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Securing Workers' Rights and Equity in the midst of Globalization and Regionalization: Towards a Sustainable and Mandatory Labour Charter

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Abstract

This paper underscores the exploitation and marginalization of workers in developing countries with particular emphasis on some countries in Asia. It therefore strongly argues for and defends the urgent need for a basic and mandatory code of labour rights and standards in this 21st century for the protection of workers' rights and welfare. Mankind has to commit a mandatory labour code as mooted in this paper. The time has therefore come for the UN, ILO, labour organisations, NGOs and governments to mandate modern businesses to rewrite and refocus their corporate agenda by paying serious attention to the wellbeing of workers.

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1. Introduction

This paper paints a grim picture of the violation of core labour standards and fundamental rights of the working class in some selected developing Asian countries, namely, India, Indonesia, Pakistan, China and Malaysia. It highlights labour exploitation and marginalization in this modern period of intense globalization and regionalization where the corporate business and capitalist agenda reign supreme and run riot. It strongly argues and defends tooth

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and nail for labour rights and workers equity and also by providing an avenue on how to overcome the real and teething problems of the working class especially the labour in order to protect just and fair labour practices. This paper explores best possible legal reforms of labour protection and enforcement, and inclusive of sustainable development policies to secure a mandatory and enforceable labour charter or code at the domestic, regional and international level.

2. Exploitation and Marginalization of Workers in Some Selected Asian Countries

Exploitation and marginalization of the workers is a commonly occurring phenomenon in the selected Asian countries. This paper presents a bleak picture of the real issues concerning the violations of labour laws and standards in the modern era of intense globalization and regionalization. Ironically and sadly, globalization and regionalization brings immense economic benefits to the businesses at the expense of the workers. There is obviously something very wrong with the globalization and regionalization agenda. There is an urgent need for the trends to be reversed before the situation becomes irreversible.

2.1. Position in Indonesia

In Indonesia, labour exploitation and marginalization are punitively increasing in this modern era of globalization and capitalism. The reported incidents claimed that there is a clear violation of human fundamental rights, labour standards and international law.

In Indonesia, the palm oil industries have been caught in severe violations of labour rights. It is estimated that nearly 3.7 million workers are working in palm oil industry who suffer abuses of basic human rights by forced labour, debt bondage and human trafficking (E. Benjamin Skinner, 2013).

As scrutinized by Zaid Jilani, Indonesian workers are relentlessly abused and humiliated by the world's most famous shoe maker Company named Nike. The most of the workers are young women in Nike companies of Indonesia who have been abused and threatened by the contractors. Furthermore, Workers are forced to work with least wages and under improper working conditions. In addition to, the workers are paid just 50 cents per hour that is considered as a sufficient amount for them to fulfill their food and other necessities. The report painted a bleak picture of violation of labour rights and bitterly argued about inhuman and degrading behavior of contractors at work places. Zaid Jilani (2011)

As stated by the report, a great number of world's prominent brands have been accused in bonded labour and sweatshop practices in Indonesia. In addition, it is inspected that nearly 83 well known factories including Tesco, Marks and Spencer and Next are found in worst labour exploitation and extensive violation of labour rights across three countries namely Indonesia, Sri Lanka and Philippines. Along with, Indonesian workers are working in these factories under unfair working circumstances and routinely abused by the employers or contractors. Living wages and over time payment have been mired by the factory employers. To sum up, these factories mostly higher young women and children for employment and later verbally and physically abused, humiliated and sexually exploited them at the work places by violating fundamental human rights as well as hindering their minimum wages (Ashling Seely, 2011).

On the word of Nick Magel, Freeport McMoRan's Grasberg mine has been alleged in severe violation of human rights by abusing and exploiting workers. It has created environmental pollution by wasting a huge amount of drain into the river water triggering health problems to the poor community that mostly depends on river water in Indonesia. The paper estimated that the mine induces an overwhelming amount of waste nearly 700,000 tons per day. Moreover, Freeport McMoRan is considered as the most corrupt corporation in the world who continuously violates the workers' rights by hampering their real wages. Nick Magel (2012)

2.2. Position in India

India is the largest economy of the world based on highest number of population. Conversely, it is considered among the worst work places of the world having highest proportion of labour exploitation and marginalization.

As argued by Verma Praveen, a considerable percentage approximately 92% of Indian labour are suffered labour exploitation, job uncertainty and continuous violations of the labour rights. There is an excessive social discrimination in the country on the basis of income inequality. The paper captured a miserable sketch of labour exploitation by

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