen to late forties.

Witnesses reported physical, sexual and psychological violence used to punish and control women. The offences ranged from rape, sexual abuse to sexual harassment and verbal abuse. Common experiences in testimonies indicated a lack of access to justice, lack of provisions for care workers, sexual violence, stigmatization of work and issues for migrant workers to access migration laws and protections available for them. Key issues in testimonies also included the failure of authorities to follow up with complaints, lack of accountability within workplaces, and lack of a mechanism to submit complaints or instances of breach of contract and/or violations of rights in the workplace which has turned out to be a challenge, especially for categories such as migrant workers; understanding languages and local cultures were challenging for migrant workers. There have been concerns regarding the ratification and more importantly, the effective implementation of treaties signed by the countries the victims' testimonies come from.

A journalist in Colombia, Jineth Lima testified of being raped while she was performing her duty – when she was summoned for an interview by an informer for one of her articles. Her powerful testimony covered a range of facts and sentiments that resonated with testimonies of gender-based violence and sexual harassment by other women workers, before this Tribunal. Jineth shared,

“I was barely 26 years old and my life was undone by three scums. My left arm was nearly broken, with a colorful shade of purple from my fingertips to my collarbone. A few hours after the torture, the beatings and the humiliation, they left me abandoned on a highway, on the way to Puerto López (Meta). I just wanted to die. After a taxi driver helped me and I was moved to a clinic, I returned to reality, to the unfortunate reality that awaited me, and while undergoing the Legal Medicine exam, which has been a second rape (in this case a fourth), I wondered if it had been my fault. Unfortunately, that is what raped women, like me, believe at first. Did I put on the wrong blouse? Was it because of the skirt? Did my clothes reveal more than they should? It took me many months to find out that those were not the right questions. It took me a long time to stop feeling dirty and many years to let a man touch me again. A rape is not a fist or a blow; it is a crime that destroys our lives.”

On sexual harassment, Naadira, a worker from a seafood processing facility in Bangladesh head submitted,

“Men and women walk out together after work. At 6 o’clock in the morning, everyone was leaving together, when a male worker pulled my scarf.” Her head-scarf was a part of her daily attire that she chose to wear to work.

The identified potential perpetrators were employers and persons of authority at their workplaces such as supervisors and handlers, and others such as co-workers and law enforcement authorities such as the military. Most of these incidents have been reported and some unreported due to shame and fear of the consequences on women workers. Bondona, a healthcare worker from Bangladesh during her testimony said,

“I did not speak up when it happened because, in such incidents, the woman is blamed. They will say, why did you go there? Society and families always blame the female-victim ...women don’t tell anyone about it because it will cause problems in their family.” Further, issues were complaint reporting and hearing and violence and harassment connected to their duty. A Cameroonian migrant call centre worker and domestic worker submitted on harassment in public transport, on their commute to work.

Victims reported not having the required support during their reporting and hearing processes, even when such support should have been available as per the rules and policies of their national laws and workplace rules. A garment factory worker from Sri Lanka testifying on behalf of her friend who did not have the necessary support during the internal inquiry of her sexual harassment case. She shared,

“Sanduni had become helpless, caught in between the accused and the lawyer. For, there is no bigger mental stress for a woman than being asked again and again in raw terms about the harassment that she has experienced. Caught between two men, Sanduni hesitantly said that the hand hit and the lawyer took advantage of it and said “Say clearly — did it ‘hit or touch’. Although Sanduni had expected the arrival of the psychological counsellor, it was not permitted.”

The accused in these testimonies have gone unpunished and continue to hold their positions of authority at workplaces and outside. The impact of these experiences have caused a lasting impact on all the women workers and they did not forget to comment on that in their testimonies. The common plea in the testimonies was to enforce the law against their abusers and to strengthen the reporting mechanisms. This Report elaborates more on the observations by the Jury Working Committee in the next section.



Wage equality, living wage and equal pay for work of equal value

Fifteen workers testified on wage equality, living wage and equal pay for work of equal value. The workers were from both formal and informal sectors and worked at factories and subcontracting firms, and as waiters, administrators, rural farmers, cleaners, domestic workers and sex workers. They were from Indonesia, Sri Lanka, Nepal, Uganda, Bangladesh, Cambodia, Thailand and The Philippines.

The issues arising from the testimonies varied greatly. Among them were non-payment of the national minimum wage, exclusion of groups of workers such as domestic workers from the minimum wage, lack of benefits on termination, non-payment for overtime work and non-payment of terminal benefits. Being victims of non-payment of wages or receiving an inequitable wage resulted in a chain of consequences with adverse impacts on the lives of women workers. Some such consequences were failure to pay salaries or a living wage thus exposing employees to loan sharks; failure to provide for the workers' medical needs even though the professions involved working long hours in conditions that damaged the physical and mental health of employees; setting high quotas which were impossible to meet and as a result depriving employees of income; failure to provide for paid sick leave such that employees are forced to terminate their employment when they fall sick; failure to have written contracts of employment in which salaries and other benefits including benefits on termination are agreed; unlawful termination of employment (constructive dismissal or dismissal just because) and the resultant failure to pay termination benefits; failure to provide for paid maternity leave such that employees are forced to work in difficult conditions well into their pregnancy and to return to work soon after giving birth; and failure to remit social security when it has been deducted from the employee.

The women workers reported that their workday is much longer than the standard eight hours and did not reward them with remuneration of equal value for the time and effort spent. Women workers also testified about not being aware of the minimum wage and the hours per workday.

Josephine, a factory worker from Philippines shared,

“In 2013, I got a new job in a plastic factory as a machine operator. I worked for a minimum of twelve hours a day, 72 hours a week, and without a rest day. We worked on Sundays and even if we were ill. My salary was only \$7 a day which was very far from the already low minimum wage of about \$10.”

From the informal sector, Thai fishnet workers testified on elongated workdays making fishnets for sub-contractors.

“My normal working day starts at 5 am. After waking up I put the breakfast to cook on the stove and start working. I take a quick lunch break for 30 minutes and continue the work. I take one or two hours for housework and then go back to the net. It is the same at night when after preparing dinner, eating and cleaning, I work till 11 pm. There is no rest, because

we use all our free time to make the nets.”

These workers reported earning less than the minimum wage in the country as well. While the minimum wage of Thailand remains at 328 baht (US\$8.59) a day,²⁹ the fishnet weavers earn about 100 baht a day. They further advanced that,

“We work about 12 hours a day. We do more hours if there is an urgent consignment. On average, we make 100 nets per week by a group of five workers. Our fastest member may earn a maximum of 100 Baht for one day’s work (that is 4–5 nets). The oldest person in our group is 80 years old.”

Workers highlighted how intersecting dynamics such as being women and from a lower social class positioned them in a weaker place to fight back for wage-related injustices. An agricultural farmer woman pointed to the gender pay gap in her sector.

“Work in the agricultural field has many forms of violence and discrimination, the most important of which is wage discrimination. The man receives almost twice the wage of the woman for the same 12-hour work.”

In her testimony, Arlyn from a plastic factory in the Philippines shared how women workers are made to perform additional duties outside their job role for no additional pay at their workplaces. She said,

“Women machine operators even had an additional workload as we performed other tasks such as cleaning the factory, cleaning the office and even doing laundry or washing the clothes of our employers.”

Some noticeable trends such as contractualised, informalised and fragmentation of work contribute to worsening wage inequity. Fragmentation of production in order to trivialise and undervalue work also extends to categorising such work as unskilled labour, justifying the payment of wages which are below a living wage.

According to testimonies, enforcement, monitoring, inspection and reporting were limited or absent. There is a perpetual lack or the absence of seeing the whole chain of the production or work, instead fragmenting and considering work in segments. Further, testimonies included issues of company relocation or changing name in order to terminate workers’ employment contracts with little or no legal responsibilities and increase profits and exploitation of workers.



²⁹ ASEAN Briefing, ‘Thailand Increases Daily Minimum Wage Rates for 2022’ (24 Oct 2022), <https://www.aseanbriefing.com/news/thailand-increases-daily-minimum-wage-rates-for-2022/>.

Freedom of association, collective bargaining and right to unionisation

Seventeen workers testified during the hearings of freedom of association, collective bargaining and right to unionise. The testimonies in this thematic area shed particular light on education workers, care workers, health workers, domestic workers and garment workers in their struggles across different parts of the world in realising their rights within the workplace. The workers belonged to both the informal sector including cleaners, rural farmers and sex workers, and the formal sectors including garments, cleaners and healthcare workers.

All the testimonies evidenced that infringements of the freedoms of association and collective bargaining were entrenched in gender-based violence and harassment, gender-based discrimination, pay inequality and violations of reproductive rights, amongst numerous others. There was a significant crossover between this thematic area and the other thematic areas, as shortcomings in those areas necessitate association, bargaining and unionisation. Further, this crossover highlights the importance of freedom of association as a civil and political right, specifically in the work contexts. Therefore, the denial of this right leads to shortcomings in other areas, leaving no remedy to the workers.

Workers testified on constraints by the employers on freedom of association and union busting. Some workplaces actively discourage workers from joining trade unions through which they can engage in formal bargaining and rights negotiation, and even go to the extent of harassing them to prevent this. Roziah, a Malaysian hospital worker said, “Ever since I participated in union activities, I have always been harassed by my employer. The supervisor often threatened and scolded us and the supervisor was not fair. I was forced to work in 2-3 locations in one day. If the area is large, we need to ride a motorbike to cover the shift. This added to the workload.” She further noted that female workers are scared to fight back, therefore the employers are not reluctant to treat them this way.

Key issues and trends arose around the enforcement of rights and labour standards, access to justice and subsequent remedies, the impact of education and knowledge of worker’s rights, as well as the importance of mobilisation and collective action among women workers. A garment factory worker from Sri Lanka, Danusha, stated,

“Although we went to several institutions for job interviews during that time (when she and her colleagues organised trade union action demanding rightful compensation as the factory was going to be absorbed by another company and employment contracts were terminated), those institutions refused to take us in. They said that we are strong members of the trade union. But we remained thus because the factory was closed down unfairly without a reason and we needed the job.”

In the informal sector, domestic workers, cleaners and sex workers emphasised the need to organise due to the precarity of their jobs. Thanta, a sex worker from Thailand testified,

“On January 12, 2018, in Bangkok hundreds of armed men from the Department of Special Investigation, police and soldiers raided a large massage parlour in Bangkok, Victoria Secret Massage. The raid was in the name of anti-trafficking and purposely timed to

coincide with the monthly staff meeting. Staff meetings are an opportunity for workers to raise problems, make complaints and improve their working conditions. It should not be a time to be raided and arrested. 113 sex workers were apprehended in the raid.”

Choosri, a rural farmer, highlighted how she was disadvantaged in her bargaining position as a woman actively contributing to the economy of the country. She testified,

“Traditionally men have better-resourced networks and more power when negotiating with the government regarding land and natural resources than we women do. We need to manage and care for our own land in our own way as a community—community land rights.” She notes a disadvantage for women farmers here in terms of bargaining power.

The lack of access to effective and adequate remedies for the rights violations experienced by women workers was also indicative of systemic and structural impediments to gender equality and women’s human rights, including in the workplace. Witnesses testified that some countries such as Malaysia have now started to organise informal workers such as the domestic workers.

Some of these witnesses were successful in accessing grievance mechanisms at national and international levels, with the assistance of unions and through collective efforts, thus achieving relative justice—although incomplete—and establishing precedent and generating hope for millions of other workers. These are embodied in both ground-level activism, where workers were able to seek immediate recourse by demanding rights from their employer through discussion, negotiations and protests. One such incident was sex workers in Thailand demanding for COVID-19 relief under the Social Security Scheme extended to other employees such as DJs, security guards, doormen and others who worked at their workplaces such as bars. They demanded this not for their sex work but for earnings lost from serving drinks, dancing, singing and giving massages. Pueng, a sex worker from Thailand, described a campaign in which they protested and sent four open letters to the Prime Minister and the relevant authorities. She submitted,

“We ran a campaign ³⁰ where almost 200 sex workers mailed their High-Heeled shoes to the government with messages attached demanding the authorities to take responsibility. This campaign by High-Heeled Defenders turned into an art exhibition/protest at the Bangkok Arts and Culture Center. Eleven of us prepared to file a lawsuit against the Prime Minister and authorities.”

Some workers reported at a higher level by enduring extensive court proceedings with the support of the union behind the workers and persons affected. For many of these workers, the road to justice and remedy was slow, fraught with obstacles and often came at a great cost.

30 See a documentary on this protest ‘Ready Boots DEC’ - <https://www.youtube.com/watch?v=ieVuN4krFaE>.

Care work, social protection, decent work and informalisation

Although this thematic area attracted both formal and informal workers, a majority of them represented vocations in the informal sector. Among the women workers who testified, there were factory workers, domestic workers, street vendors and a majority of sex workers. Their testimonies evinced that they often fall through the cracks of the labour regulations and protections put in place for workers, including the national standards and criminal law that can apply as safeguards for women workers contributing to the economy in these informal sectors.

Worker testimonies highlight issues such as enforcement and implementation of the existing laws and policies, access to justice to demand their rightful entitlements, risks of trafficking and forced labour and gendered discrimination in feminised work such as sex work, cleaning and care work. A key issue that was highlighted by testimonies under this theme was a general lack of respect for the work that they did, which has an established market.

A sex worker from Thailand, Pueng, alluded to issues in care work:

“Around 80% of sex workers are single mothers like me. 90% of sex workers work from an Entertainment Place e.g., bar, karaoke, soapy massage. Our workplaces are registered businesses. Even though enrolling all workers in Social Security is mandatory under the law, only around 5 out of every 100 sex workers are enrolled.”

Sex workers, both from Thailand as well as Cambodia, expressed a general worry that they experience discrimination when it comes to social protection and safety nets available for other workers. They feel like the authorities have completely neglected their duty of care to sex workers. One such area is health. Mai, a sex worker from Thailand shared,

“In April 2019 I went to the government STI clinic in Chiang Mai, Thailand. At the clinic, we are not treated the same as other women. Housewives and other women are given a Blue health record card. Sex workers are given a Pink health record card. ‘Good’ women are seen on one side of the clinic, and sex workers are seen in a separate section. This meant everyone knew I was a sex worker by the colour of my health record card and the door I used. I felt stigmatised in a setting I should feel safe.”

Dalit workers who are born into families which do cleaning work have no option but to ‘inherit’ work from their family. They are deprived of basic rights such as owning property and land. Two cleaners pointed to an utter lack of respect, facilities and social security for them as workers.

Sonamoni, a Dalit woman worker from Bangladesh stated, “Like other men and women of Dalit community, I used to work as a cleaner under the city corporation from a very young age. I was married at the age of 12 and shifted from my father’s house to my husband’s. Me, my husband and my mother-in-law, all of us used to work as cleaners and sweepers.” Highlighting the insecurity of their work and life Sonamoni shared, “We do not get any kind of pension or provident fund facility. Many of us die while working. We do

hazardous work and do not get any help or compensation for injuries. The city corporation management gives only BDT 5000 (USD 52.65) to the family of a demised person for the funeral. What can a family do with this money?” There are no safety nets for Dalit workers. Informal workers such as street vendors and sex workers shared how the law enforcement authorities manipulate the existing laws to discriminate against and harass them; in the case of sex workers, even to extort them by way of duress. A street vendor from Thailand, Khemisa testified that,

“Street vendors face the problem of accessing public space. The Bangkok Metropolitan Administration (BMA) brought a policy in 2016 that took back public space from us and forced us to move or seek rented space from private players. This was done in the name of ‘order and cleanliness.’” She added that the law enforcement officers illegally extorted money from the street vendors.

Further, agricultural workers demand a strong welfare system that will enable them to continue in their farming. Agricultural workers submitted to the Tribunal that they, “issued a campaign calling for a strong welfare system to provide security equally for all. This includes an income for mothers and others who do the work of caring for the family, community, land, and natural resources.”

Priya Das testified on how Dalit women are married off young. Sonamoni, who is previously quoted, was married at 12 years old. These women testified on how they have been deprived of an education which could help them access any future opportunity or be an educated mother to their children. She said, “I am 16 and my marriage is already fixed ... I have no other option but to get married. I want to study more and make my own identity.” She also spoke to how menstrual health and hygiene are completely ignored in their community.

Witnesses highlighted how general stereotypes against women result in further victimisation of women workers, such as Dalit workers and sex workers. These aspects are taken into consideration in the responses and recommendations below.

Health rights including occupational health and safety, mental health, sexual and reproductive health and rights of the workers

Workers from seven countries in Asia and Africa, including Thailand, Namibia, Uganda, India, Bangladesh, Vietnam, Egypt and Indonesia, testified and reported occupational health and safety, mental health, sexual and reproductive health rights violations. These women workers were from various industries, including domestic work, healthcare, sex work, garment, manufacturing and home-based industries such as fishnet weaving. They represented both formal and informal sectors of employment.

Testimonies comprised an array of health rights violations, including occupational health and safety, mental health and sexual-reproductive health rights, pointing to the continued violation of rights involving women workers in different work settings. Each violation stemmed either from an absence of legal protection or the non-implementation of national and international laws and policy standards.

Thai fishnet workers stated in their testimony that, “In 2004, the Department of Disease Control contacted us. They said that the lead level in our blood is much above the limit. But no action was taken. Much later in 2019, they came again and gave us health education. They asked us to change our habits and told us to do things like washing our hands more often so that lead doesn’t enter our system; sweating more so that lead is removed from the body. They asked us to wear gloves, but we cannot wear gloves as we have to work fast with our hands.”

Manufacturing and garment workers continue to face health hazards, resulting from breaches of managerial obligations to their workforce, which is predominantly female. Several factory workers reported unsafe working conditions, hazardous use of chemicals and lack of safety gear.

A worker in a garment factory in Vietnam stated,

“My main task is spraying to whiten the pants. Therefore, I was exposed to this kind of bleach the whole day. In addition, I also have been exposed to the clothes bleach flushed from the next-door laundry factory every day. In the beginning, I just felt dizzy. However, after many years of working, I suffer severe headaches and stunning. I do not know what kind of chemicals [are] used, but it smells as bad as the cleaning bleach that I buy at the market. The factory building is large but closed, that prevents the smell from escaping outside. As a result, we must live and breathe in an environment with that smell of bleach all day.”

This worker highlighted how the workers are unaware of the chemicals that they come into contact with, regardless of having to deal with them on a daily basis for years.

A worker³¹ from Samsung Electronics, reported several issues with regard to unsafe working conditions including, non-compliance with regular replacement of active carbon and inappropriate facilities management leading to harmful human and environmental pollution, environmental facilities such as leakages of wastewater and discharge to other areas, and sanitary and sewage pipeline blockages.

Further, Dalit workers from Bangladesh highlighted how they work in unhygienic conditions without proper safety equipment to use in the course of their work. “I still go to work before the sun rises and work tirelessly for the whole day. I never received any safety gear from the city corporation management. I had to work in all situations, in sun and rain, even during my pregnancy.” Their situation points to an alarming condition which may not improve due to the constraining caste system.

Feminisation of certain work or roles, leading to informalisation, has made workers prone to further precariousness and exploitation. This was evident in the testimonies in domestic, care-related work, sex work and home-based industries like fishnet weaving. Migrant workers remain unprotected at various stages of their journey, prone to precarity and experiences such as forced sterilisation. Employers, trade unions and policy makers often neglect these groups of workers.

³¹ Identity of the witness is anonymised for security concerns.

Alongside the structural and systemic barriers, intersectionality placed women workers at a neglected point of disadvantage. The impacts on workers were both short- and long-term. Accountability needs to be drawn from multiple duty bearers. The absence of legal protections and non-implementation of national and international standards by state and non-state actors were prevalent in the experiences.

3.3. Thematic Jury Working Groups: Commentaries and responses

This section encompasses the commentaries that include responses and reactions from the JWG. The section therefore presents observations, responses and reactions of the JWG members to testimonies at the hearings. It acts as a prelude for recommendations outlined in the next chapter. These commentaries touch upon the key aspects and themes emerging from worker testimonies.

It must be noted that all five JWGs commended, appreciated and admired the courage of all witnesses in sharing their experiences in the testimonies submitted before the Tribunal. JWGs emphasised that the plea from witnesses of their intention in sharing experiences was to appeal for systemic changes to ensure that other women would not continue to have to face the same abuses in the future.

Ending gender-based violence and harassment in world of work

The JWG advanced that the testimonies shared by the witnesses of the Tribunal have clearly shown how the oppressive systems of today work hand-in-hand towards further exploitation of workers, especially women workers. Capitalism, patriarchy, colonialism and neo-colonialism and racism have all contributed to the violations. Intersecting dynamics of migration, care work and informality have made women workers more susceptible for gender-based violence at work.

The testimonies laid bare the important gaps in national legislation and the gaps in measures to operationalise international and national legal standards. A lack of trust in public authorities caused many of the witnesses not to seek help or protection from public authorities such as police or the judiciary. The lack of repercussions for perpetrators, especially those in higher positions of power, contribute to the lack of trust towards public authorities.

This JWG stated that the testimonies showed clearly the ever-rising need for a binding treaty on Business and Human Rights. The current lack of accountability on the part of the private sector, and the lack of systems to effectively monitor and remedy human rights violations perpetrated or exacerbated by the private sector are among the root causes of gender-based violence in the world of work.

JWG further noted that women workers who make up most of the informal workers are in particular extremely vulnerable to the violations of their labour rights and human rights in the world of work. The lack of recognition of sex work as work, combined with the nature of the work being so open to gender-based violence, including sexual violence, exacerbated the harmful work conditions for sex workers.

Wage equality, living wage and equal pay for work of equal value

This JWG noted a worrying lack of monitoring and enforcement of employee safeguards and rights by the authorities. It showed the systemic failure of the state to respect and protect the rights of workers and women and to hold the private sector and multinational corporations accountable for labour exploitation. They also noted unwarranted discrimination between professions such that professions such as domestic work or entertainment were not given the same recognition and protection.

The JWG stated that “some occupations and professions have become so feminised that the International Labour Organisation Equal Remuneration Convention, 1951 (No. 100) does not adequately address the concerns of the workers in the Global South and new definitions of wage equity are required urgently.” They recommended a definition that will, among other things, cater for migrant labour and the increased casualisation of workers (workers on short-term contracts/ informalised workforce). The JWG believed that this definition should be a collective effort by parties, taking into account the deep-rooted norms and unjust structures of the patriarchal and capitalist society which under-value work, in particular women’s work.

Another key response was the impossibility of discussing wage equality, a living wage or equal pay for work of equal value without taking cognisance of the conditions that people work in. The fact that certain industries and jobs are located only in the Global South is a key consideration here. In addition to wage inequality, the JWG emphasised how workers have to bear health costs, including in the long-term, out of their pockets. According to their observations, workers depend on loans for basic needs such as healthcare because their wages are inadequate to afford it. This entraps them in an endless cycle of poverty. Among long-term impacts, the committee submitted the need for accessible healthcare for workers as well as viable access to justice pathways.

Moreover, the JWG identified a failure by the international community to ensure the right to development for developing countries, therefore impacting the fiscal space that is needed to ensure the maximum possible resources for guaranteeing women’s human rights. They emphasised the global division of labour being at the heart of these ongoing human rights violations, and the extractive measures used by the Global North, including economic and financial actors, cause developing countries to navigate imposed situations of indebtedness, austerity measures and colonial conditionalities. Corporate tax abuse and the lack of global tax justice was another component that undermined the capacity of developing countries to ensure social provisions under human rights standards.

Freedom of Association, Collective Bargaining and Right to Unionisation

This JWG echoing others’ submissions noted that irrespective of the ratification and adoption of national and international labour laws and standards, primarily the ILO Conventions, there is a gap in the enforcement of these rights, substantiated across all levels of authority including work management, local authorities, national legal systems

and courts and government. The testimonies demonstrated employers, corporations and authorities blatantly disregarding national and international laws and standards, preventing unionisation, and responding with violence and punitive action against women workers to protect their business and for their own benefit, despite the illegality and immorality of these actions.

Workers are often left with little to no options for recourse on a ground level and are met with hostility and retaliation from employers, authorities and, at times, even fellow civilians when seeking legal recourse or remedies in their pursuit to alter the reality of the workplace for women to become a safe and dignified one. This is reinforced by the barriers in accessing justice and remedy which revolve around the fear of losing employment and consequentially, one's livelihood which has ongoing ramifications on the worker and their families.

The JWG highlighted how civil society, social movements, unions and activists have long demanded that State actors, corporations, and national and international organisations take a greater role in and responsibility for the enforcement of labour standards and the provision of remedy as well as transparency and accountability. Workers face significant barriers and limitations in raising demands and issues up from a ground level and would greatly benefit from the additional implementation of assistive measures from the top down.

Finally, the JWG commented on how the violations of the right to freedom of association within this context are often also accompanied by violations of the right to equality and non-discrimination, of the right to work and livelihoods, the right to enjoy just and favourable work conditions, among others. In turn, these violations contribute to exacerbating the already fragile, impoverished and, at many times, inhumane living conditions to which the workers are subjected due to structural inequalities and discrimination. The COVID-19 pandemic has exposed and intensified grave systemic injustices. Impoverishment, difficult living conditions, power structure and asymmetry between workers and employers, illiteracy and a lack of rights awareness all contribute to accepting poor and unfair working conditions.

Care work, social protection, decent work and informalisation

The JWG primarily noted that enforcement of national or universal labour standards, living wages or social protections are susceptible to failure without concrete implementation mechanisms.

This JWG advanced that the framework of rights and responsibilities is flawed, as it portrays workers, employers and states as equal sides when the relationship is both de facto and de jure uneven. It is often “rights and responsibilities” whenever workers movements make demands to governments and employers. Logical statements on consequential right and responsibility such as “one must work, in order for one to get paid,” fall short of describing the context that women workers navigate which give rise to structural injustices. Women workers that they heard had worked and had their wages stolen. They (sex workers) were also starved to meet a particular weight. Jury commented that this is beyond a breach of an employment right, that extends to outright starvation

and purposeful impoverishment and violence. These are human rights violations. They pointed to the need to transform fiscal policies, which determine how revenues are raised and spent, towards prioritising wellbeing and equality over growth. This meant raising more revenue to support adequate investments in transformative care policies. It requires restructuring tax systems to move away from regressive consumption taxes that entrench gender, economic and care inequalities by placing an undue burden on those least able to pay towards progressive taxes on those who can most afford it. According to the JWG, this necessitates broadening the definition of 'infrastructure' to include social infrastructure (healthcare, education, social care) as well as physical infrastructure (roads, transportation, water supply schemes), recognizing that both deliver long-term benefits and warrant borrowing to invest.

On infrastructure, the JWG commented on the need to revisit the fiscal policy in each country. The workers whose testimonies they heard were women from the Global South, frequently working in the Global South as well, in contexts of migration or citizenship. Either way, they are affected by austerity measures, debt-imposed dating to colonialism. Women workers, an impoverished and marginalised fraction of workers, should not bear this cost. Therefore, the states should ensure truly intersectional gender analysis (GBA+), including race, citizenship, sexuality and gender identity categories, for all forthcoming pandemic policies not only for understanding differential impacts but also for designing policies

Migrant workers were identified as an at-risk employee category. The need to ratify and implement the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) was highlighted to ensure that migrants are protected throughout the migration cycle and that their families are being attended to as well. In addition to protecting the rights of regular migrants, JWG urged to understand that no migrant is illegal no matter what their status is, through the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) as applicable. Similar to the point on the universal principle of human dignity, if we believe in the moral equality of people, they must be able to travel without being shackled by employer-tied visa regimes. These regimes contribute to the structural power imbalances between employers and employees who are experiencing added layers of vulnerability due to their migration status. They noted that the experience of a migrant worker from Hong Kong, shared in her testimony, where the procedures of visa renewal set to so-call discourage workers from job-hopping, add to the layers of vulnerability.

While the situation of precarity is often created by the employer, workers are the ones who are criminalised and persecuted. Whether in a situation of precarity created by the end of an employment visa, or as heard in a testimony—for example, the de facto 'bar rules' that sex workers fall under in Thailand— their safety while safeguarding the employer's business. Many workers cannot access justice systems because they are set to protect the status quo and those in power. One cannot seek justice from those who are set to persecute them. Therefore, the provisions of basic conventions and agreements must be pursued and their international standards must be met

Health rights including occupational health and safety, mental health, sexual and reproductive health and rights of the workers

The JWG highlighted how the core international human rights treaties encompass a right to work in just and favourable conditions. The Universal Declaration of Human Rights (UDHR) enshrines everyone's "Right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment." The International Covenant on Economic, Social and Cultural Rights (ICESCR) includes the right to safe and healthy working conditions. The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) holds that women workers, based on equality, are entitled to the "Right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction." Quoting the General Recommendation No. 23 of the ICESCR, they submitted that these protections extend to informal workers.

The JWG considered an extended definition of favourable working conditions which meant an environment where dissent would not backfire on workers. JWG highlighted that under CEDAW's General Recommendations No. 12 and 19, the rights and freedoms of workers include just and favourable conditions at work. It is discrimination when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, such as a hostile working environment.

Rights to physical and mental health have been denied to the women who testified. This resulted from predominantly ineffective and inadequate access to remedies and justice at the national level. For all the survivors, labour laws at the national level that protect from violence against women were not enforced. Further, the JWG discussed that the State has not been held accountable for fulfilling its obligations under international law. The women themselves were neither aware of their rights nor were able to claim their rights. Impunity was present at all levels concerning the states, employers and/or by agents who recruit them.

At times, workers' exploited status in the public sphere is compounded by their low status within their family and society due to the prevailing ideology of gender inequality and poverty status. This inferior status placed them at a low level of social hierarchy, leaving them open to exploitation, with no access to support systems at the personal and public levels and with no access to justice within the legal system.

Overall, the jury noted continuous neglect of women workers' issues. Long-term impact on workers and survivors highly depends on the nature of the injury, abuse or violation one experiences. A survivor might have health management needs ranging from short-term to long-term care that would prevent them from working or doing daily activities. These factors might influence one's well-being and quality of life through physical, mental, social and financial challenges. In addition, severe injuries might cause chronic pain and suffering. Some of the testimonies indicated the possible lifelong consequences that might affect a person's health. For example, the testimony from fish-net workers in Thailand indicated higher-than-limit lead exposure in the workers' blood test, possibly impacting them long-term.

Finally, workplace abuse is associated with long-term trauma, depression, sleep disturbances and other problems. Unhealthy working conditions, exposure to hazardous/toxic materials and a high-stress environment can reduce one's lifespan and have severe health impacts.

Chapter 4: Jury Working Group recommendations

“I am sharing my story with the Tribunal to hope that my messages can reach the duty bearers and that our working conditions will be improved in the near future.”

***Migrant factory worker,
Vietnam***



This chapter focuses on the recommendations by the JWGs with reference to legal and law reform aspects flowing from the testimonies. The previous chapter focused more on aspects of rights violations and the responses and reactions of JWGs to the testimonies submitted during the hearings. This chapter extends that discussion to corresponding law and policy reform aspects which can change the system. While a more extensive discussion on this, with specific legal provisions, can be found in the JWG recommendation papers appended to this report, this chapter aims to outline the key recommendations for all the key duty bearers including the international governance regime, state, employers and worker representatives.

4.1. Recommendations for duty bearers

This section outlines the overarching recommendations flowing from the JWG recommendations. Recommendations with corresponding legal provisions and responsibilities of the duty bearers are included in the extended JWG submissions appended to this report.

Ending gender-based violence and harassment in world of work

Governments In consultation with unions, women's groups and migrant women's groups, employers and recruitment agencies

Review and amend laws and policies to prohibit sexual and gender-based violence (SGBV) in the world of work, including complaint and disputes mechanisms for SGBV, monitoring, remedies, and sensitivity training as set out in the ILO Convention on Ending Violence and Harassment in the World of Work (Convention No.190), e.g. the 2008 law on Suspension on Human Trafficking and Sexual Exploitation.

De-criminalise sex work.

Introduce policies that integrate dignity and respect for LGBTIQ workers to engage in the work/livelihood of their choice.

Consider the long-term impact of GBV on victims and their families in laws and policies, in areas like healthcare.

Private Sector and other employers

Ensure that the Guiding Principles on Business and Human Rights are adhered to in workplace policy and implementation against GBV.

Develop workplace policies which explicitly address using positions of power and authority to threaten, abuse and harm women workers.

Develop and implement workplace policies to mitigate the impact of domestic violence including leave and protection from dismissal for victims of domestic violence, flexible work arrangements and protection for victims.

Develop and implement workplace policies which hold perpetrators of SGBV accountable with appropriate sanctions.



Trade Unions

Raise awareness of SGBV among union members and support the development of skills to negotiate workplace policies and carry out gender-responsive risk assessments.

Initiate or join campaigns to call for the ratification of Convention No.190.

Form alliances beyond unions with women workers groups, including domestic workers and sex workers groups, human rights groups and other key allies.

Take appropriate actions to ensure that the union's constitution and collective bargaining agreements contain guarantees against SGBV and retaliation.



Multi-lateral Agencies

Take a coordinated and consistent approach in terms of standards and policies on the rights of women workers, particularly in regard to women workers in the informal economy, sex workers, domestic workers and migrant workers.

Include global representation of women workers in the informal sector, particularly sex workers and domestic workers in deliberating on UN positions.



Wage equality, living wage and equal pay for work of equal value

For states on national standards

Lack of enforcement of existing laws.

Clear pathways for access to justice to aggrieved parties.

The fragmentation and trivialisation of women's work which is often classified as easy and unskilled work leads to employers paying women wages that are not enough to live on and are often below the legislated minimum wage, which in turn increases the gender wage gap.

Regulating and effectively controlling the price of the cost of living and basic commodity and services prices in order to ensure the minimum wage set is a living wage.

In most industries and countries there is active discrimination against women workers who are older or have a disability. This then forces women to cling on to jobs where their work is undervalued and underpaid because their opportunity of getting work elsewhere is diminished because of their age or disability.

There is no framework for recognising or remunerating the care work done by women in looking after not only their own families (whose members may then be available to engage in paid labour) but also in looking after the community and natural resources.

There is no social security or welfare for people who are not included in the paid labour matrix or whose work is not recognised as work.



Workers and organisations

Workers are encouraged to continue with their acts of collaboration and solidarity.

For international actors related to international norms and standards

A clear definition for wage equality, a living wage or equal pay for work of equal value.

Lack of an objective definition of what minimum wage is part of the issue.

Recognise certain categories of work as work or at the same level as other categories, e.g. domestic care.

Sign and enforce bilateral agreements between sending states and receiving states preventing conditions that expose migrant workers to abuse.

Internationally agree on a Binding Treaty on Business and Human Rights so that there are real efforts to regulate the private sector actions and hold them accountable for their social, economic and environmental impacts.



Freedom of Association, Collective Bargaining and Right to Unionisation

International actors

Ratify and implement the relevant up-to-date ILO conventions and protocols into national law aligned to these international standards.

Global supply chains/brands/buyers should have a greater responsibility.

Memorandum of Understandings and State-to-State bilateral agreements that oversee the migration of thousands of migrant workers be made publicly accessible.

Raise the violations perpetrated against women workers in the Universal Periodic Review (UPR) processes relevant to each country.

Employers and others

Employers should ensure that effective workplace grievance mechanisms exist to enable workers to raise issues.

Workers should have access to legal aid and assistance to bring civil and criminal claims arising from abuse and harassment.

Suppliers and global brands should ensure that managers are held accountable for violence and harassment of workers for participating in legitimate trade union activities.

Utilise the ILO Committee on Freedom of Association protesting the violations of the rights to organise and join trade unions, and seeking investigation of States that are non-compliant.

Audit companies should engage the factory workers throughout the auditing process as they are usually the most knowledgeable about the shortcomings and needs.

Coordinating engagement with stakeholders.

States

States should have a greater responsibility over the international corporations that are located within their State.

States should introduce legislation and policy to hold companies within their territory and/or jurisdiction accountable for violations of human rights.

Adopt and enforce labour laws and policies to give effect to obligations under Convention 87 and 98. In particular, national legislation should be amended to provide for organising trade unions within the Export Processing Zones (EPZ).

Governments should rescind all national laws, such as the Employment Act 1955 in Malaysia, that restrict and criminalise migrant workers' joining and participating in trade unions and freedom of association.

States should ensure access to effective remedy for victims and those affected, including through national grievance mechanisms both state-based and non-state based.

Governments should rescind all national laws, such as the Employment Act 1955 in Malaysia, that restrict and criminalise migrant workers' joining and participating in trade unions and freedom of association.

States should ensure access to effective remedy for victims and those affected, including through national grievance mechanisms both state based and non-state based.



Care Work, Social Protection, Decent Work and Informalization

International actors

Guarantees women the right to work on an equal basis with men, especially concerning the informal sector.

Ensure that sex work and human trafficking are not conflated in legislation, that policies are designed with the needs of sex workers in mind and/or there is evidence of positive impact on sex workers rights.

Raise the violations perpetrated against women workers in the Universal Periodic Review (UPR) processes relevant to each country. Provide access for women workers to participate in the gathering of this data.

National actors

Legislate to recognise freedom of association and organising for certain professions that lack recognition as work. In particular, workers in the informal economy such as domestic workers, street vendors and sex workers.

Decriminalise sex work, including sex work for one's own account.

Ensure that sex work and human trafficking are not conflated in national legislation.

Others

Provide a more equitable opportunity for workers' continuous education.

Support worker unions and unionising efforts. In spaces where freedom of assembly is granted by law, at times a culture persists to exclude some workers due to wide unrecognition of their labour.

Health rights including occupational health and safety, mental health, sexual and reproductive health and rights of the workers

International standards

Implement provisions on transparency with regard to toxins used in employment contexts

Make available full information to workers on the danger and health impacts of all toxic and hazardous substances used in factories, along with training in the proper safety management of the chemicals and equipment, followed up with timely maintenance and safety checks of the equipment and machines on factory premises.

States

Ensure national laws are created in line with the country's internationally established and ratified occupational safety and health standards.

Recognise and repeal the existing law that might perpetuate more stigma and violation of rights, such as criminalising sex workers and migrant workers.

Strict punitive action against business owners and companies that violate these standards of occupational health and safety measures.

Ensure easy access to public/private healthcare facilities for workers exposed to toxic and hazardous substances via their workplace or facing occupational injuries.

In collaboration with civil society organisations, support systems can be facilitated by claiming women's labour rights, rights to non-discrimination and personal safety in the justice system.



Employers

Practise non-discrimination policies in the workplace of all forms of gender, sex characteristics, disability status, caste, race, religion, health condition or any other background.

Train workers on their health rights, focusing on gender sensitisation and other forms of cultural sensitivity training.

Effective grievance redressal systems to address individual complaints, focusing on gendered issues in the workplace, including compensation to financial, health, law/human rights and other areas.

Increase transparency and due diligence on the part of the global brands, especially regarding the health of informal workers like garment factory workers.

Others

Audit companies should increase the competence of general auditors on safety as an essential step, as well as ensure that auditors hold a sound technical background and are supervised by independent safety experts.

Support for healthcare workers should transcend beyond physical health to include mental health, including burnout mitigation.

Specific to sex workers, employers must promote safe practices and enable sex workers to make decisions informed by choice.

4.2. Beyond the tribunal

This section deliberates on the positives, what should change and what could be done better following the Tribunal. After the Tribunal, a priority was to disperse the key learnings from witness testimonies among duty bearers and worker representatives and the civil society organisations.

The first part of the process in delivering justice to women workers was hearing them and their experiences. Next, there is an expectation for change. The recommendations by the JWG's are meant for duty bearers to adopt in their practice in order to make the necessary changes at the ground level.

The organisers note that there was no significant participation of duty bearers and other stakeholders (activists, civil society organisations, etc.), during the tribunal sessions, who would have benefitted from hearing the testimonies first-hand. Reflecting on the experience, Priyanthi Fernando wrote, "The range of organisations and people involved in the tribunal itself provides the link to these stakeholders, but the question remains of whether IWRAP AP could have conducted stronger 'promotion' of the online event. This was a question IWRAP AP had already asked itself after the 2021 Global South Women's Forum, when it agreed to take some of the voices of grassroots communities on environmental justice to other stakeholder spaces through sharing of videos from the event. IWRAP AP assumes that our partners in the Global Tribunal Coalition are already doing this, and the tribunal provided an opportunity to strengthen their own advocacy."³²

IWRAP AP is yet to devise its post-tribunal strategy. This strategy is envisaged to comprise two elements:

- a) a substantive element based on the recommendations from the jury working groups and the learnings from the hearings and testimonies;
- b) the process element that can share the methodology of enacting the tribunal as a means of amplifying the voices of the marginalised.

Refer to the next chapter for more reflections and future directions, based on the testimonies and experiences at the Tribunal.

³² Priyanthi Fernando, Executive Director – IWRAP Asia Pacific, 'Making the Unheard Heard, Reflections from the Global Tribunal of Women Workers', www.iwraw-ap.org/wp-content/uploads/2023/02/Making-the-Unheard-Heard.pdf.

Conclusion

“I have promised myself many times that I must try to close that cycle that psychologists talk about. There are many voids and many tears that I need to tie up to have the strength to help other women. I should understand that it was not my job’s fault.”

Jineth Bedoya Lima
Journalist, Bogota - Colombia

5.1. Reflections

Reflections on the tribunal and the process leading up to it are documented as history and also as lessons for future. Collaborators and participants offered reflections after the tribunal at a post-tribunal meeting, in writing as well as at other events organised following the tribunal. These reflections could be loosely divided into two categories. First, reflections on hearings and recommendations and second, on organising and logistics.

Reflections on hearings and recommendations

The tribunal collated a rich set of witness testimonies for exploring and understanding the worker experience at the ground level. The testimonies and JWG responses and recommendations reflected on some core points that undergirded the experiences as well as violations.

The collaborators viewed the tribunal and its experience positively at the post-tribunal reflection sessions and in writing.

“Thank you very much for the meaningful opportunity the IWRAW AP team has given us to participate in the Tribunal. We learned a lot. We cried and we are angry. Our passion to fight for justice is burning.”

- Collaborator – Global Tribunal of Women Workers 2022, feedback shared following the post-tribunal reflections

During the post-tribunal reflection sessions with collaborators, they shared their satisfaction with the whole process and highlighted the need for more such initiatives. For many workers, it was the first time they spoke about the injustices they lived with. Feedback from this post-tribunal reflection sessions bore evidence to the success of the tribunal and the need for more such initiatives. These sessions further brought to the table other expectations of participants that IWRAW Asia Pacific will integrate into its existing work and their five-year strategic plan. A significant outcome of the tribunal was that it strengthened the voice and advocacy of grassroots organisations and other collaborators. IWRAW Asia Pacific intends to forward some recommendations directed for national and local levels to these organisations for further ground-level action, along with the necessary support for action.

Some key reflections on hearings and recommendation sessions are:

- There are many benefits that an online tribunal can offer for all participants, primarily women workers from the Global South. The process enabled them to join directly and testify before the tribunal by themselves. The managing and procedure-related aspects of this point are discussed under the next heading.

- The platform showcased the work, activism and networking potential of Global South women, labour and other organisations.

- Importance of recognising intersectionality as a reality in the lives of all women workers, regardless of them being formal or informal workers. Most informal workers are trapped in neglected points of intersection, and work and live in perilous conditions. Examples are the Dalit women workers from Bangladesh who testified of their inability to change their lives no matter how hard they tried, due to the entrenched caste system, and LGBTIQ sex workers who demanded respectful work conditions.

- A continuing need for the presence and participation of duty bearers.

- Identifying pathways to communicate the outcomes, including findings and recommendations, of this tribunal to actors who can act upon them and adopt them in their practice.

Reflections on organising and logistics

The organising of this tribunal proves that a dynamic and diverse platform of its nature is feasible and doable. It was successfully used by women workers, collaborators, JWGs, interpreters and an audience all at once with multiple features for interaction. Following the tribunal, IWRAW Asia Pacific hosted a parallel session at the 67th Session of the Commission on the Status of Women (CSW) held in New York on the 16th of March 2023. The session was themed 'Reimagining Worker-Centric Online Space: Lessons from The Global Tribunal of Women Workers'. Representatives of the organising committee and two witnesses shared their reflections at this hybrid parallel event.

Nearly half of the total testimonies of the Tribunal were pre-recorded video testimonies. The reason being the unavailability of workers to take time away from work to come and testify. This in itself is quite telling how oppressive the system is. Some workers also testified by way of a pre-recorded video testimony because they were comfortable with that option. For some, this option was more safe and secure.

Apart from the chat and other live digital features that enabled participation, the process seamlessly integrated creative sessions and dialogues by worker and civil society organisations. Interpretation features were invaluable for this process. It meant that women workers were not only able to share their experiences but were also able to listen and understand the testimonies from the contexts and sectors they are not familiar with, and interact with one another.

Organisers shared at the post-tribunal reflection session that the online spaces can be just as accessible as in-person spaces. Having the tribunal as a physical event would have meant dealing with challenges of travel, including increasingly stringent border controls. Workers would have had to take leave; many might not have been able to take time off to travel and attend a global conference, as several already faced challenges in making time to come online.

Organisers noted, "Nothing can really substitute for person-to-person interactions, but in our imperfect world, making technology work for the least privileged of our sisters was a challenge that we took on, and we largely succeeded."³³

There were issues around ensuring connectivity, about reimbursing witnesses for their time/work hours lost. Reflecting on this aspect, the organisers shared, "In no way did the team intend to contribute to a loss of wages due to the witness' participation in the tribunal. It was here that the praxis of 'equal pay for work of equal value' came into sharp focus as a feminist organisation working with women workers." These and related issues were dealt with mostly by three members of the core tribunal team, with support from colleagues in IWRAW AP's programme and finance and admin teams.

Troubleshooting was part and parcel of the process. Some of those experiences included bridging the gap when a legal assistant dropped out; taking over when the event

33 Priyanthi Fernando Executive Director - IWRAW Asia Pacific.

managers were too overwhelmed to keep track of witnesses and interpreters for each session; working with witnesses who did not have access to emails and technological devices; and ensuring the safety and security of all participants and the digital platform itself. These were all learnings for organisers and lessons for those who aspire to organise a similar event in the future.

5.2. Conclusions and future directions

Testimonies and recommendations point to the need of further research and legal and policy standards in an array of areas related to labour. These fields employ a majority of women workers and call for better regulation by duty bearers. Sectors and themes that warranted the most attention, reflection and are in need of legal and policy intervention were:

1.	Intersecting social, gendered and other realities faced by women and LGBTIQ+ workers in the Global South and how that can exacerbate their working and living conditions.
2.	Informal work and the informal sector forming a major part of the economies, call for intervention and better regulation aimed at protecting the interests of all workers and women workers in particular.
3.	Social protection and absence of social safety nets for women workers. This was highlighted in many witness accounts of rights violations. Below is one such example.
	<p>“There is no welfare system for farmers, no support or compensation for the food we produce. There is so much bureaucracy involved [for] grassroots women and men, and the working poor like me cannot access any assistance. The existing policies and laws do not benefit the grassroots or poor people in any way.”</p> <p>Choosri, Landless rural farmer from Thailand</p>
4.	Obligations around migrant and undocumented workers and their human rights in both sourcing and receiving countries.
5.	Fragmentation of work, and subcontracting can lead to labour precarity as explained in the previous chapters. It points to a gap in conceptualisation of accountability for worker rights violations, which leads to risking labour rights.
6.	The need to revisit the fiscal policy in each country. The workers whose testimonies were women from the Global South, frequently working in the Global South as well, in contexts of migration or citizenship. Either way, they are affected by austerity measures, debt-imposed dating to colonialism.

Annexes

Chapter 1	
1.	Concept note for the Global Tribunal of Women Workers (English, French, Spanish and Arabic)
2.	Tribunal introductory flyer
3.	Introduction to the Global Tribunal of Women Workers - Slide deck
4.	Global Tribunal Collaborators (Invitation letter/Invitation letter including the list of names)
5.	Jury Working Group members - List of names can be found here .
Chapter 2	
6.	Tribunal Hearings Program and Agenda
7.	Tribunal Recommendations Day Program and Agenda
8.	Thematic briefing papers
a.	Ending gender-based violence and harassment in the world of work;
b.	Wage equality, living wage, and equal pay for work of equal value;
c.	Freedom of association, collective bargaining and right to unionisation;
d.	Care work, social protection, decent work and informalisation;
e.	Health rights including occupational health and safety, mental health, sexual and reproductive health and rights of the workers
Chapter 3	
9.	Worker testimonies - Statistics by region (MENA, South and SE Asia)/ sector
Chapter 4	
10.	Jury working group recommendations

a.	Ending gender-based violence and harassment in the world of work;
b.	Wage equality, living wage and equal pay for work of equal value;
c.	Freedom of association, collective bargaining and right to unionisation;
d.	Care work, social protection, decent work and informalisation;
e.	Health rights including occupational health and safety, mental health, sexual and reproductive health and rights of the workers

Chapter 5

11.	Priyanthi Fernando, Executive Director - IWRAP Asia Pacific, 'Making the Unheard Heard, Reflections from the Global Tribunal of Women Workers', www.iwraw-ap.org/wp-content/uploads/2023/02/Making-the-Unheard-Heard.pdf
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