

WOMEN WORKERS IN EXPORT PROCESSING ZONES IN ASIA  
A POLITICAL ECONOMY PERSPECTIVE

by

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LL.B., Osaka University, 1988

LL.M., Osaka University, 1991

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF  
THE REQUIREMENTS FOR THE DEGREE OF  
MASTER OF LAWS

in

THE FACULTY OF GRADUATE STUDIES  
(Faculty of Law)

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THE UNIVERSITY OF BRITISH COLUMBIA

April 1992

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## Abstract

An important characteristic of export processing zones (EPZs) in East, Southeast and South Asia is that 70% to 90% of the workforce is comprised of young, single women. In view of this, the success of EPZs as an industrialization strategy would not be adequately assessed without taking into account the physical and social impact on women workers. Most discussions of EPZs, however, have focused only on the economic advantages and benefits of this development strategy without any consideration of the effects on the women who work in them. This thesis investigates the social, political, economic and legal forces operative in the creation and maintenance of oppressive and exploitative conditions for women workers in EPZs.

In the countries under review, the integration of young, single women into the paid workforce in EPZs was a new phenomenon. The selection of this particular group of workers is the result of corporate and state policies directed to the maintenance of a comparative advantage within the current structure of export-led industrialization. Patriarchal ideology reinforces both the selection and management of women workers. The state

also plays an important role in creating and maintaining conditions favourable to investment through the selective enforcement of investment, tax, labour and environmental laws. The domestic legal protections that exist are, for the most part, for the benefit of corporations, rather than for the protection of women workers.

Employment in EPZs, as a result, has some benefits but mostly costs for women. On the one hand, women workers gain a measure of economic independence and are thereby liberated from some of the patriarchal forces of their family structures. On the other hand, they are subject to health hazards and employment insecurity, and are provided little opportunity for advancement. Women also suffer public stigmatization as a result of their employment as factory workers. Even the familial patriarchal control they escape is replaced by patriarchal control by the corporation, local communities and the state.

It is possible that international human rights law might be relied upon to address some of the problems faced by women who work in EPZs. In view of the low ratification rates of the countries under review, however, this does not seem likely. To this point, international conventions directed to improving work

conditions have had little effect. Still, increased international attention, in particular, by non-governmental organizations (NGOs), might help to better the working environment of women in EPZs.

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## Aknowledgement

I am deeply indebted to my supervisor, Professor Marlee Kline for her continuting support, encouragement for and careful attention to detail of this thesis. I am also wholeheartedly appreciative of the expert assistance offered by my co-supervisor, Professor Karen Mickelson.

I, also, would like to acknowledge the invaluable assistance extended to me by the UBC Libraries, particularly, the Inter-Library Loan Division of the UBC Main Library, in gathering some important materials for my research.

The Rotary Foundation of the Rotary International deserves award of my gratitude. My study at UBC would not have been possible without its generous financial support.

Finally, I would like to dedicate this thesis to my supervisor, the late Professor Bamba Nobuya at Osaka University, whose inspiration has been behind my study at UBC.

## CHAPTER I INTRODUCTION

### The Purpose

The purpose of this thesis is to assess change as well as continuity in the position of women who work in export processing zones (EPZs)<sup>1</sup> in South, Southeast and East Asia. The focus will be on the socio-economic changes on women wrought by the development strategy of export-oriented industrialization since the late-1960s in developing countries.<sup>2</sup>

### The General Setting

EPZs are industrial areas which are separated from the rest of a country and designated almost exclusively for world market oriented industry. They are located in places where labour is cheap, with the result that production processes are transferred from advanced industrial nations to EPZs in underdeveloped countries. The majority of the workers employed in EPZs are young, unmarried women (Fröbel, Heinrichs and Kreye 1980, 344-346; Maex 1983, 49-50; Edgren 1984, 32-33, ILO 1988, 58-59).<sup>3</sup> But for the presence of employment opportunities in EPZs, these women would have remained outside of the industrial sector<sup>4</sup> (Edgren 1984, 34; ILO 1988, 59). This is a radical departure from the employment structure prior to the export-led

industrialization phase (ILO 1985a, 11) as well as the general employment patterns of multinational enterprises<sup>5</sup> (Fröbel, Heinrichs and Kreye 1980, 15; ILO 1985a, 13). In other words, a transnational reorganization of production processes has produced in the Third world a group of young women workers who would not have otherwise entered the salaried labour force.

### The Perspective

In the labour market as in the EPZ, women are overrepresented in some industries and occupations. They also occupy lower occupational positions and receive lower wages than their male counterparts.<sup>6</sup> A number of theories have been developed to explain women's position in paid employment (Walby 1990): the human capital theory, the labour market segmentation theory,<sup>7</sup> the Marxist feminist theory, the "housewifization" theory and the socialist feminist theory.<sup>8</sup>

The orthodox human capital theory holds that wage levels of workers are related to "human capital" (education, training and skill) (Mincer 1980). Because of their role in the family, women are recognized as having a lower average level of human capital than men. They are, as a result, less productive than men, which, in turn, leads to relatively lower wages for women than those for men. Under market conditions, it is argued that

women choose amongst paid work, housework and leisure<sup>9</sup> in order to best meet their family's needs (Mincer and Polachek 1974).

This neo-classical perspective suffers some problems. Firstly, it does not address the fact that the majority of women's lives are not divided in the way that it assumes. There is, for example, no end to housework<sup>10</sup> for many women, nor can women be unquestionably identified with domestic work. Secondly and relatedly, the formulation of women's "free choice" ignores power relationships within the family<sup>11</sup> which limit women's "free choice" (Walby 1986). The demand side of the labour market is also ignored (Blau and Jusenius 1976), thereby taking little account of an important factor in the unemployment of women (Walby 1986). Thirdly, the level of women's human capital both causes and results in constraints for women in the labour market: lower wages for women may discourage women from investing in human capital and low investment in human capital may contribute to women's lower earnings (Amsden 1980). Fourthly, as will be discussed later,<sup>12</sup> human capital does not necessarily correspond to wage levels (Gordon 1972; Craig, Rubery, Tarling and Wilkinson 1982).<sup>13</sup>

The segmented labour market theory or the dual labour market theory was developed as a challenge to the human capital theory which fails to account for the ways

in which the labour market is stratified, and also as a response to the political imperatives created by the emphasis on the eradication of poverty in the 1960s (Harrison 1971; Cain 1976). The central thesis is that the labour market is divided into two segments, the primary which offers stable employment and opportunities for advancement, and the secondary which consists of insecure, lowly paid and unskilled jobs with almost non-existent advancement opportunities (Doeringer and Piore 1971; Barron and Norris 1976). According to Barron and Norris (1976, 53), employers believe women possess attributes which make them, as a social group, a "likely source of secondary workers": dispensability (whether voluntary or involuntary), clearly visible social differences (sex, race, and ethnicity), little interest in acquiring training and experience, less concern with monetary rewards than men, and lack of solidarity. Women are recognized as having the appropriate characteristics for the secondary labour market due to their primary role in the family. The dual labour market theory focuses on the demand factor of the labour market<sup>14</sup> and problematizes occupational segregation between female and male workers.

However, the fact that not all women possess such characteristics as described above can amount to "statistical discrimination"<sup>15</sup> (Blau and Jusenius 1976;

Phelps 1980) on the part of employers when decisions regarding individuals are not made on a case-by-case basis, but are based on group-based probabilities. Moreover, employment insecurity is not only accepted but is encouraged by employers: jobs in the secondary labour market with almost no career ladders lead to workforce instability and high turnover rates<sup>16</sup> (Barron and Norris 1976; Sokoloff 1980). Furthermore, skill becomes undervalued simply through participation in the secondary sector (Phillips and Taylor 1980; Coyle 1982; Barrett 1988).

More fundamental criticisms can also be directed at the dualist model. The recent literature explains the process of segmentation from various points of view, for instance, on the basis of technological requirements (Berger and Piore 1980). This can be contrasted with earlier monocausal explanations such as segmentation resulting from skill and stability as valued by both capital and labour (Doeringer and Piore 1971). But the dualist model does not take into consideration commonly held ideas about the role of women and their relationship to labour force participation (Walby 1986). It also fails to consider the role of the state in the regulation of the labour market (De Brunhoff 1978; Offe and Lenhardt 1984), in such areas as welfare and population policies for the supply side and public

expenditures for the demand side.<sup>17</sup>

As regards labour market segmentation, Stanko (1988) argues that sexual harassment<sup>18</sup> at the workplace is one of the contributing factors, since it becomes a means for male workers to keep women out of male occupations.<sup>19</sup>

The idea of married women as the "reserve army of labour" was developed by Marxist feminists to explain the disadvantaged position of women in the labour market. This theory is based on the gender-blind classical Marxist<sup>20</sup> concept of industrial reserve army.<sup>21</sup> Veronica Beechy (1977, 1978) argues that as a result of their role in the family, married women function as a cheap, unskilled, flexible and disposable labour force. As for single women wage labourers, she suggests that their economic position is similar to that of young single male workers in that they do not have to bear the cost of their own and generational reproduction, and on these assumptions they are paid less and depressed into poverty (Beechy 1977). This approach explains women's position in the labour market based on the needs of capitalism.

The criticisms mounted against this theory are theoretical as well as empirical. Empirical evidence suggests that as a whole women do not constitute a reserve army of labour drawn during economic upturns and



discarded during recessions (Milkman 1976; Bruegel 1979). To the contrary, as Barrett (1988) suggests, the Japanese experience in the 1980s was that women were drawn on in times of recession as part-timers, while full-time male workers were discarded (Ueno 1990). The assumption that women are dependent on male wages is another problem, not only from statistical evidence of household income sources, but also from critical importance of women's wages to the whole income of the family. Put differently, Beechy's treatment of the idea of "family wages"<sup>2 2</sup> and of the form of family<sup>2 3</sup> raise issues (Anthias 1980; Redclift 1985). On a more theoretical level, as Walby (1986) has pointed out, this theory does not adequately explain the reason why "cheaper" women are not constantly employed. Moreover, the sex-stereotyped allocation of work remains unquestioned (Milkman 1976).

A line of argument similar to that advanced by Beechy, but on a global scale, is the "housewifization" theory (Mies 1986, 1988; Bennholdt-Thomsen 1988). This theory suggests that it is the global construction of women as dependent housewives, which has contributed to the creation of a cheap gender-based source of labour in both developing and developed countries.<sup>2 4</sup> It also suggests that the state has played a major part in the construction of the "housewife."<sup>2 5</sup>

The problem with this conceptualization is, however, that the ideologically constructed similarity of women as "housewives" is divided along the lines of race, ethnicity and class.<sup>26</sup> As long as social relations are based not only on ideological factors but also material factors, differences among peoples such as where they live and how race and ethnicity affect their lives across state boundaries, should be taken into consideration in analyzing their positions and interconnections on a global scale.

Meanwhile, socialist feminists approach occupational segregation by sex from a perspective attentive to the unequal distribution of power between men and women in both the family and the labour market. They focus, in other words, on both social relations of sex (patriarchy)<sup>27</sup> and social relations of class (capitalism). The central argument of socialist feminists in this context is that job segregation by sex under capitalism maintains the superiority of men over women because it enforces lower wages for women in the labour market which, in turn, keeps women dependent on men. Women are encouraged by their lower wages to marry in order to take advantage of a husband's "family wages" (Hartmann 1976). Within this structure, moreover, male workers have organized to limit the participation of women in the labour market by lobbying for protective

legislation, for example (ibid.).<sup>28</sup> Hartman concludes that patriarchy and capitalism are interlocking and their mutual accommodation has historically created a vicious circle for women (ibid.).

One of the major criticisms against Hartmann's dual systems approach concerns the analytical possibility of separation between capitalism and patriarchy which are in fact mutually influential (Young 1981). Yet, women's oppression cannot be confined to one sphere. Sylvia Walby (1986, 1990) also critiques Hartmann's idea (1976) that patriarchy and capitalism share interests. Walby sees both harmony and contradiction between the two structures and emphasizes that they are historically specific. Moreover, she suggests that women's inferior position in waged work constructs their subordinated position in the home, not the other way around. Patriarchal relations in paid work maintain capitalist system. Furthermore, Hartmann (1976) does not fully address the significance of race and ethnicity in analyzing gender relations (Walby 1986, 1990).<sup>29</sup>

Explanations for women's disadvantaged position in the labour market vary. In order to avoid a one-sided description or understanding of the conditions of women workers in the EPZ, however, it is necessary to analyze their positions in terms of institutionalized power exercised in the form of law, state policy and family

relationships with their underlying ideology. Instead of relying on one of the theories described above, the perspective adopted here of women's employment in EPZs is one which recognizes interplay and contradiction between capitalism and patriarchy in the changing world economy. It also incorporates the role of the state in establishing and reinforcing the position of women in paid employment in the context of the pursuit of economic development through export-oriented industrialization. Attention will also be paid to the socio-cultural and ethnic/racial dimensions of women in the context of EPZs.

Once it is recognized that women are differently located than men in the labour market, the relationship proposed between gender and labour in some of the above theories becomes much more problematic. It then becomes possible, for instance, to investigate in more concrete circumstances the factors giving rise to the disproportionate performance of cheap labour by women. Similarly, the confinement of women to a few occupational areas or to "female" occupations becomes a topic of investigation. For, as the increasing literature on women and work has revealed, gender is related to economic and political spheres of life (Hartmann 1976; Sokoloff 1980; Seguret 1983; MacKintosh 1984; Phillips and Taylor 1980; Elson and Pearson 1980, 1981, 1984; Heyzer 1986; Mies 1986; Walby 1986, 1990; Humphrey 1987). Likewise,

development of legal relations between women and men cannot be separated from the process of industrialization (Polan 1982; Taub and Schneider 1982).

### The Central Issues

The purpose of this thesis, therefore, is to examine the impact of world market-oriented industrialization on women in paid employment, in a way which recognizes women's social position not as natural, but as socially constructed by patriarchal, capitalist and state relations.

More specifically, this thesis begins by investigating the reasons why workers characterized by a specific age, sex and marital status have recently joined the labour force in Southeast Asian countries. It strives to identify, in other words, the grounds on which employers selected a specific cohort of women for industrialized work. Secondly, this thesis examines the conditions that women EPZ workers encounter and cope with both inside and outside the factory. The focus of the approach taken in this part is not only economic, but also social and political. Thirdly, this thesis investigates the forces operative in the creation and maintenance of oppressive and exploitative conditions faced by women workers in EPZs.

The structure

Chapter II describes the establishment and development of EPZs in the changing world economy. The focus here will be on changes in the development strategy of less developed countries and of international development agencies, and on the concurrent defensive deployment of multinational enterprises into newly industrializing areas as a response to the end of the era of their rapid economic expansion.

The next chapter explores the socio-economic position and working environment of women workers in EPZs in Asian countries under review, in the context of the legal status accorded and observed under international as well as domestic laws, particularly in the field of labour and industrial relations. After discussing their rights, remuneration, participation, occupational distribution and educational background and training practices, treatment of the workers at EPZs and the effects of employment on the new industrial workforce are considered.

In the last chapter, argument developed in the preceding chapter is summarized. Conclusion includes feasibility of using law towards change in working conditions in a wider framework of political economy. It is women workers themselves who have to bear the true cost of employment.

## CHAPTER II                      ESTABLISHMENT AND DEVELOPMENT OF EXPORT PROCESSING ZONES IN ASIA

Employers in EPZs hire almost exclusively young, unmarried females, as noted earlier. In order to better assess the impact of industrial employment of women, this chapter examines the role and position of EPZs in the process of development at both national and transnational levels.

### 2.1. The Industrialization Process Geared to Export Promotion

The EPZ is a recent phenomenon. It arose first in Ireland<sup>1</sup> and was quickly promoted by a number of political leaders<sup>2</sup> and neo-classical economists with considerable influence over international banking and financial institutions, as one of the most promising ways to facilitate economic development through industrialization.

#### 2.1.1. Development strategy I

After the 1950s, developing countries, seeking to catch up with industrialized countries, adopted a policy of industrialization through import substitution.<sup>3</sup> Import substitution industrialization is a strategy by which

light industries are developed first, with a view to freeing non-industrialized countries from great dependence on developed areas. For that purpose domestic infant light industries are protected against competition with foreign capital through protectionist legislation and selective allowance of the importation of machinery equipment for industrial use.

This development strategy, however, soon encountered setbacks. The consequences were accumulation of debts, increase in unemployment, and uneven distribution of income, which offset positive effects, such as reduction of imports of manufactured goods, in particular, consumer goods. In order for light industries to survive, dependence on primary products for export, which under the colonial rule they were forced to introduce and accept, was increased (Leaver 1985, 12). Even Raul Prebisch, an Argentine economist and later Secretary General of the United Nations Conference on Trade and Development (UNCTAD)<sup>4</sup> who, in the 1950s, prescribed this policy on the basis of Latin American experience, conceded, in 1964, that this domestic-oriented industrialization strategy had failed to foster competitive industries (Cited in Muto 1977: 13).

#### 2.1.2. Development strategy II

In the mid-1960s, after an impasse had been reached



in import substitution industrialization,<sup>5</sup> another industrialization strategy developed: that of export-oriented industrialization. This industrial strategy relies on local labour and imported material and promotes the export of intermediate or final products to developed countries. In adopting such a policy, states often facilitated the introduction of foreign investment and export through measures such as redenomination of currency, the provision of physical infrastructure including low-cost buildings, telecommunication equipment and so forth. It is at this point that the comparative advantage in industrialization in underdeveloped countries came to light-namely, the abundance of inexpensive local labour. The International Bank for Reconstruction and Development (the World Bank) and the International Monetary Fund (IMF)<sup>6</sup> strongly supported this new policy orientation (Enloe 1983, 411; Fuentes and Ehrenreich 1983, 9; Mitter 1986, 70).<sup>7</sup> It should be noted, however, that both are managed by member states which hold voting rights proportional to their shareholdings, i.e., capital-exporting countries such as the United States, the United Kingdom, Germany, France and Japan. Both organizations have, as a result, served the interests of those already in power, through keeping their borrowing countries open to foreign investment and ensuring that conditions within those countries are

attractive to foreign investors (Payer 1982).

### 2.1.3. Transnational corporations in the global economic order

During the same period, transnational corporations in competition with each other began to make inroads into the Third world.<sup>8</sup> Full-scale development of underdeveloped areas was embarked upon in the 1970s in order to maintain profit margins by minimizing production costs. Higher labour cost is the main constraint in the developed countries as the UNIDO acknowledges (Vittal 1977, 3). This trend was encouraged by the existence of the special tariff provisions for offshore assembly for nearly all industrial countries (Finger 1975). These tariff provisions allowed for the reimportation of goods processed outside of the originating country with reference only to the value added abroad.<sup>9</sup> Above all, the example of Japan's industrial growth and its success in exporting to the United States and Western Europe loomed large in those countries and facilitated this new deployment of transnational corporations (Hart-Landsberg 1984, 183).

Technological development and refinement in the means of production, transportation and communication also made it possible for production processes to be automated and/or divided into units, to be carried out in

different locations. New developments in containerization of cargoes also contributed to easier handling and shipment of materials and products, and thus to reduction in freight costs.<sup>10</sup>

As a result of these factors, industrial processes which are labour-intensive and harder to completely mechanize were relocated to areas where labour is cheap and more readily available. At the same time developing countries facilitated export-oriented industrialization through changes in domestic development policy assisted by international financial and development organizations. Fröbel and his associates have labelled the resultant global relocation of production processes a new international division of labour<sup>11</sup> (Fröbel, Heinrichs and Kreye 1976).

#### 2.1.4. The new international division of labour

The new aspects of this world-wide utilization of labour forces for world market oriented manufacturing lie in the way in which the division of labour is organized. In previous periods, developing countries had, for the most part, exported primary products to the industrialized world, or rather, international capital had financed the extraction of primary products from less developed areas. At the same time, Third world countries had imported manufactured goods from industrialized

nations. In the present period, production processes are organized transnationally such that goods can be manufactured as cheaply and sold with as much profit as possible. Central to such export-oriented industrialization is the EPZ, which provides the means for investors to achieve high economic growth through exportation (Fujimori 1978, 60; Shoesmith, ed. 1986, 24).

#### 2.1.5. Assessing the success of the EPZ strategy

The establishment of EPZs for industrialization and thus economic growth and development has been advanced and supported by mainstream or neo-classical economists and policy makers. They argue that the benefits of EPZs, in the short run, will be increased investments, employment generation and export promotion. In the long run, it is argued that EPZs will have a "spread effect" which may take the form of linkages and technology transfer (ESCAP & UNCTC 1985, 69).<sup>1 2</sup>

The evaluation of the EPZ has thus far been concentrated on economic aspects (Dror 1984: 705).

The next section is devoted to the socio-economic conditions and working environment of women workers in EPZs.

## 2.2. THE MAIN CHARACTERISTICS OF EXPORT PROCESSING ZONES

### 2.2.1. Proliferation of EPZs

The EPZ constitutes the core of national development strategy of export-oriented industrialization, as described earlier. The number of EPZs in operation increased from 11 as of 1970 to 96 as of 1981 (Basile and Germidis 1984, 22), and to 176 as of 1986 (ILO 1988, 165). The breakdown by area is: 25 in Africa, 95 in Asia and the Pacific, and 56 in Latin America and the Caribbean (ibid.). The number under construction is 86 and at the planning stage is 24, as of 1986 (ibid.).<sup>13</sup>

#### 2.2.1.1. Policy-based initiative

The concept of EPZs has been propagated following the clear success of Shannon experiences (Basile and Germidis 1984, 22; ILO 1988, 2),<sup>14</sup> not only by the World Bank and the IMF, but also the United Nations Conference on Trade and Development (UNCTAD) and the United Nations Industrial Development Organization (UNIDO) (Tsuchiya 1977a, 4; Fröbel, Heinrichs and Kreye 1980, 295-297; Fuentes and Ehrenreich 1983, 7; Basile and Germidis 1984, 23). The UNCTAD was established in 1964 to promote trade between industrialized and non-industrialized countries as a response to the mounting pressure from the Third world to seek some solution to the aggravating

"North-South Problem." The slogan was 'trade, instead of aid.' The UNIDO, founded in 1967, has as its purpose the acceleration of the industrialization of developing countries. The perspective towards the zone which Fröbel and his associates develop is constructed around the function of the valorization process of capital (Fröbel, Heinrichs and Kreye 1980, 296). The UNIDO recommendations as to the basic structure of EPZs are in almost all cases realized in the zones (ibid., 301). In the Asian region, the Asian Productivity Organization (APO)<sup>15</sup> with its headquarters in Tokyo also played a significant role during this phase (Tsuchiya 1977a, 4).

Other factors also account for the rapid proliferation of EPZs throughout the world. For those involved in policy- and decision-making or industrial development, whether in the framework of international development organizations or of national development institutions, this concept seemed to be ideal for materializing sustained industrial development. To establish production sites in the zone, incoming capital had to observe the condition: of exporting all value-added products, except in some cases where local sales are permitted,<sup>16</sup> which seemed to guarantee a source of foreign exchange earnings.

In addition, the type of industries are labour-intensive in nature, which seemed to create more

employment than other types of investment. The fact that in developing countries the labour supply has grown rapidly due to the continued high rate of population growth has created an unemployment problem,<sup>17</sup> to those industries were expected to offer solution. Nonetheless, according to Fröbel and others, there is no apparent correlation between the size of population and/or the per capita income and the establishment of facilities to accelerate exportation, including EPZs, (Fröbel, Heinrichs and Kreye 1980, 317), in spite of the fact that the government expressed hope for resolving their "unemployment problem" by establishing EPZs.

The Free Export Zone Establishment Law of the Republic of Korea, enacted on January 1, 1970, for instance, clearly states the aim of the EPZ in article 1: it serves "the promotion of exports, increase in employment opportunity and the anticipated transfer of technology thereby contributing to growth of the national economy" (Tsuchiya 1977b, 54).

#### 2.2.1.2. Corporation-based initiative

For transnational corporations, three factors contributed to the relocation of some production processes: the utilization of "comparative advantage" of less developed countries, the withholding of certain workers' rights so as to ensure smooth operation, and the

provision of means of circumventing trade restrictions through having production sites where no multilateral trade agreement interferes with their export quota of the products concerned<sup>18</sup> (ILO 1988, 3). As Wall (1976) has pointed out, however, this "comparative advantage" does not accompany the establishment of EPZs itself, but is created with other fiscal and administrative incentives to reduce barriers against foreign investment.<sup>19</sup>

#### 2.2.2. Definitions of the EPZs

It might be useful here, before discussing the main characteristics of EPZs, to refer to the definition.

The UNCTC and ILO joint study defines the EPZ as follows (ILO 1988, 4):

a clearly delineated industrial estate which constitutes a free trade enclave in the customs and trade regime of a country, and where foreign manufacturing firms producing mainly for export benefit from a certain number of fiscal and financial incentives.

A more detailed definition given by the UNCTAD is (UNCTAD 1975, 2):

an export-processing free zone (i.e. EPZ)\* is an enclave within a national customs territory, usually situated near an international airport and/or port, into which foreign capital goods, components and materials are brought without being subject to customs requirements. The imported products are processed within the zone, then exported elsewhere, without intervention from the customs authorities of the host country. The payment of customs duties is not required unless these products - or the final goods in which they are incorporated - enter the national customs territory of the host country (this is the exception rather than the rule, insofar as



the entire production of such zones is normally export-oriented.

\*parentheses added

The World Bank offers a more detailed version of the definition which distinguishes the EPZ from the free trade zone (Gonderez 1981, 7-8).

'The export processing zone is a relatively recent variant of the widely used free trade zone - a designated area, usually in or next to a port area, to and from which unrestricted trade is permitted with the rest of the world. Merchandise may be moved in and out of free trade zones free of customs, stored in warehouses for varying periods and repackaged as needed. Goods imported from the free trade zone into the host country pay the requisite duty; their prior storage in free trade zone warehouses permits rapid delivery to order, meanwhile saving interest on customs payments.

Free export processing zones (i.e. EPZs)\*, more specifically, also provide buildings and services for manufacturing, i.e., transformation of imported raw and intermediate materials into finished products, usually for export but sometimes partly for domestic sale subject to the normal duty. The EPZ zone is thus a specialized industrial estate located physically and/or administratively outside the customs barrier, oriented to export production. Its facilities serve as a showcase to attract investors and a convenience for their getting established and are usually associated with other incentives.<sup>120</sup>

\*parentheses added

The definitions focus on the territorial characteristics which amount to 'a country within a country' (Tsuchiya 1977a, 1) combined with financial and other privileges for export promotion.

### 2.2.3. The legal background

The legal perspective offers a more concrete characterization of the EPZ as defined above.

The extraterritorial status mentioned above, that EPZs enjoy economically as well as administratively, consists of in an official, i.e. de jure exemption from domestic civil laws such as tax laws, company laws, and foreign exchange laws,<sup>21</sup> and from bureaucratic red tape, with which the EPZ investors operate efficiently and rapidly both in terms of time and cost. The non-applicability of civil laws is also reinforced by special investment incentives laws which aim to attract foreign capital in export-oriented manufacturing industries.<sup>22</sup>

Moreover, the non-fiscal investment incentives are legally institutionalized, arranged and guaranteed through the establishment of governing institutions dealing specifically with the EPZ firms.<sup>23</sup> The EPZ authorities are administratively separate from the government and have power to act as an intermediary between the EPZ companies and most of the rest of the government. They are entitled to negotiate with foreign governments and corporations overriding the authority of other government institutions. Accordingly they streamline administrative procedures, for instance, in contracting leasing and granting licences. These administratively powerful EPZ authorities are one of the strategic measures of host countries for the creation of a favourable climate for foreign investment and at the same time one of the most

significant advantages to foreign firms that consider relocating or already located inside the zone (Leinbach 1982, 462; Warr 1985, 13).

Furthermore, many governments give legal guarantees not to nationalize foreign-owned firms.<sup>24</sup>

#### 2.2.4. Application of a wider definition of the EPZ

The definition of the EPZ as a special zone supported by domestic legal arrangements cannot, however, deal with cases where free trade applies throughout the country or the area, for instance, in Singapore and Hong Kong. In the cases of Singapore, Hong Kong and Macao, no distinct physical zone is necessary and therefore the narrow definition excludes those areas which exhibit the same features such as no tariff provisions or import restrictions as in the strictly defined EPZs. Although the territories mentioned above do not in fact encompass the entire areas but specifically designated industrial parks, for the purpose of research here, Singapore and Hong Kong are covered by adopting a wider definition.<sup>25</sup>

#### 2.2.5. Human aspects of the EPZ

The definitions of export processing zones do not, or rather cannot mention the human aspects, that is, the utilization of labour. It is absolutely necessary, however, to take the labour force into account as a

pivotal factor in the appraisal of the zone, as Fröbel and his associates pointed out (Fröbel, Heinrichs and Kreye 1980, 301), although with a decisive flaw that they did not analyze critically nor emphasize sufficiently the common feature the labour forces in EPZs share. Otherwise, the problems of export processing zones as a development strategy cannot be grasped in perspective. A case in point as to the main characteristics of EPZs is the nature of the labour force which relates to the industries transferred, and which constitutes the core factor in international competition, that is, the cost of production (Fröbel, Heinrichs and Kreye 1980, 322; Nash 1983, 7; Basile and Germidis 1984, 26-28). The principle of international competition cannot escape from the intensified phase of export-oriented industrialization. It is the production cost that shows the biggest difference between industrialized and developing countries, which gives "comparative advantage" to industrializing areas. The inexpensive labour is thus translated into their "comparative advantage." Women are the one that have been employed cheaper than men, and they can be changed into the "comparative advantage" per se with other investment incentives. Production processes which are relocated is those that cannot maintain competitive edge in advanced industrialized nations due to its labour-intensive nature. A cheap and

abundant female workforce is available in developing countries. This cannot, however, explain the reason for specific age group and marital status pertaining to the women workers. Relocation of production processes is particularly keen in textile, garment and electronics industries, although the sectoral distribution of enterprises among countries is uneven (Maex 1983, 28-29). They are the so-called "industrial monoculture" in EPZs. Manufacturing sectors of toys and sporting goods tend to be relocated for the same consideration at the stage of this global sourcing.

#### 2.2.6. The labour force of the EPZ as "given"

Prime factors identified by Fröbel and his associates in the decision to relocate are as follows (Fröbel, Heinrichs, and Kreye 1980, 327-328): 1) availability of a practically unlimited supply of labour, 2) the utilization of an extremely productive labour force, 3) the utilization of an extremely cheap labour force, and 4) the utilization of an extremely "compliant" labour force.

The criteria for selection are, according to their study, those who 1) work for the lowest wages, 2) are the most productive (can be expected to work at a high intensity) and 3) unskilled and semiskilled (ibid., 347).

Following these findings, they offer plausible

explanations as to the decision of relocation and employment. Unfortunately however, they are unsatisfactory and inadequate in that they give explanations from the point of the view of the ways they have been or have been supposed to be. It is not too much to say that they reasoned a posteriori.

"Women have to sell their labour-power at the lowest possible price because under the conditions of underdevelopment women have even less possibility than men to change their living conditions: or to put it more bluntly, they have fewer possibilities of guaranteeing their day to day physical survival. In addition to the great wage differentials another major reason for the employment of women is the higher intensity at which they will work." (ibid.).

As is evident from this excerpt, they do not give any substantial reasons for the correlation between the "characteristics" women workers are supposed to have and the de facto manifestation in the labour market. Why are those women productive, inexpensive and docile at the same time? Are not they contradictory even by themselves? Are they really willing to work for lower wages? How can those labelled as un- or semi-skilled be more competent than men who are not labelled alike in the labour market? Some positive, not descriptive, explanations linking the women's position in the labour market and their supposed characteristics should be given to these facts.

It could be inferred then from the factors in relocating part of the production process and the

criteria used for selection of the workers that some economic and social conditions that are prevalent in those developing countries and to some degree that have been legally institutionalized and politically supported have some influence on the specificity of the workforce composition.

The next chapter examines the ways in which the women workers are incorporated into the industries in EPZs. General descriptions of the women workers and their working environment in the industrial estate are reinforced by reference to the legal aspects, in particular, labour-related laws and regulations.

### CHAPTER III            THE SOCIO-ECONOMIC DIMENSIONS AND WORKING ENVIRONMENT OF WOMEN WORKERS IN EPZS

This chapter considers the socio-economic aspects of law with a focus on the ways in which labour and industrial policies of each country, as expressed in EPZs, are related to the new international division of labour. It also addresses the ways in which the resulting working conditions and environment affect women workers individually as well as collectively, whether at the workplace or outside the labour market. The focus is on how development policy can change the quality of life of the people affected by it. This differs from the neo-classical point of view that attests development can be measured in quantity, i.e., the GNP (gross national product) which is still the most influential one at the policy level (Higgott and Robison with Hewison and Rodan 1985, 16).

#### 3.1. Assessing the Impact of EPZs on Women

The working conditions and the environment of women workers, including factors such as occupational status, remuneration, job security and industrial relations, show striking similarities among EPZs rather than big differences, as will be examined in this chapter.



The purpose of establishing EPZs as a development strategy could be an explanatory variable for the similarities of working conditions. It has been pointed out that in most EPZs the UNIDO guidelines for the legislation and infrastructure for the EPZ are observed (Fröbel, Heinrichs and Kreye 1980, 296). This is, however, at best, circular reasoning.

The aim here is to abstract similar aspects from some EPZs of different countries, to arrive at commonly held characteristics of the labour force, and by so doing to assess the costs and benefits of the participation of women workers. In other words, terms and conditions of employment of women, vis-a-vis men where possible, are discussed from the perspective of not only economic, as is usually the case (Dror 1984, 705),<sup>1</sup> but also social, political and legal treatments and consequences. Particular attention is paid to factors underlying, creating and reinforcing the practice of working conditions in EPZs.

Specific policy would be better understood, assessed, and analysed if broader implications of its impact were taken into account. Implications of a policy should not be construed only in a narrowly defined context, in this case, economic development.

### 3.2. The Laws pertaining to EPZs

There is no international EPZ law. Rather, EPZs are governed by the domestic laws of each country. There are, however, international standards, which are applicable to the states examined here, which also provide a legal framework within which EPZs might be governed.

In some cases, domestic laws and regulations are applied selectively or specifically developed to apply to the EPZ, with a view to facilitating the introduction of foreign capital. Examples which fall into this category include exemptions from customs duties and income taxes, duty-free importation of raw materials, equipment and components, and the establishment of special departments dealing exclusively with EPZ administration so as to minimize red tape.

Labour, safety and environment laws and regulations, for example, will usually apply to an EPZ in the same way they do to the rest of a country. Sometimes, however, special administrative orders will limit their application or they will not be enforced within an EPZ. For example, bans are sometimes placed on strikes, or regulations regarding overtime work are not enforced, or selective employment of women with a specific marital status is allowed. Working conditions in the EPZ are attributable, in part, to the laws and regulations actually applied and/or evaded within each particular

country.

### 3.3. The Employment of Women in EPZs: General

There are no sustained theories developed as to the relation between female labour participation<sup>2</sup> and economic and non-economic variables (Psacharopoulos and Tzannatos 1989).

The influx of these women into the EPZ industries is partly explained by factors which accompany economic development, such as the expansion of cash economy which increases the need to earn money and the decrease in employment opportunities in the wage labour market in rural areas resulting from increasing population (Heyzer 1986; Shoesmith, ed. 1986). For the majority of women, remunerated employment is considerably related to economic necessity (Snow 1979; Sasahara 1980; Djao 1981; Salaff 1981; Heyzer 1986; Shoesmith, ed. 1986; Goonatilake and Goonesekere 1988).

Reasons which flow from the supply side of the labour market, i.e., economic necessity, however, cannot adequately explain the consistent age and marital status of women workers nor the fact that they usually continue as factory floor workers up to the time they leave the waged labour force (Maex 1983, 53; ILO 1985a, 28) which largely coincides with the mean age of marriage (Maex

1983, 50).

It is accordingly necessary to comprehend the reasons for those characteristics of the workforce from the demand side of employers. Demand factors for almost exclusive use of specific segments of the female labour force are the key reasons for this pattern of employment.

### 3.4. Hiring Practices and Requirements

Employers in EPZs prefer to hire young, single women fresh out of school,<sup>3</sup> particularly those in their late teens or early twenties. It is thought these women are more likely to be amenable to discipline, less likely to be soon married, and thus less likely to require maternity leave and other maternity benefits.<sup>4</sup>

The following are examples of statements by personnel managers which help explain the desire for "disciplined" or "submissive" women workers.

"Young male workers are too restless and impatient to be doing monotonous work with no career value. If displeased, they sabotage the machines and even threaten the foreman. But girls, as [sic] most they cry a little" (Cantwell, Luce and Weinglass n.d., 14).

"We hire girls because they have less energy, and [sic] more disciplined, and are easier to control" (Grossman 1979, 2).

"Workers in the United States don't tolerate as much discipline. . . . The girls here are great, because even under the gun they hardly ever complain" (Shapiro 1981, 13).

Women are also considered by employers, Asian governments and researchers to be more efficient by nature than men. Women are considered by personnel managers to have "better eyesight and more agile hands and nimble fingers, i.e., in short, a higher degree of manual dexterity than their male counterparts" (Maex 1983, 52). Asian women, in particular, are thought to have innate manual dexterity. This belief in innate manual dexterity of women in Asia is reflected in advertisements recruiting foreign investment in EPZs; For example, an investment brochure issued by the Malaysian government in the U.S. reads as follows (cited in Lim 1978, 7; Ho Kwon Ping\* 1979, 76; Elson and Pearson\* 1980, 14; *ibid.* 1981, 93; *ibid.* 1984, 23)(\*Ho Kwong Ping and Elson and Pearson do not cite "(n)o need to ...themselves."):

"The manual dexterity of the oriental female is famous the world over. Her hands are small and she works with extreme care.... Who, therefore, could be better qualified by nature and inheritance, to contribute to the efficiency of a bench-assembly production line than the oriental girl? No need for a Zero Defects program here! By nature, they "quality control" themselves."

In effect, the government of Malaysia is here exploiting, and thereby reinforcing, a Western stereotype of Oriental women, in order to attract foreign investment.

Some researchers (Elson and Pearson 1980, 1981, 1984)

have analyzed the impact of such advertising by considering how they rely on and reinforce gender stereotypes.<sup>5</sup> As Carby (1982, 220) has pointed out, however, it is important also to recognize the implications of the specific focus on "Oriental" women in such brochures. The treatment of Asian women as though they were naturally adept at EPZ-type work contributes to commonly held racist attitudes.

The educational levels of women workers vary according to the industry in question. The electronics industry, for example, has a tendency to employ those with higher educational levels. English language communication skills are also regarded as an asset by such employers, particularly by the U.S.-based multinationals (Lim 1978, 13).<sup>6</sup> Workers with higher than necessary educational qualifications, however, have been found to be rejected (ibid.), because management finds them harder to control (ibid.; Ong 1983, 437 f7).

While the upper age limit set and observed by employers is around 24,<sup>7</sup> the lower age limit is fixed by law (Lim 1978, 12).<sup>8</sup> For example, in the Philippines, under article 59 of the 1974 Labour Code<sup>9</sup> only people at or above the age of 14 years of age can qualify for an apprenticeship.<sup>10</sup> As regards ILO standards, the minimum age for admission to employment is set at present at 15 years of age.<sup>11</sup> Although formerly the ILO Conventions<sup>12</sup>

laid down the general standard of 14 years of age, it was raised to 15 years of age<sup>13</sup> to provide greater protection for young persons as well as a solution to unemployment (Valticos 1979, 183). As of December 31, 1989, however, none of the countries covered here had ratified the Minimum Age for Admission to Employment (No.138) Convention (ILO 1990).

As far as marital status requirements go, they are sometimes relaxed, depending on labour market conditions. In Singapore, for example, where labour shortages have been a problem it has become necessary to hire married women (Lim 1978, 12). Perhaps as a result of this, married women have been recognized as more reliable than unmarried women, because they tend not to quit as soon (Fuentes and Ehrenreich 1983, 13).

In addition to sex, age, and marital status requirements, potential employees in EPZs have to pass medical examinations, pregnancy tests, and vocational aptitude tests as well as interviews (ibid.). In the case of the electronics industry, perfect vision is required (Grossman 1979, 12). In the Bataan EPZ, the applicants must also ensure they do not have any criminal record (Shoesmith, ed. 1986, 212).

This specific cohort of women, defined by age, race,<sup>14</sup> marital status and educational attainment, is found and hired by firms in EPZs through placing

advertisements, in local and national newspapers<sup>15</sup> or at factory entrances, sending recruiters into the countryside, and relying on relatives or acquaintances of present employees (Sasahara 1980, 77; Kung 1976, 39; Lim 1978, 13; Fitting 1982, 737; Fuentes and Ehrenreich 1983, 16; Heyzer 1986, 100; Ogle 1990, 81).

Prospective workers appear to be attracted most by the offer of benefits and services. The following is an example of an advertisement placed by an electronics company in Singapore in a nation-wide English newspaper The Star in Malaysia (Cited in Lin 1986a, 456).

Join a giant US multinational Company as an OPERATOR.

You'll enjoy the following benefits when you become a part of us.

**LOOK AT THE BENEFITS!**

- 2 increments a year
- 1 month bonus at end of year
- shift allowance will be paid in addition
- free transport will be provided
- good recreational, sports, and social activities
- paid annual/sick/compassionate/marriage/maternity leave
- medical and hospitalisation scheme

And of course, cool air-conditioned comfort and soothing piped-in music for a pleasant working environment.

Experience not necessary-training will be provided.

**JOIN THE COMPANY THAT CARES FOR YOU.**

We're more than just a working place, we're your friend!

Another example is one found at the entrance of a Japanese factory in the Bataan EPZ in the Philippines (Sasahara 1980, 77).

Type of Work:            Watch Assembly



Qualifications: Female, Single, 16-20 years old  
Highschool Graduate, Morality.  
Urgently Needed: Female, Single, 20-23 years old  
Bachelor's Degree from a Com-  
mercial School, Morality

Once selected by firms in EPZs, women are always hired on a probational basis (CJPSK 1976, 65; Grossman 1979, 22; Ong 1983, 431; Dror 1984, 709; Fazila Banu Lily 1985, 45). During probation, employees must maintain their health, attendance, efficiency and docility. They are also paid 1/2 to 3/4 less than the formally employed during the probationary period which usually lasts for about half a year (Fuentes and Ehrenreich 1983, 22; Shoesmith, ed. 1986, 88-89).

The Philippine Labour Code,<sup>16</sup> for example, stipulates in articles 61 and 72 that an apprentice can either be paid a wage below the minimum or no wage at all depending upon the agreement of the Minister of Labor and the party handling the apprenticeship program. The Labour Code does not stipulate that an apprentice must be accepted as a regular worker upon successful completion of an apprenticeship, nor does it specify when apprenticeship is supposed to terminate. The minimum period of apprenticeship though, is set at as three months.

As another example, in Bangladesh, part of the payment is held up until the end of the probational period for reasons of security to ensure the employee

will stay (Fazila Banu Lily 1985, 45). The ratio of those on probation in the total workforce goes up to 30 to 40%, according to a 1984 OECD survey (Mitter 1986, 49).<sup>17</sup>

Most importantly, reliance on probation helps reduce wages and thus production costs. It is not surprising, therefore, that its use is so widespread.

### 3.5. Wages

Wages are one of the most significant elements of working conditions. For the employer, they account for a large part of the cost of production. Beginning from 1919 with the Treaty of Versailles (article 427), wage protections have also constituted an important aspect of international labour laws.

There is no uniform definition of wages (ILO 1979, 21). Rather, "wages" is variously defined to include such things as payments made regularly to the worker by the employer, either in cash or in kind, amounts earned by piece-workers, supplementary earnings under incentive plans, cost-of-living allowances, and regular bonuses. Payments for overtime and for work on those days which are normally non-working days are also included within the concept of wages (ibid., 21-22).

On the other hand, fringe benefits and social charges are usually not included with the concept of

wages. These include such things as employers' contributions to social security schemes such as sickness, unemployment and maternity benefits, severance benefits, and retirement allowances (ibid., 22).

### 3.5.1. Overall Wage Levels

Wages for women workers in EPZs tend to be low and inadequate even by local standards. They are usually paid subsistence level wages (Paglaban 1978, 5; Siegel and Grossman 1978, 7; Grossman 1979, 10; Sasahara 1980, 78; Fuentes and Ehrenreich 1983, 17; Edgren 1984, 36; Hing Ai Yun 1985b, 270; Lin 1986b, 462; Shoesmith, ed. 1986, 119; Heyzer 1987, 73; ILO 1988, 91). Income arising from overtime work, as a result, is usually indispensable (Shoesmith, ed, 1986, 83, 103; Goonatilleke and Goonesekere 1988, 198). Women workers have to make both ends meet by doing overtime work, by cutting living cost through the means of living together as described below, by walking to work instead of using transportation services (Hossain, Jahan and Sobhan 1988, 125), or by selling goods bought slightly cheaper outside the zone than at the workplace.

Moreover, wages are individualized in order to make workers compete for higher productivity and thereby reduce the overall payment of wages. To promote this, EPZ firms set strict standards in relation to quality,

quotas, punctuality, and attendance, and workers compete to qualify for monetary incentives to earn adequate income (Paglaban 1978, 8, 20; Grossman 1979, 11; Cantwell, Luce and Weinglass n.d., 14).<sup>18</sup>

In the case of the Philippines, for example, all fringe benefits and overtime pay are computed according to the minimum daily basic pay which accounts for little more than half of the daily minimum wage (Shoesmith, ed. 1986, 89). Then wages are deducted and performance bonuses denied, for arriving a few minutes late for work, taking sick leave and taking leave for personal reasons (Arrigo 1980, 32; Cantwell, Luce and Weinglass n.d., 14; Goonatilake and Goonesekere 1988, 197). Payment of wages is not always on time (Shoesmith, ed. 1986, 89). Overtime payment is not necessarily calculated according to legal provisions (Edgren 1984, 35; Goonatilake and Goonesekere 1988, 198; Ogle 1990, 76), although it is usually 150% of the basic pay (Lim 1978, 15; Kim 1982, 280; Goonatilake and Goonesekere 1988, 198).

Although some analysts maintain that their wages are not significantly lower or are higher than those outside the EPZ (David Lim 1977, 1978; Basile and Germidas 1984, 30; ILO 1985a, 44; Warr 1984, 179; Warr 1985, 25; Fong Chan Onn 1989, 94), there is ample evidence that this is not the case.

Evidence exists that several people share a room,

for example, a four-metre by four-metre room, occupying beds in turn in accordance with their shifts (Matsuo 1977, 71; Sasahara 1980, 77; Fuentes and Ehrenreich 1983, 17; Shoesmith, ed. 1986, 104; Ogle 1990, 81). It is not uncommon either that they cannot afford any "luxury" such as going to the movies and drinking much-advertised cola, nor can they assist their families financially, let alone save something for their own needs (Sasahara 1980, 78; Fuentes and Ehrenreich 1983, 18; Shoesmith, ed. 1986, 104).

#### 3.5.1.1. Minimum wage legislation

As regards the level of wages, the minimum wage legislation is pertinent. There have been many legal standards and instruments concerning the minimum wage produced so far at the international level<sup>19</sup> in addition to the Constitution of the International Labour Organisation (ILO).<sup>20</sup> In particular, the 1970 Minimum Wage Fixing Convention (No.131)<sup>21</sup> and Recommendation (No.135)<sup>22</sup> refer specifically to developing countries. The Convention contributed to introduce general minimum wages rather than previous industry- or occupation-wide minimum wages in those countries, although the effectiveness is mixed (Starr 1981b).

It is to be noted in particular, however, that the ILO itself is established under the premise that

slavery-like labour which is characterized by lower wages and longer working hours contributes to the production of cheaper goods and accordingly constitutes "unfair" international competition for market share (Kataoka 1986, 19). Legislation for improvement in working conditions was initially suggested at the end of the last century, for improved working conditions in a country would negatively affect the price of products of the country on the international market and therefore the legislation should be implemented on a worldwide scale (ibid.)

The purpose of minimum wage fixing published by ILO is as follows (Starr 1981a, 17).

Official declarations of the objectives of minimum wage fixing frequently stress its use in ensuring that wage earners receive what at a particular time and place are considered to be decent wages. At the same time a host of other related objectives are pursued. Those most frequently mentioned are the elimination of "sweating" or exploitation, the preservation of purchasing power, the reduction of poverty, the removal of unfair competition, the ensuring of equal pay for equal work, the prevention of industrial conflict, as well as the promotion of economic growth and stability.

Following these purposes, the ILO study identifies four basic roles that minimum wage fixing may play in the national system of wage determination (Starr 1981a, 17-18).

Minimum wage fixing may serve

(1) as a means of protecting a small number of carefully delineated low-paid workers who, because of their special characteristics, are considered to occupy an especially vulnerable position in the labour market;

(2) as a means of fixing separate minimum wages for particular groups, those not being necessarily confined to lowest-paid or most vulnerable workers, but including those for whom it is judged necessary to ensure the maintenance of wages at "appropriate levels," or "equal pay for equal work";

(3) as a basic floor to the wage structure-a modest contribution to the reduction of poverty by providing for all or almost all workers a "safety net";

(4) as an instrument of macro-economic policy for achieving broad national objectives, such as economic stability and growth, or major shifts in distribution of income.<sup>23</sup>

As to the minimum wage fixation as a social policy, an earlier ILO study shows that it has been used as one of the measures "in the strategy of the fight against poverty" (ILO 1968, 148).

There are, however, continuing disagreements over the need for fixing the minimum wage (Starr 1981b, 545). On the one hand, it is considered more or less necessary due to the imperfect functioning of the labour market. On the other hand, particularly by neo-classical economists who presupposes the perfect functioning of the labour market, it is regarded as an unnecessary policy. From the perspective of developing countries, minimum wages are regarded as constituting a barrier against realization of the ultimate goal of economic development (Quadra 1979).

On a more practical level, it must be recognized that it is almost impossible to enforce minimum wage legislation in the developing world (Starr 1981b, 545).

For instance, in the Philippines which has perhaps

the most comprehensive minimum wage legislation<sup>24</sup> among developing countries in Asia (ILO 1974, 344), on the average, wages do not reach the stipulated level (Sasahara 1980, 77; Castro 1984, 178; Edgren 1984, 37). Presidential Decrees Nos.928 of 1978 and 1614 of 1979, for instance, provided that the minimum wage be raised in consideration of inflation, but they did not have any substantial effect due to the very small rate of increase (Sasahara 1980, 77). Further, EPZ firms may apply for an exemption from the legislation (Warr 1985, 23).

The Philippine government, in trying to accelerate export-oriented industrialisation by facilitating the creation of a low wage labour force, for instance, by not imposing a legal requirement of hiring those on probation,<sup>25</sup> effectively undermines one of the purposes of establishing minimum wage, that is, the protection of workers against inadequate wages.

While in Sri Lanka, the minimum wage law is largely observed except for trainees (Ramanayake 1984, 225), the rate is calculated so low that it is not enough to support the workers (Shoesmith, ed. 1986, 120). It is of consequence here to note that the legal minimum wages for women is established differently and lower than that of men<sup>26</sup> (ILO 1985b, 226),<sup>27</sup> although the principle of equality between women and men is enshrined in the Constitution of Sri Lanka<sup>28</sup> (article 12). As well,



employers can violate the regulatory controls on minimum wages with impunity due to official apathy (Goonatilake and Goonesekere 1988, 205). The legislation also has to be qualified because Sri Lanka does not have specific criteria for the minimum wage fixing (Starr 1981a, 93).<sup>29</sup> They closely relate to the legislative objective(s) (ibid., 95) and include, for example, cost of living and prevailing wage levels. Criteria specified in national legislation vary from brief statements of general principles to quite lengthy listings of factors to be taken into consideration (ibid., 93).

As regards Singapore, Malaysia and Hong Kong, no legislation provides for minimum wages. (Starr 1981b, 561 f2; Basile and Germidas 1984, 33; England 1989, 168).<sup>30</sup>

In the case of Singapore, however, wages are guided by the tripartite National Wage Council (NWC)<sup>31</sup> which was established by the government on February 7, 1972 to recommend wage changes annually. Although the NWC recommendations are not made mandatory through legislation, they are widely adopted by labour and management (Pang 1981a, 10; Kim Seah Teck Kim 1981, 69, 71). It is to be noted, however, that other legislative processes such as amendments to the Employment Act<sup>32</sup> and to the Industrial Relations Act<sup>33</sup> are used to give effect to them (Kim Seah Teck Kim 1981, 70).<sup>34</sup> The Employment Act, for example, was amended to permit implementation

of the alternative wage increase measures recommended by the NWC (ibid., 70).

Between 1975 and 1978, the NWC adopted a policy of wage restraint to remain competitive in the world market. In 1979, the NWC in recognition of the underpricing and overutilization of labour reverted to high wage policy to restore wages to market levels and with the view to restructuring industries away from labour-intensive industries<sup>3 5</sup> (Pang 1981a, 10). The NWC thus has two conflicting objectives: ensuring industrial competitiveness on the world market and ensuring that wages not be eroded considerably by inflation. The wage policy of the NWC has structured Singaporean labour market and thus its economy in ways to meet the objectives sought by the government. In 1973, for instance, an insufficient increase in wages recommended by the NWC resulted in a decrease in real income (Ngiam Peng Teck 1977, 147).

While the level of wages in Singapore is one of the highest in developing Asia, state intervention in wages effectively attracted foreign investment by stabilizing wage increases along with other actions of the state in the area of industrial relations such as restrictive regulation of unions.<sup>3 6</sup>

In the Republic of Korea, minimum wage legislation was enacted in 1986 (Kim 1987). Prior to that, beginning

in the 1970s, an executive order based on the Labor Standards Law prohibited excessively low wages, but it has rarely been enforced (ibid., 17).

### 3.5.2. Wages in Comparison

#### 3.5.2.1. Comparison with male workers

Compared to the wages paid to men in these developing countries, women's wages are in general 20% to 50% lower per hour (Fröbel, Heinrich and Kreye 1980, 351-352). In the Bataan EPZ in the Philippines, for instance, 40% of female workers had a basic wage below the minimum wage, whereas this held true for only 17% of the male workers (Castro 1982, 35). In Singapore, average women workers in production earn around 63% of male workers' wages, which is slightly lower than the average of 73% in all occupations (Lai Ah Eng and Yeoh Lam Keong 1988, 366). The fact that women's earnings are lower than men for a comparable work are not unusual in most sectors and occupations nor limited to EPZs. It is too much to say, however, that, as Dror (1984, 713) says, lower wages for women is not as important as getting and keeping a job. For women, the fact is that even finding a job and securing it is not easy under the circumstances of traditionally imposed family responsibilities and of few alternative employment opportunities, particularly in times of recession.

There are international legal instruments pertaining to equal remuneration for work of equal value: the Equal Remuneration Convention (No.100)<sup>37</sup> of 1951 and the Equal Remuneration Recommendation (No.90)<sup>38</sup> of 1951.<sup>39</sup>

The Equal Remuneration Convention (No.100) lays down the general principle that each State which ratifies it shall promote and, in so far as consistent with the methods in operation in its country for determining rates of remuneration, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.

The main difficulties regarding equal remuneration are the difficulty of comparing different types of work and the difficulty of determining the value of work exclusively reserved for women. As of December 31, 1989, however, none of the countries covered in this study except for the Philippines covered in this study had ratified the Convention (ILO 1990).

At the national level, in some countries such as Singapore, Malaysia, and the Philippines, women are legally entitled to receive equal pay for equal work (Lim 1978, 14; Legislative Series. 1974-Phi.1A)

The Philippine Labour Code, for instance, provides as follows (article 135) (Labour Law Documents. 1989-PHL 3):

Discrimination prohibited. It shall be unlawful for any employer to discriminate against any woman employee with respect to terms and conditions of employment solely on account of

her sex.

The following are acts of discrimination;

(a) Payment of a lesser compensation, including wage, salary or other form of remuneration and fringe benefits, to a female employee as against a male employee, for work of equal value; and

(b) favoring a male employee over a female employee with respect to promotion, training opportunities, study and scholarship grants solely on account of their sex.<sup>40</sup>

However, women workers are always assigned to "women's jobs" to which men are not assigned. This job segregation on the ground of gender has the effect of obscuring the generally lower wages paid to women.

The lower remuneration for women is mainly justified by the claim that women are considered to be secondary workers in the labour market (Grossman 1979, 10; Fuentes and Ehrenreich 1983, 12). The underlying idea is that women are always economically supported by other members of the family, particularly fathers and husbands, and are naturally fit for monotonous and repetitive jobs which are considered to demand less skills. A number of studies suggest, however, as discussed above, that women do not work for pocket money. Other evidence from Hong Kong, the Republic of China, Malaysia and Sri Lanka suggests that they remit or contribute 20% to 60% of their wages to their homes, which is not insignificant for both sides of the workers and their families (Salaff 1976, 446; Snow 1979, 28; Fuentes and Ehrenreich 1983, 18; Goonatilake and Goonesekere 1988, 199). However, this does not necessarily mean that workers in EPZs in those countries

are paid well. Rather, they have to get money back to their homes in order to support other members of the family, for the local family structure has been organized around mutual support (Salaff 1976, 446-448; Diamond 1979, 324-327; Grossman 1979, 13; Arrigo 1980, 29; Stivens 1987, 100; Hossain, Jahan and Sobhan 1988, 117; Goonatilake and Goonesekere 1988, 199).<sup>41</sup> Stivens (1987) called this form "remittance family economy."

There are also many cases where women workers are strongly urged by the family to postpone marriage or not to quit the job due to the importance of their contribution to family welfare (Grossmann 1979, 16; Arrigo 1980, 29; Salaff 1981, 91).<sup>42</sup>

The result is that the decision to participate or remain in the labour market is not left entirely to the discretion of the individual worker. In spite of this, the assumption which regards women as auxiliary workers leads to the situation in which in almost all cases women cannot help but take "un-skilled" or "semi-skilled" jobs which are accordingly paid less than those performed by men, even where they exhibit no difference in qualification as compared with their male counterparts.

In the textile and garment industries, for instance, while men are responsible for cutting and ironing which are classified as "skilled" jobs and thus better paid, women are responsible for sewing which is

considered to require fewer skills and is thus paid less (Elson and Pearson 1984, 33; Heyzer 1986, 109; Mitter 1986, 61).

This sex-stereotyping of jobs has been explained on the basis of supposedly innate characteristics of women.<sup>43</sup> The deskilling argument-the declining level of skill in all jobs on average with the advancement of technology explains the increase in employment of women with fewer skills- produced by Braverman (1974) do not differ from the conventional gender stereo-typed explanation. Recent studies on women's work, however, have revealed that women acquire those skills during the process of socialization (Sharpston 1976; Heyzer 1986). Basics of sewing can be effectively and efficiently translated into the know-how required for industrial sewing and soldering silicon chips with wires. The "training" process women go through is socially invisible, because it is taken for granted for women. It is also invisible sociologically, because traditional sociology recognizes the role affiliated with gender as a starting point for its analysis. Skills acquired through informal processes at home are not fully recognized in the labour market. It is impossible, moreover, to prove all women have more manual dexterity than all men (Messing 1982). Altogether, due to the socially invisible and informal "training" in the home during childhood,

women are more easily trained for "women's jobs."

For this reason, along with the scarcity of alternative job opportunities open to women, they can become easily available for the jobs in EPZ industries. The demand for a female labour force cannot be classified as unskilled or semi-skilled. "Skill" is used as a way of justifying differences between women's and men's jobs. Ong (1987, 158) noted that Malay men found it unacceptable to work in semi-skilled assembly work, since this category had been defined as "female." Jobs which are identified as "women's work" tend to be classified as "unskilled" or "semi-skilled," whereas technically similar jobs identified as "men's work" tend to be classified as "skilled" (Phillips and Taylor 1980).<sup>44</sup> Supervisory positions at any level are, with a few exceptions at the lowest level<sup>45</sup> set aside for men only (Paglaban 1978, 21) due to the traditional idea that women are better fit for being given orders and not for giving them, which also helps keep women's wages lower than those of men.

Lower remuneration for women is also legitimized and facilitated by national legislation and regulations. In the Republic of China, for example, the Investors' Guide published by the EPZ administration provides a strong incentive for the hiring of female by informing investors that women's wages are fixed at a rate of some 10% to 20%



lower than men's for comparable work (Fitting 1982, 737).<sup>46</sup> This occurs even though the Factory Law,<sup>47</sup> promulgated in 1929, provides that women and men performing the same work with equal efficiency must be paid the same wage (Winn 1987, 54). The Labor Standards Law, promulgated in 1984, provides that an employer may not discriminate against any worker because of sex (ibid.). That guarantees through the Labor Standards Law remain largely formal is identified as one of the greatest shortcomings of such legislation (Winn 1987, 51).

When it comes to Sri Lanka, there is also great gender disparity in wages (Jose 1987, 68).<sup>48</sup> It is argued that the fact that lower wages for women than men relates well to increased employment of women in labour-intensive manufacturing industries (ibid., 38).

In the Republic of Korea, average wages for female workers are well below those for males-less than 50% (CJPSK 1976, 63; Matsuo 1977, 69; Warr 1984, 175), due mainly to job segregation by sex (Warr1984, 175). In one case, when male workers were in short supply, women were hired because of their lower wages, as an alternative to introducing expensive machinery (Phongpaichit 1988, 160-161).

#### 3.5.2.2. Comparison with industrialized nations

Wages for identical work is five to ten times lower

in developing countries than in industrialised countries (Fröbel, Heinrichs and Kreye 1980, 360). One plant manager in the electronics industry explained the profitability of moving from the United States to Malaysia as due to the fact that one worker working one hour in the United States would receive the same pay as one shift of 10 workers in a developing country including the cost of materials and transport (Grossman 1979, 7).

The wage differentials cannot be narrowed significantly and remain very substantial even where they are adjusted as correctly as possible by taking into account purchasing power, productivity differentials and so forth (Maex 1983, 45). They become even clearer when compared with those of jobs that cannot be transferred, for instance, accountants (Basile and Germidas 1984, 29). In the case of Hong Kong in 1981, annual wages for electronics engineers were 60% lower than they were for their counterparts in the United States three years earlier, i.e., in 1978 (Henderson 1989, 121).

Labour productivity for the same labour-intensive production is as good as and even higher than that in developed countries (Lim 1978, 24; Fröbel, Heinrichs and Kreye 1980, 357; Basile and Germidas 1984, 30; Ong 1987, 163).<sup>49</sup> Socio-environmental factors such as the pace of life play a more significant role than racial and

cultural characteristics in explaining differences in productivity (Lim 1978, 24). This is clear because workers of the same ethnic origin, sharing a similar cultural tradition and heritage show differences in productivity in different settings. For example, productivity in Malaysia is lower than that in Singapore due to difference in the pace of life.

Even within Southeast Asia, there is a considerable difference in wages. For example, Singaporeans earn five times more than Sri Lankans (Ho Kwong Ping 1980, 12), 2.5 times more than Filipinos and twice as much as Malaysians around 1980 (Cited in Clad 1985, 81).

Sri Lanka offers the cheapest labour costs in the countries under review (Ahooja-Patel 1986, 196; Business America. February 25, 1991, 34). This contributes to high investment levels (Wijesekera 1987, 22), along with the fact that Sri Lanka has one of the highest levels of labour productivity among developing countries (Business America. op.cit.) and the most generous of investment incentives in EPZs in Asia (Jayawardena 1983, 441). For instance, firms relocate here from Hong Kong,<sup>50</sup> Singapore, the Republic of China and the Republic of Korea where wages creep upward<sup>51</sup> (Ho Kwon Ping 1979, 79).

Another example of how companies rely to their advantage on disparity in wages between different Southeast Asian countries was reported from Singapore

(Far Eastern Economic Review. August 23, 1974): a U.S. electronics firm in Singapore retrenched 1,000 employees and for those from Malaysia promised that the affiliated companies in Malaysia would offer positions. The retrenched lost their Singaporean work permits at the same time and therefore had no choice but to accept lower wages at home.<sup>5 2</sup>

### 3.5.3. Socioeconomics of wages

Although a number of women accept those inadequate wages, this should not be interpreted to mean, as Maex (1983, 55) claims, that they do so because they are secondary wage earners.

It cannot be denied that women workers in the EPZs are not treated favourably in terms of wages paid. This is so in light of the local standards of wages for women, although the local standards must by no means justify any unfavourable working conditions. Women's wages are invariably lower than those of men. Nonetheless, it is recognized even on the employer's side that women's productivity is higher than men for the same type of work (Elson and Pearson 1984, 22).

It is true that the employment of women workers in the EPZ is in part a result of the mutual interests between the women workers and their families, and the employers. It is also true, however, that the mutual

interests are absolutely in favour of the employers. Therefore, it is inappropriate to say that the EPZ enterprises provide good opportunities of employment for women of working conditions.

As for the difference between sexes, Maex (1983, 53) explains lower wages for women workers as a reflection of the composition of the workforce, i.e., young, female and unmarried who are the lowest paid in the local labour market. This is, however, at best a circular argument. The fact is that discrimination in wages paid is not obvious, due to job segregation along the lines of sex in the labour market. Male workers are not assigned to the jobs which their female counterparts are assigned to. Job openings, in other words, are differentiated according to sex. Thus, women cannot compare their wages with those of men doing similar jobs. Prevailing ideas pertaining to gender roles are also operative. Women are constructed as less skilled than men, naturally fit for monotonous work and as secondary earners in the labour market. Though these constructions have little basis, as discussed above, they nonetheless play a significant role in justifying the assignment of dead-end jobs to women and justifying lower wages for women. Some national legislation also expressly discriminates against women workers, for instance, by setting lower minimum wages for women, which in turn provides EPZ industries which are in

constant search of low-cost labour incentives to relocate.

It appears as well that neither domestic or international minimum wage legislation, where applicable, protects women industrial workers. This is because the level of minimum wages where existent are in most cases very low as in the case of Sri Lanka (Shoesmith, ed. 1986, 120) and the Republic of China (Basile and Germidas 1984, 33). Even where it does exist, minimum wage legislation is not often enforced. In some cases, such as in the Philippines, non-compliance is even allowed for EPZ industries. Altogether, these factors serve to make minimum wage legislative protections only formal as opposed to substantive.

### 3.6. Hours of Work

The number of hours worked per week is also an important aspect of working conditions. One of the most constant demands of the labour movement since the middle of the 19th century has been the reduction of hours of work (Valticos 1979, 134).

#### 3.6.1. Hours actually worked<sup>5 3</sup>

Hours actually worked in EPZs are generally longer than the maximum hours of work fixed by laws or

regulations<sup>54</sup> (Fröbel, Heinrichs and Kreye 1980, 353). The standard working week is 48 hours (ibid., 353), subject to cyclical and seasonal variations.

In the Republic of China, almost two thirds of the workers are not required to work overtime nor forced to do so, although they seem to be "accustomed" to doing "freely" what the management wants (Shoesmith, ed. 1986, 253). This has to be considered in light of the fact that extra income constitutes a large part of their whole earnings (ibid., 83).<sup>55</sup>

In the Philippines, 70% of the EPZ firms mandatorily require workers to do overtime work ranging from 8 to 16 hours per week (ibid., 175). In the Bataan EPZ where overtime is an everyday practice except on Saturdays (Sasahara 1980, 74), the time recorder is fixed 15 minutes fast in the morning and 15 minutes late in the evening. Women workers have no choice but to comply with this set-up and call the "overtime" "T.Y. Time (Thank You Time)" (ibid., 78). The result is that they have to work without being paid.

One Malaysian case study reveals that nine out of ten employees work overtime<sup>56</sup> (Shoesmith, ed. 1986, 175). A similar tendency is observed in Hong Kong, the Republic of Korea, Sri Lanka and Bangladesh (Matsuo 1977, 69; Fröbel, Heinrichs and Kreye 1980, 353; England and Rear 1981, 371; Ng 1983, 346; Ramanayake 1984, 225;

Fazila Banu Lily 1985, 44; Goonetilake and Goonesekere 1988, 198; Hossain, Jahan and Sobhan 1988, 123; Ogle 1990, 82).

Overtime work is often required to finish production quotas. Such quotas, however, are almost invariably set upwards to boost production output, or are calculated to meet production requirements ahead of schedule. The latter practice enables EPZ firms to shut down temporarily, thereby saving on labour costs and overhead (Shoesmith, ed. 1986, 89). Thus, overtime work is pretty much the norm in EPZs (ILO 1988, 86).

### 3.6.2. Legal framework<sup>57</sup>

From the outset, the principle of the eight-hour day or the 48-hour week was on the international legal agenda. The Hours of Work (Industry) Convention (No.1)<sup>58</sup> of 1919 provides that the working hours shall not exceed eight in the day and 48 in the week.

The general standards of the eight-hour day or the 48-hour week set by the ILO Conventions<sup>59</sup> is considered a step towards a work week of 40 hours in the Reduction of Hours of Work Recommendations (No.116)<sup>60</sup> of 1962. This Recommendation also provides for the reduction of hours of work to forty per week,<sup>61</sup> and requires that immediate steps should be taken where the duration of the normal working week exceeds the 48-hour level.



Recommendation No.116 recognizes factors which should be taken into account in reducing the hours of work. Some of the factors are the level of economic development and various economic factors such as the need to improve the standard of living and maintenance of competitive position in international trade.

Unfortunately, none of the countries being considered here, except for Bangladesh which has ratified the No.1 Convention, had ratified the ILO Conventions relating to hours of work as of December 31, 1989 (ILO 1990).<sup>6 2</sup>

Domestically, 48 hours of work week is legislated in the Philippines (Castro 1984, 179), the Republic of Korea (Kim 1982, 280), Malaysia (Legislative Series. 1982-Mal.2., section 60A), Bangladesh (Hossain, Jahan and Sobhan 1988, 124) and Hong Kong (England 1989, 180) with legally permissible overtime work of two hours per day and 200 hours in a year under the Women and Young Persons (Industry) Regulations (Ng 1983, 345; England 1989, 181).

### 3.6.3. Quality of the hours of work

The hours of work established in EPZs is influenced more by economic considerations than by legal requirements or concern for the physical well-being of workers. The prevalence of overtime work which well exceeds legal provision is evidence of this. Legislation

concerning hours of work domestically as well as internationally does not seem to have influence on the hours actually worked in EPZs. Here too laws and regulations do not protect workers.

Even where working hours in EPZs do not appear to be substantially different from the norm prevalent in local economies, this has to be considered alongside other working conditions such as wages, shift and night work, intensity of work and occupational safety. These factors also serve to increase the work burden.

### 3.7. Shift and Night Work

#### 3.7.1. Prevalance of shift and night work

It is not unusual in EPZs that shift and night work constitute an important part of normal production (Lim 1978, 15; Maex 1983, 57; Lee 1984, 13; Shoesmith, ed. 1986, 211).<sup>63</sup> In Malaysia, for example, the percentage of workers on shifts is as high as 64% (cited in ILO 1985a, 51) with the highest incidence found in the electronics industry. In the Bataan EPZ in the Philippines, the incidence of shift work is equally high (Maex 1983, 57) and changes in shift assignment is not infrequent (Shoesmith, ed. 1986, 215). In the case of Singapore, three times more women than men do night shift work (Wong 1981, 450; ILO 1985a, 52).<sup>64</sup> In Singapore and the Republic of Korea, housewives are selected for the night

shift to allow them enough time for housework and families (Lim 1978, 12; Fuentes and Ehrenreich 1983, 13). In the Republic of China, Hong Kong, and Malaysia, refusal of night work may result in denial of bonuses or dismissal (ibid., 23).

Firms typically operate on a two- or three-shift system and workers do two continuous weeks of night shift and are allowed only a 36-hour rest in between (Shoesmith, ed. 1986, 175). The result is that workers often fall asleep from fatigue (ibid., 98). Management, in turn, will often provide pep pills and amphetamine injections to keep workers awake and working (Cited in Fuentes and Ehrenreich 1983, 23).

The necessity of shift work for industry is usually attributed to the economic factors, such as fluctuating market conditions which occasionally require increased output in a limited amount of time, maximum utilization of the production capacity, and expansion of employment under the circumstances of labour force abundance resulting in increasing unemployment.<sup>65</sup>

It is recognized, however, that for women as well as men, shift work, particularly at inconvenient hours or at night, is undesirable, from a physiological point of view (Maurice 1975; Carpentier and Cazamian 1978; Messing 1982). The firms with work rotation claim that multiple shifts give workers an opportunity for social life during

both daytime and evening (Grossman 1979, 5; Lim 1978, 32; Cited in Lin 1986b, 462). According to some studies, EPZ workers prefer night work (ILO 1985a, 41). This must be tempered, however, by the consideration that employees on night shift have to trade off additional pay<sup>66</sup> against the inconvenience they suffer socially as well as biologically. Shift work dictates the total life of the workers. The workers cannot enroll in classes outside the factory (Grossman 1979, 5). Poor transportation services also expose women to unnecessary danger at night (Lim 1978, 34; Ahooja-Patel 1986, 223).<sup>67</sup>

Therefore, it would be safe to conclude contrary to the above that, as other studies show (Lim 1978, 32; Shoesmith, ed. 1986, 175; Goonatilake and Goonesekere 1988, 198), workers prefer not to work on shift, in particular, at night.

### 3.7.2. Legal regulations

The ILO has been interested since its establishment in night work by women. The relevant initial Convention was the Night Work (Women) Convention (No.4)<sup>68</sup> which provided that women without distinction of age shall not be employed during the night in any public or private industrial undertaking. This Convention was revised twice in 1934 (No.41)<sup>69</sup> and 1948 (No.89).<sup>70</sup>

These revisions took the Convention more towards a

greater flexibility in defining 'night'<sup>71</sup> and exclusion from its scope women holding responsible positions of a managerial or technical character, as well as those employed in health and welfare services who are not ordinarily engaged in manual work (article 8).

The new provisions, on the one hand, enabled women to pursue further their careers, but on the other hand, exposed them to more difficult working conditions that operate to the benefit of the employer.

The Night Work (Women) Convention (Revised) (No.89) of 1948 was ratified by 62 states as of January 1, 1988. In 1990, partial revision to this Convention was adopted as the Protocol<sup>72</sup> of 1990 to the Night Work (Women) Convention (Revised).<sup>73</sup> This allowed for greater flexibility by providing that national laws or regulations could permit women to perform night work under strictly defined conditions.

It is to be noted, however, that Singapore, Malaysia and the Philippines are not bound by the No.89 Convention, nor are the Republic of Korea and the Republic of China.

In 1990, however, the General Conference of the ILO established the first international standards regarding the conditions of night work for any category of workers: the Convention concerning Night Work (No.171)<sup>74</sup> and the Recommendation concerning Night Work (No.178).<sup>75</sup> The

Convention does not prohibit night work by all employed persons with a few exceptions (article 2). It redefines night which is shorter than the previous standards (article 1). It provides for occupational safety and health, transfer to day work, maternity protection, compensation, social services and consultation of workers' representatives (articles 4-10).

Convention No.171 and Recommendation No.178 are the first general standards concerning night work in that they cover all employed persons<sup>7 6</sup> with limited exceptions and also address working conditions such as safety at work which were not previously mentioned.<sup>7 7</sup>

Sri Lanka denounced in 1982 its ratification of the No.89 Convention on the grounds that the prohibition of work by women through the night would discourage the establishment of foreign enterprises in its EPZs. At the same time, provision of the Shops and Offices Act which prohibited night work by women was deleted (Ahooja-Patel 1986, 222). It was the employers that requested the government to lift the ban (ibid.). Moreover, three of the five major trade unions welcomed the decision (ibid., 223). The structure of the trade unions is male-dominated even where most of the membership is made up of women (Jayakody and Goonatilake 1988, 293).

This measure did facilitate the entry of women into the EPZ workforce (Ahooja-Patel 1986, 223). For the

employer it was perceived as a means of recruiting cheaper labour, and for women it enabled them to get additional financial income although most of them had practical difficulties with transportation and security (ibid., 222). Several other countries including Netherlands, Luxembourg, New Zealand, Ireland, and Uruguay also denounced one of these Conventions without ratifying a revised one. However, Sri Lanka was the only country to articulate its purpose as maximum utilization of labour in the EPZ for international competitiveness (Dror 1984, 721 f21).

This, together with recent criticisms against prohibition of night work by women, call into question the continuing appropriateness of a prohibition against night work. First of all, working conditions are fairly improved compared with the past. Secondly, the principle of equality between women and men, in this case, in employment opportunities and remuneration, provides some support for allowing women to work night shifts. However, overall limited employment opportunities and unfair remuneration for women cannot be offset by allowing women to work at night.

There is the further argument that in light of the absence of medical evidence suggesting that night work is more harmful to women than to men, except during the period of pregnancy and nursing (Carpentier and Cazamian

1978, 37-38, 41; ILO 1985b, 229), night work should not be prohibited.

In response to such criticisms and evidence, the ILO adopted the Protocol of 1990 to the Night Work (Women) Convention (Revised). The Protocol allows women to be employed at night under strictly defined conditions provided by national legislation (articles 1 and 2). The underlying objective is to give countries bound by Convention No.89 an opportunity with this ratification to achieve the principle of equality between women and men of opportunity and competitiveness while giving special protection to women (Labour Law Documents. 1990/3, 10).

Domestically, in Singapore, legislation prohibiting night work for women was waived for the electronics industry, which is central to industrialization of the country, allowing it to operate 24 hours a day (Lim 1978, 7). It is possible to introduce 12-hour shifts as long as the total hours worked per week do not exceed the statutory maximum of 48 hours (Lim 1978, 13-14).

In Malaysia, provisions exist in the Employment Act<sup>78</sup> of 1955 which prohibit workers from working between the hours of 10 p.m. and 5 a.m. The government invited in 1970 foreign electronics firms and made circumvention of this restriction against night work easily available to them-upon application made to the Director General of Labour (the Ministry of Labour) (Shoesmith, ed. 1986,



175).<sup>79</sup>

In Hong Kong, the prohibition of night work of women was relaxed in 1970, with employers and factories employing a certain number of women (now 300) with minimum shifts of a certain number of women (now 20) being authorized to have night shifts for women (England 1989, 181). Women with supervisory positions are also exempted from prohibition of night work (ibid.).

In the Republic of Korea, 'exceptions' to prohibitory laws are constructed to enable women to work night shifts (Matsuo 1977, 69).

### 3.7.3. Effect of shift and night work

Where shift work, and night work, in particular, is legally instituted by the state, its legalization could provide EPZ industries with advantage regarding production cost over those in countries which prohibit night work by women through national and international labour codes (ILO 1988, 89). At the same time, such laws and regulations or government-sanctioned exceptions thereto in practice provide a legal basis for exploitative working conditions and facilitate deterioration in the quality of workers, in particular, women workers' lives.

Another effect of shift and night work is that it helps to tie workers to the companies they work for,

since they cannot help but arrange their lives around their work schedules. Once this is done, it is difficult for women to break such patterns.

### 3.8. MATERNITY PROTECTION

The issue of maternity protection seems to be rather irrelevant to the workforce in EPZs, for most of the women workers are unmarried and are not supposed to have children before marriage according to local norms. Case studies suggest, however, that legislation as regards maternity protection has considerable impact on women workers in EPZs.

#### 3.8.1. Legal framework

The first international standard adopted by the ILO was the Maternity Protection Convention (No.3)<sup>80</sup> of 1919. This was revised in 1952 as the Maternity Protection Convention (No.103),<sup>81</sup> with the Maternity Protection Recommendation (No.95).<sup>82</sup>

The Conventions provide that the period of maternity leave shall be at least twelve weeks and that during a woman's leave, she is entitled to receive cash and medical benefit. In order to guard against employers failing to hire women to avoid paying maternity benefits or failing to pay such benefits, liability is shifted

away from individual employers. As well, employers are prohibited from dismissing a woman during her maternity leave (ILO 1982). As of December 31, 1989, however, no countries covered in this study had ratified the ILO No.103 Convention (ILO 1990).

In 1990, the ILO adopted the Convention concerning Night Work (No.171)<sup>83</sup> and the Protocol of 1990 to the Night Work (Women) Convention (Revised)<sup>84</sup> which refer to maternity protection in article 7. Article 7 provides that alternatives to night work including transfer to day work be ensured for women workers before and after childbirth and during periods in need of medical care for the mother or child. It also provides that women workers be accorded protection against dismissal during such periods as above. The United Nations also refer to special measures concerning maternity protection in article 4 (2) of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).<sup>85</sup> This provides that the adoption by State Parties of special measures, including those measures contained in CEDAW, aimed at protecting maternity shall not be considered discriminatory. It is of consequence to note that the CEDAW recognizes discrimination against women as not only embodied in legal provisions but also acts and practice of long standing (article 2).

In general, standards set at the national level do

not meet standards set at the international level. In Malaysia, for instance, Employment Regulation 1976 (PU(A)375/76) provides that maternity leave is six to eight weeks depending on the occupation (Fong Chan Onn 1989, 100). Maternity allowance is payable for each day of the eligible period at the employee's ordinary daily rate of pay (ibid., 96).

In the Philippines, the Presidential Decree No.442, otherwise known as the Labour Code,<sup>86</sup> prescribes that maternity leave is six weeks with full pay and limited to the first four deliveries (article 131). Previously, however, it was 14 weeks with 60% of pay according to the Republic Act No.679, otherwise known as the Woman and Child Labor Law of 1952.<sup>87</sup> The Presidential Decree No.148,<sup>88</sup> issued shortly after the declaration of martial law, reduced maternity benefits granted to women.

In the case of Sri Lanka, women workers are entitled to six weeks' maternity leave with pay (Maternity Amendment Act 1978) and protection against dismissal on the grounds of pregnancy and so forth (Ahooja-Patel 1986, 219).

### 3.8.2. Maternity protection at work

The following examples reveal how the protective legislation for pregnant women has been used in EPZs. In Malaysia, maternity leave and benefits provisions have led

to the refusal of companies to hire married women. Married women workers already in the labour market are encouraged to practice "family planning" and given contraceptives free of charge from medical practitioners of the company (Ong 1983, 431).

In the Philippines as well, hiring single women tends to be the rule (Paglaban 1978, 19). This is to avoid having to provide maternity benefits, despite the deteriorated legal protection. This policy is further evidenced by the practice of requiring a pregnancy test as part of the screening process for job applicants. A company in the Bataan EPZ offers prizes to workers who undergo sterilization (Cited in Fuentes and Ehrenreich 1983, 13).

In a Sri Lankan EPZ, the main hidden criterion of suitability for employment is single marital status, as the cost of maternity benefits prescribed by law is considered to be an obstacle by employers (Ahooja-Patel 1986, 230).

In the case of Hong Kong, maternity payments are often illegally denied by local employers (Chiu 1986. Cited in Henderson 1989, 115).

### 3.8.3. Effect of "protective" legislation

Contrary to the legislative purpose, it is more accurate to say that special provisions for the

protection of women workers work against their welfare. Maternity leave, particularly with pay, is often regarded as a reason for the employer not to employ women (Anker and Hein 1985, 78). In some cases, though, the legislation does serve to protect women workers.

While protective legislation is perceived as socially desirable, it is also considered to reduce competitiveness in business due to the costs that must be borne by the employer.

For instance, in the Presidential Decree No.148<sup>8,9</sup> of the Philippines which reduced maternity benefits from 60 percent of pay for 14 weeks to 100 percent pay for six weeks and limited coverage to the first four children, was regarded favourably by a personnel director at a textile factory as making it profitable again to hire women (Grossman 1979, 8).

There are also cases where legislation concerning maternity leave is changed in response to the labour market situation and economic policy, such as in Singapore (Lai Ah Eng and Yeoh Lam Keong 1988, 380-381). Prompted by the concern over falling birthrates, for example, the government of Singapore changed its family policy from "stop at two"<sup>9,0</sup> to "have three or more children if you can afford it." Along with this change, the government offered a generous package of maternity leave benefits and incentives to women in the civil

service, hoping that the private sector would follow suit. This policy sought to balance the government's needs for women's labour to maintain economy, against ensuring a future labour force. Maternity is important not only to the individual but also to society in general. Reproduction affects present labour force participation as well as future labour force composition. The International Labour Organisation (ILO) also participates in population activities for underdeveloped countries (Mies 1986, 122).<sup>91</sup> Women are now regarded by the organization as labourers and, at the same time, producers of future labour power. Population policies, euphemistically called "family planning," have not considered women's reproductive freedom.<sup>92</sup> As long as they do not fully address the human rights of women and, instead, concentrate only on the effective implementation of population activities, the participation of the ILO in the this area is necessarily detrimental to women.

It can be concluded that the employers' preference for young and unmarried women as the labour force relates to some extent to legislation regarding maternity protection. Legislation on maternity rights is necessary to ensure that women are not discriminated against due to pregnancy and have equal opportunities to male counterparts in paid employment. The legislation includes, for instance, the right to maternity pay, the

right not to be unfairly dismissed for pregnancy and the right to return to work after pregnancy and confinement. It should be provided and enforced, however, without compromising necessary protection with equal opportunities of women and men in employment. Maternity must not form discriminatory treatment of women by employers.

### 3.9. EMPLOYMENT SECURITY

Stable employment is an important element in the quality of working life, the loss of which can result in economic and social difficulties for the worker and others dependent on her. In the case of EPZ industries, employment is unstable and precarious, as a result of the employer's ongoing search for cheap labour to reduce production costs.

#### 3.9.1. Employment stability in practice

Reasons given by EPZ companies for worker retrenchment include recession or change in economic situations (Lim 1978, 18; Paglaban 1978, 19; Siegel and Grossman 1978, 6; Sasahara 1980, 78; Clad 1985, 84; Shoesmith, ed. 1986, 213) and refusal of night work (Fuentes and Ehrenreich 1983, 23). Factory closure for relocation also results in termination of employment



(Aldana 1989).

Usually, there are reasons underlying the official reasons advanced by companies to justify workers retrenchment. In some cases, employers regularly terminate the employment of probational workers and hire new workers to avoid paying increments and other fringe benefits to which permanent workers are entitled (Lim 1978, 19; Hing Ai Yun 1984, f28).

It is also common practice to lay off workers on probation just before the end of the period in order to save the company the expense of paying a full wage (Lim 1978, 19; Fuentes and Ehrenreich 1983, 22). The workers call themselves "permanent casuals" (Paglaban 1978, 19; Fuentes and Ehrenreich 1983, 22). Just before Christmas one year, for example, a Filipino company instituted massive lay-offs to avoid holiday bonus payments (Villegas 1983, 140). In 1985 when Mostek, a U.S.-based multinational electronics firm in the Bayan Lepas EPZ in Malaysia, instituted a retrenchment policy, management called for "voluntary" resignation. This was, in fact, a threat to workers to sign a letter of leave of their own accord in exchange for financial compensation. This practice enabled the company to avoid observing the "first in, last out" rule, and to avoid giving advance notice (Lohead 1988).

Recessions also provide companies with an excuse to

lay off workers. During the world recession in 1974, for example, 79% of 16,900 retrenched workers in Singapore were women (Wong 1981, 440). During part of the period of recession between 1983 and May, 1986 in Malaysia as many as 27,000 women were retrenched in the electronics and textile industries (Rohana Ariffin 1989, 88).

Citing recession as a reason for retrenchment, however, is usually disingenuous: soon after retrenchment in circumstances of recession companies often hire fresh employees (Lim 1978, 19; Paglaban 1978, 19). Recession, in other words, enables firms to lay off thousands of workers, and thus avoid increasing wages and furtherance of seniority. Dismissed experienced workers are then rehired at starting salaries (Lim 1978, 19) thereby depressing wages in general. The citation of financial losses as a reason for lay-offs is also dubious. Through transfer pricing,<sup>93</sup> vertically integrated transnational firms can minimize tax burdens and take advantage of tax incentives. Those with consecutive loss statements can not only continue operating, but in some cases may even expand operation (Warr 1985, 36).

A final factor that contributes to the high turnover rate of women workers is sexual harassment<sup>94</sup> by supervisors-predominantly male. Sexual harassment is a common and everyday threat to women workers, which often forces them to leave work (CJPSK 1976, 62; Paglaban 1978,

21; Sasahara 1980, 79; Fuentes and Ehrenreich 1983, 23; Elson and Pearson 1984, 23; Mitter 1986, 63). Sexual harassment travelling to and from work also forces them to give up their jobs (Kumdihini Rosa 1987, 163). The fact that male security guards strip search women workers (Porte 1986, 185) can also amount to sexual harassment.

### 3.9.2. Legal provision

In 1982 the ILO adopted the Termination of Employment Convention (No.158)<sup>95</sup> supplemented by the Termination of Employment Recommendation (No.166). Until then, the Termination of Employment Recommendation (No.119)<sup>96</sup> of 1963 had served as an international guideline.<sup>97</sup>

The basic principle expressed in Recommendation No.119, which had the greatest influence on national law (Yemin 1982, 341) is as follows: termination of employment should not take place unless there is a valid reason for such termination connected with the capacity or conduct of the worker or based on the operational requirements of the undertaking, establishments or service. In other words, the principle requires the employer to have valid reasons for termination.

Reasons for dismissal which are explicitly excluded under Convention No.158 are: union membership or participation in union activities; seeking office as or

acting or having acted in the capacity of a workers' representatives; filing a complaint or participating in a proceeding against an employer involving an alleged violation of law; race, colour, sex, marital status, religion, political opinion, national extraction or social origin; pregnancy; family responsibilities; absence from work during maternity leave; and temporary absence from work because of illness or injury. The Recommendation No.166 adds age (subject to national law and practice regarding retirement) and absence from work due to compulsory military service or other civic obligations.

The Convention also provides that a worker shall be entitled to a reasonable period of notice unless he [sic] is guilty of serious misconduct, and to severance allowance as well as unemployment benefits or other forms of social security benefits.

None of the countries under review, however, had ratified the Termination of Employment Convention (No.158) as of December 31, 1989 (ILO 1990).

As for domestic law, provisions which explicitly require justification for dismissal are found in every member state of the ILO in this study, i.e., Singapore, Malaysia, the Philippines, Sri Lanka,<sup>98</sup> and Bangladesh (ILO 1981, 14). In the Philippines, for example, section 272 of the Labor Code<sup>99</sup> provides that an employee may be

terminated without advance notice in cases of closure, reduction of the workforce, serious misconduct, fraud or wilful breach of trust, commission of a crime or offence against the employer or any immediate member of his [sic] family or representative, and other analogous cases. As to termination due to the installation of labour-saving devices, redundancy, retrenchment to prevent losses and other similar causes, an employee is entitled to separation pay (section 273).

In Singapore, the principle of justification of termination is generally accepted (Tan Boon Chiang 1982, 316). While trade union membership (section 17 of the Employment Act 1968),<sup>100</sup> race, sex, religion and political opinions may not constitute valid reasons, economic viability of the employer, restructuring of the business, situations beyond the control of the employer or the employee resulting in reduction of workforce and change of business or of emphasis in the business may constitute a valid justification (ibid., 317). It is to be noted, however, that the Employment Act 1968 merely requires either party to serve appropriate notice or to pay severance allowance in lieu of a sum equal to the amount of salary which would have accrued to the employee during the term of such notice (section 11).

In the case of Malaysia, retrenchment is recognized in the Industrial Relations Act<sup>101</sup> of 1967 as the

prerogative of the employer, although the employer is required by law to give notice and observe the "last in, first out" rule. As to the severance allowance, the employer may not be legally bound to compensate the worker (Lim Lin Lean 1984, 141).

### 3.9.3. Conclusion

It can be concluded that employment is subject to employers' business circumstances, against which laws and regulations do not particularly protect workers. Manufacturing industry is highly susceptible to change in market situations and, as a result, production line workers are in a particularly vulnerable position.

The reasons for relocation of EPZ industries lie in decrease in production cost together with circumvention of taxes and import quotas. The host government of EPZs generously provide advantageous conditions including low-waged labour force for operation with EPZ enterprises by new legislation and its arbitrary application of investment, tax and labour standards. Laws and regulations are not stipulated or applied to protect workers, since the purpose of the host government is to increase statistically visible economic growth as a state. Some countries, for example, legally recognize retrenchment as employers' discretion.<sup>102</sup> The legislation is not intended to improve the working conditions and

living standard of workers.

It has been argued that sexual harassment would be a more serious problem in developing countries than developed countries (Anker and Hein 1986a, 13). The reasons given are as follows: in the first place, the number of women searching for jobs for survival is greater. Secondly, women seeking employment when leave the protection of their homes in traditional societies are viewed as sexually loose and consequently as available for male intimacy. Thirdly, under the situation where male workers are not accustomed to interacting with women as workers in an organizational setting, male workers tend to rely on gender-based expectations of behavior.

Unemployed women are often found in the informal sector<sup>103</sup> (Ong 1983, 431) or in prostitution<sup>104</sup> for survival (Grossman 1979, 16; Fuentes and Ehrenreich 1983, 26; Ong 1983, 438; Mitter 1986, 64), although they can start as an unskilled production worker at another world market factory with starting salary irrespective of their experience (Heyzer 1986, 108; Mitter 1986, 49). No skill available to other industries is obtainable through their job (Ong 1983, 431). Moreover, particularly in Malaysia, women factory workers are socially labelled as being immoral and not accepted in their home towns (Grossman 1979, 15). Their first preference is to find another job

in the city and their last is to go home (Jamilah Ariffin 1984, 220).

Employment instability is the result of policies of EPZ industries and host governments. Women workers in EPZs must always face the risk of retrenchment and bear the consequences of it.

### 3.10. Occupational Health and Safety

Environmental conditions of work are significant for workers as they directly affect their health status and accordingly their lives. Occupational health and safety standards also affect the cost of production and the stability and productivity of the labour force. Since its establishment, the ILO has dealt directly and indirectly with issues of hygiene and safety in industry (Robert and Parmeggiani 1969).<sup>105</sup>

#### 3.10.1. The health status of the workers

The workers in EPZs<sup>106</sup> are those who have passed medical examinations during the employment screening process. Their initial health status, therefore, cannot be bad, at least as far as is required by the employer. Working conditions including the pressure and competition resulting from individualized wage structures, long hours of work and shift rotation as well as exposure to



physically unsafe conditions, however, operate together and adversely affect the worker's health.<sup>107</sup>

### Manufacturing Industry

One study conducted in Malaysia revealed that half of the industrial accidents occurred in the manufacturing sector (Lee Siew Hoon 1984, 175). The same survey also found that one third of the workers studied found their working environment unpleasant (Hing Ai Yun 1985b, 282).

### Textile and Garment Industry

In textile and garment factories, in general, workers have to do their work under poorly lit, hot and humid conditions with textile dust and lint in the air. Humidity is necessary for the maintenance of thread, even though it is known to cause rheumatism and arthristis (Fuentes and Ehrenreich 1983, 21). Without fans or air conditioners, however, the temperature sometimes approaches 100 F (Cantwell, Luce and Weinglass n.d., 12). Textile dust and lint can cause brown-lung disease (Fuentes and Ehrenreich 1983, 21).<sup>108</sup> Workers where asbestos is used are not always warned of its dangers (Cantwell, Luce and Weinglass n.d., 15), particularly the long time-lag between exposure and the manifestation of the symptoms of asbestos-related health problems.

Noise is also a big problem in the textile and garment industry. The average noise levels are higher than the threshold recommended by the U.S. Department of Employment's Code of Practice (Lee Siew Hoon 1984, 178). Continuous exposure to noise exceeding the level can cause temporary hearing loss which workers are not usually aware of, but which gradually develops into permanent hearing loss.

The most common accident in the garment industry is trapping one's fingers in sewing machines (Paglaban 1978, 11). Another problem is the occurrence of factory fires, aggravated by the highly flammable nature of textiles and inadequate fire fighting capacity of most EPZ industries (ibid.).

### Electronics Industry

In contrast, the electronics industry appears to offer a better physical environment, that is, clean, modern and air conditioned factories. Though electronics requires much eye-straining microscopic work, some prefer working in the electronics industry rather than in the textile and garment industries because of the seemingly clean environment (Lim 1978, 32, 56 f111).<sup>109</sup> Studies demonstrate, however, that the electronics industry is the third highest health-risk industry in terms of the degree of the workers' exposure to carcinogenic

substances.<sup>110</sup> Much electronics work involves solvents and cleaners such as epoxy resins, lead, trichloroethelene (TCE), zinc, chroloform, cademium and tin (ibid.). Among them, TCE, lead and chloroform are suspected occupational carcinogens (Lee Siew Hoon 1984, 182). Those who are regularly exposed to chemicals, such as those in charge of tin dipping and lead bonding and straightening, report skin rashes and dryness, runny nose, sore throat, asthma, dizziness, nausea, headaches, menstrual difficulties, miscarriages, infertility and premature births (Paglaban 1978, 22; Fuentes and Ehrenreich 1983, 19-20; Lin 1986b, 27-29). Acid burns are also reported (Paglaban 1978, 22).

Air conditioning is introduced to operate the machines smoothly (Lim 1978, 23), not for the workers to do their jobs in a comfortable situation. Though it is attractive to a workforce used to conditions of poverty (Lin 1986a, 472), constant air conditioning has been linked to problems of the nervous system.

Other occupational exposures are not the same throughout the electronics production process, which is finely divided into a number of simple motions to perform. Each worker is assigned to only a few repetitive tasks for higher performance. Those who bond hair-like wires to silicon chips, peering through microscopes for seven to nine hours per day without rest

(Lee Siew Hoon 1984, 179). Musculoskeletal problems with hands, wrists, back and shoulders result from fast, repetitive motions and/or continuous standing and sitting (Lin 1986b, 28).

As a result of assembly line work, workers tend to develop migraine headaches and deterioration of eyesight. Eye strain and infectious eye diseases are problems as well (ibid.). It is not surprising that most of the workers develop eye problems within a few years of employment (Fuentes and Ehrenreich 1983, 20) in spite of the fact that they have perfect vision at the time they are first employed. Assembly-line electronics workers also sometimes report infertility problems (Lin 1986b, 28).

Deteriorated health incurred through microscope work is one of major reasons for labour turnover (Ong 1983, 430; Lin 1986b, 25). Symptoms of solder flux asthma, for instance, can develop after four years of exposure, which accords well with the mean length of employment (Perks, Burge, Rehahn and Green 1979). In spite of these hazards, the workers are not usually required to wear protective gloves and masks. This is partly because workers find such protective clothing uncomfortable and more importantly, because such clothing hinders movement, making it difficult to meet quotas (Paglaban 1978, 22). Workers, however, are not informed of the risks of not

wearing protective clothing. In spite of all these dangers, "safety" at the electronics worksite is usually dealt with only in terms of fire prevention and control (Paglaban 1978, 22). Even in this regard, however, safety measures taken are minimal: often emergency doors are locked and other doors and corridors are often blocked by boxes and garbage (Lin 1984, 20-21).

### General Problems

Even where health services are provided at a company clinic, these are not necessarily made available for the improvement of the workers' health. The doctors and nurses, rather, serve as gatekeepers (Lin 1986a, 466). As employees of the company and an extension of management, their main duties are to make the workers well enough to work and to make sure they are not cheating to get out of work (ibid.). Some workers, as a result, visit private clinics at their own expense (PARC 1977, 164; Lin 1986a, 466). Another problem with company clinics is that visits to such clinics are treated on the individual level, which has the effect of individualizing occupation-related symptoms, diseases<sup>101</sup> and accidents. A good encapsulation of the role of such medical personnel is that they "fix the worker not the workplace" (Willis 1989, 321).

It is necessary, therefore, that analyses not be

confined to a consideration of health costs as a percentage of total expenditures.<sup>112</sup> They must include the social treatment workers receive at company medical facilities.

Another point of importance concerning company clinics is that health services provided by employers relate more to the desire for a positive corporate image as responsible citizens and caring employers than to a commitment to the needs of the workers (Lin 1986a, 463). A good image of the corporation, in addition to its overall desirability, also provides assurances to the parents of EPZ workers (ibid.).

The shift work required in EPZ industries rotations, in electronics assembly, in particular, plants also leads to considerable health problems. Shift workers experience sleep disorders, and gastrointestinal, central nervous system and psychological problems. Health problems have been found to be due more to shift rotation than to hours of work (Lin 1986b, 29). This is supported by the fact that shift work is cited as the cause of most resignations (ibid., 37).

Workers in EPZs must also cope effectively with production quotas, quality effectiveness, close supervision and other aspects of labour management. It is appropriate here to refer to the phenomenon of "mass hysteria" which oftentimes occurs among electronics

industry workers, particularly women. Outbreaks of "mass hysteria" occur when a few women on the assembly line suddenly see some spirits, usually initiated by an odour or a bug bite, and scream, shiver or fall unconscious, which triggers other workers throughout the room within minutes to develop similar spirit possession, thereby disrupting production.

This phenomenon was in the past often conveniently attributed to supernatural forces (Lee Siew Hoon 1984, 183), for females are considered especially vulnerable to spirit possession and other supernatural dangers (Ong 1983, 434). Management called in traditional healers to prevent epidemic hysteria besides industrial nurses to identify the initiators. One study conducted in Singapore found that the number of the affected is significantly higher among Malays and Muslims, indicating that religion and ethnic group appear to be relevant factors (Chan Oi Yoke, Zee Kok Onn and Wong Chai Kee 1979). However, the incidence is not limited to Malaysia, Singapore and Indonesia (Mather 1985, 170), but is also seen at the workplace and school in the United Kingdom and the mid-western United States (Knight, Friedman and Sulianti 1965; Colligan and Murphy 1979; Fernández-Kelly 1981). Nor is it limited to women only (Knight, Friedman and Sulianti 1965; Colligan and Murphy 1979).

Reserchers who have studied epidemic hysteria have

generally come to the following conclusion: it is an expression of a combination of both physical and psychological stresses arising from pressure-filled working conditions and poor labour-management relations (Colligan and Murphy 1979). In one study the affected workers reported more physical discomfort such as variations in temperature and poor lighting in the workplace, as well as psychological job stress, such as heavy production demand and conflicts with supervisors, than did nonaffected workers (ibid.; Colligan, Urtes, Wisseman, Rosensteel, Anania and Hornung 1979). As Fernández-Kelly (1981) has pointed out, therefore, the term "mass hysteria" is misleading and also demeans women workers and masks unhealthy, repressive working conditions. "Mass psychogenic illness"<sup>113</sup> (Colligan and Murphy 1979) is a better term for the phenomenon. In EPZ industries, however, rather than being recognized as systemic, the phenomenon is still individualized and, often, women involved in two such episodes are dismissed (Ong 1983, 435).

Thus, it is not only the technical means of production but also the social organization of production that affects the health status of workers (Lin 1986b, 27). It also has to be noted that workers are more susceptible to hazards at the workplace due to the poorer status of nutrition and sanitation as compared with that



of industrialized countries (Elling 1977, 218).

### 3.10.2. Laws of industrial hygiene and safety

At the international level, there are more than 40 ILO Conventions and Recommendations related to industrial hygiene and safety.<sup>114</sup>

Of particular concern here are: the Prevention of Industrial Accidents Recommendation (No.31)<sup>115</sup> of 1929, the Occupational Cancer Convention (No.139)<sup>116</sup> of 1974, its Recommendation<sup>117</sup> (No.147), the Working Environment (Air Pollution, Noise and Vibration) Convention (No.148)<sup>118</sup> of 1977, its Recommendation (No.156),<sup>119</sup> the Occupational Safety and Health and the Working Environment Convention (No.155)<sup>120</sup> of 1981, its Recommendation (No.164),<sup>121</sup> the Safety in the Use of Asbestos Convention (No.162)<sup>122</sup> of 1986 and its Recommendation (No.172).<sup>123</sup>

The Occupational Cancer Convention (No.139) provides that ratifying states should make every effort, inter alia, to have carcinogenic substances and agents replaced, to prescribe the measures to be taken to protect workers against the relevant risks, to supply all available information to workers concerned, and to ensure that they are provided with medical examinations, tests or investigations as are necessary.

The Convention on atmospheric pollution, noise and vibrations (No.148) contains a number of general

provisions on the measures to be taken and also deals more specifically with preventive and protective measures.

Convention No.155 on occupational safety and health and the working environment applies to all branches of economic activity and all workers. Article 3 (e) of the Convention offers a definition of "health": the term 'health', in relation to work, indicates not merely the absence of disease or infirmity; it also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work. This Convention also provides, for the first time, the basic right of the workers to refuse to commence work or to cease work in the event of danger (article 13).

The Convention concerning Safety in the Use of Asbestos (No.162) prohibits a particularly dangerous type of asbestos,<sup>124</sup> although it allows exemptions on the basis of consultation between employers' and workers' organizations. It stipulates that national legislation must prescribe technical prevention measures and adequate work practices.

The Recommendation on asbestos (No.172) specifies measures of prevention and control of exposure, methods for monitoring both the work place and the health of workers, and the steps to be taken for informing and educating all persons concerned.

As of December 31, 1989, however, no state under

review had ratified any convention specifically mentioned above (Nos.139, 148, 155 and 162) (ILO 1990). None, therefore, are bound by the Conventions.

At the national level, among the Newly Industrializing Economies (NIEs), i.e., Singapore, the Republic of Korea, Hong Kong and the Republic of China, Singapore provides the most stringent regulations regarding industrial health and safety, whereas Hong Kong provides the least (Pang and Lim 1989, 53). The government of Singapore began to pay attention to work-related health problems, after recognizing the cost of productivity losses due to accidents and illnesses (Lin 1984, 14).<sup>125</sup> In the case of Hong Kong, the attention has only recently come partly due to the efforts on the part of the government to attain a respectable image from its trading partners (England and Rear 1981, 267). The rate of fatal accidents are several times higher in the developing than in the industrialised countries and that in most developing countries the number of non-fatally injured persons increased during the late 1970s, often faster than the labour force (ILO 1985b, 143).

In the Republic of China, there is very little occupational health and safety regulation, which the U.S.-based multinational corporations find attractive (Cantwell, Luce and Weinglass n.d., 15). For instance, asbestos seem to be treated as little more than a

nuisance dust (Castleman 1979, 578). In the United States,<sup>126</sup> in contrast, unions take the position that there is no acceptable level of exposure to asbestos (Social and Labour Bulletin. 2/91, 181). Japanese companies also take advantage of the low level of asbestos control in the Republic of China and relocate factories to circumvent tougher domestic regulations of asbestos in Japan (Castleman 1979, 577).

In Malaysia, no health and safety standards have been established (Lee Siew Hoon 1984, 185). The government is reluctant to introduce any measures which might adversely affect foreign investment (Lin 1986b, 39). There was a case where one company successfully transferred female workers while retaining male workers at the same work section, in order to avoid installation costs for equipment to reduce the level of lead which is recommended by the authorities under the Factories and Machinery Act of 1967. The firm took advantage of the differently set standards established by the World Health Organisation (WHO) of the level of the lead for women and men (Lee Siew Hoon 1984, 182).

In the Philippines, a government survey of 1984 reports that high risks to health are found in the industrial environment (Social and Labour Bulletin. 3-4/84, 539-540). The survey also reveals the fact that the majority of the workers are not aware of a right to a

safe work environment (ibid.).

Absent or lax laws and regulations on occupational health and safety and environment make countries in the Third world havens for transnational corporations.<sup>127</sup> This is one of the driving forces behind the new international division of labour. The tightening of environmental laws and occupational health standards in industrialized countries has been accompanied by the moving of the affected processes to non-regulated developing nations where standards are more lax, and cheap and uninformed labour is easily available.

### 3.10.3. The perspective of occupational health and safety

It can be safely concluded that concerns about occupational health and safety are subsumed under the production goals, and more generally, under the national goal of economic development. That there are few laws or regulations, coupled with low levels of enforcement where existent, in those countries shows little concern about the quality of working conditions. Health and welfare services offered by the company usually also implement labour management policy, rather than address real health concerns. The selection of industrial technology lies ultimately in the cost incurred by capital and the state. Relocated labour-intensive EPZ industries specifically choose not to employ safer processes of

production, in order to to make the best use of the cheap labour available. Similarly, the principal concern of the state is industrial output for export, which invariably outweighs concerns for work-related health problems. This lack of concern is further reinforced by the availability of a large prospective work force.<sup>128</sup>

EPZ industries take a victim-blaming approach to occupational health and safety. Problems which result from hazards at production sites are treated as if they were those of the workers themselves. The only remedy provided to workers is resignation. Prevention is not undertaken in favour of smooth and productive operations.

Instead of individualizing problems of occupational health and safety, thus mystifying the structural causes, it is necessary to see them not only from the perspective of their prevention through legal regulation but also at the level of political economy,<sup>129</sup> at the corporate, national and international levels. It is true that legislation concerning industrial hygiene and safety is indispensable, but the existence of legal standards does not necessarily mean that they will be effective. As well, legal regulation overlooks many activities and sources of work-related hazards, is often non-preventative in orientation, and cannot keep up with new technology. There are also problems of enforcement, which arise from incompetence of safety inspectors as

well as from general policies of non-enforcement.<sup>130</sup>

The cost of accidents and diseases are in the main borne by the victims themselves as well as their families, who are dependent on the workers and must take care of them until recovery. The firms also bear the cost with the loss of prospective production, but only temporarily and marginally in terms of the overall cost of production. The attitude of the firms is that they are not responsible for such occurrences. Legal provisions concerning occupational health and safety facilitate such attitudes. Ultimately, however, the cost of accidents and diseases will affect society at large. Since workers are members of a larger society, the cost borne by the victims exerts indirect influences through, for instance, medical expenses which might otherwise be used for some other purposes of personal development.

### 3.11. Non-Wage Entitlements

Non-wage entitlements or fringe benefits seem to play a role in attracting prospective employees, as has been discussed.<sup>131</sup> They also seem to play a role in making overall working conditions more comfortable, for, as shown below, they sometimes help reduce personal expenses or create better interpersonal relationships through organized activities. These observations,

however, are not necessarily correct. Non-wage entitlements are, in the final analysis, guided by the corporate policy of labour force.

Non-wage entitlements are divided into two groups: those that are legislated by the government and limited to permanent workers and those that are optional and available to all the workers. Among those legislated are annual leave, sick leave, medical benefits, maternity leave,<sup>132</sup> accident insurance and pension plans.

The others include uniforms, free or subsidized transportation services, food allowances or subsidized canteen facilities, particularly in Singapore and Malaysia, air-conditioning,<sup>133</sup> piped music,<sup>134</sup> medical facilities,<sup>135</sup> and recreational and social activities.<sup>136</sup>

In Singapore, under the Employment Act 1968,<sup>137</sup> an employee is entitled to paid leave of seven days for every twelve months' continuous service with the same employer (section 42). Section 43 of the Employment Act provides for sick leave, and sections 95 through 106, maternity protection.

In the case of Sri Lanka, the GCEC provides for a wide variety of non-wage entitlements (Ramanayake 1984, 226-227), including maternity leave, hospitalization, social security and sick leave. Medical care, however, is optional.

In practice, however, not all these provisions are



enforced. At a company in the Philippines, for example, workers have to buy their own medicine although the company make deductions from their pay for medicare (Paglaban 1978, 11). It must also be recognized that provisional fringe benefits often provide little of substance to workers and may even have a negative impact. For instance, subsidized canteen food is still expensive for the workers, and factory bus transport will not be beneficial for those who live close enough to walk to work<sup>138</sup> (Lim 1978, 22; Lim Lin Lean 1984, 134). Social and recreational activities form an important part of labour management by creating a seemingly pleasant working environment. Most, however, are geared towards so-called "feminine" interests. Organized activities such as beauty contests and sewing classes are stereotypically "feminine," both from Western as well as indigenous perspective. Through such techniques, management attempts to reproduce gender roles at the workplace and mold workers into a docile and hard-working labour force (Grossman 1979, 4). Even productivity competitions are billed as "fun" thus contributing to the mystification of working conditions (ibid.).

At bottom, non-wage entitlements contribute little to a workers' living expenses, but do function in such a way that employers avoid paying higher wages. They cost less to provide than uniformly high wages which would

enable workers to pay for these services themselves.

### 3.12. Labour Management

Labour management in the EPZ is clearly connected with the purpose of establishment of the EPZ, that of maximizing profit by keeping productivity high and production costs low in order to be competitive on the world market. Management of workers is basically accomplished through pseudo-familism and gender stereotyping based on both indigenous versus Western and Japanese traditions.

The factory or the corporation is analogized to a family with the male supervisor figured as a father (Lim 1978, 26; Grossman 1979, 5; Fuentes and Ehrenreich 1983, 20; Heyzer 1986, 109). In the Republic of Korea, for example, Confucian values of loyalty and devotion to parents are redirected towards the workplace (Fuentes and Ehrenreich 1983, 20). The "corporate spirit" or the identity of the worker with the work place is promoted and indoctrinated through various measures such as pep talks from management in the morning, corporate papers, company uniforms which are often T-shirts with the name of the company printed on them, and company-sponsored recreational activities such as picnics, beauty contests, singing competitions and sports events which are

sometimes deliberately scheduled on May Day. Companies also sponsor sewing and cooking classes<sup>139</sup> and the sale of cosmetics, accessories and shoes. Workers' problems are treated as personal in relation to which supervisory officials play a paternalistic role (Fuentes and Ehrenreich 1983, 24; Mitter 1986, 60).

This approach is illustrated by a check-list for personnel management in many American electronics firms in Hong Kong which includes such things as "know all your employees personally-interests, habits, ambitions, hobbies, touchy points etc"; "let each employee know where he [sic] stands"; "show confidence in your employees-this will bring out the best in them"; and "gain employees' confidence-earn loyalty and trust" (England and Rear 1981, 93).

This practice not only legitimizes authority in the workplace, but also creates an environment which gives their families, particularly the fathers, a sense of comfort (Mitter 1986, 62; Ong 1987, 170). Enloe calls this alliance between corporate management and family members of the workers "happy complicity" (Enloe 1982, 5). This environment further helps to prevent workers from developing a consciousness as factory workers (Grossman 1979, 6; Fuentes and Ehrenreich 1983, 24).

These management techniques are also based on the traditionally defined attributes of femininity-docility,

passivity and sexual desirability (Lim 1978, 41; Mitter 1986, 61). Western ideas of women advanced by EPZ factories, particularly in the electronics industry, are attractive to women workers (Grossman 1979, 6). At the same time, however, such Western ideas serve to discredit women workers in the eyes of the general public, who regard them as behaviorally deviant from the local norms. This creates tension and stress among the workers themselves<sup>140</sup> and between the workers and the local community<sup>141</sup> (Lim 1978, 35-38; Grossman 1979, 14; Fuentes and Ehrenreich 1983, 25; Matsui 1987, 86-87).

Corporate management strategies, out of necessity, extend the workplace into the local communities where the factories are located and into the kin networks in the villages of the workers as well. A personnel manager of a Japanese electronics firm in Malaysia explained its management policy as follows (Ong 1987, 171);

We do not want to go against Malay culture, and [*italic*] Japanese culture too . . . We are entrusted by the parents to give the girls good employment, not otherwise. This is a family system; we are responsible for the girls inside and outside the factory. If the girls get sick, for example, we send them home by private cars. . . . Of course the workers are not too happy-"too much control," they complain. But we say the big "Yes" here. Parents are very happy and we never receive any phone calls or letters from parents calling for their daughters' resignation-like other companies [do] [orig].

In order to be favourably accepted, some of the firms take accommodating measures such as arranging Parents' Day, an opportunity for kin to monitor and

become familiar with their daughters' factory lives (Grossman 1979, 14; Ong 1987, 174-176). Factory-run hostels are established for the workers (Grossman 1979, 14). Prayer rooms are also installed in the factory itself, and the workers wear traditional attire instead of modern uniforms to further enforce strict discipline in the workplace (Lim 1978, 37). Donations to local events, for instance, school athletic meetings and the Prophet Mohammad's birthday celebrations, are also of significance (Ong 1987, 174). As discussed earlier,<sup>142</sup> occupational safety and health measures are also considered to be one of the means to achieve a positive image of the corporation.

Management strategies are also designed to increase productivity. Piped-in music is a device used to reduce talking among workers (Lim 1978, 23; Lin 1986a, 463). Transportation services provided by the company help the workers arrive at the workplace as scheduled. Productivity measures include individual daily productivity charts. Sometimes these are extended to the factory level helping workers identify themselves as part of a global corporation (Lim 1978, 23; Grossman 1979, 5). Productivity measures such as these tend to cost less than individual productivity bonus schemes (Lim 1978, 26). The fact that salaries consist to a large degree of

performance bonuses also leads to both higher productivity and lower wage costs. Quality control (QC) circles<sup>143</sup> are introduced on the shopfloor to foster motivation and competition among workers, particularly by Japanese multinationals,<sup>144</sup> which promote on-going effort to pinpoint and solve workshop problems (Shiozawa 1986, 36).<sup>145</sup>

Productivity is also maintained by allowing only very short rest periods. Workers are allowed an average of only a 45-minute break during an eight-hour shift, 30 minutes for lunch break and 15 minutes for tea break. As well, they are sometimes required to obtain permission to visit the bathroom. These visits are regulated and monitored (Paglaban 1978, 11; Fuentes and Ehrenreich 1983, 23; Lim Lin Lean 1984, 141; Ong 1987, 167). The short hours of rest adversely affect the health and safety of the workers.

It is important to recognize that workers do not always accept, acquiesce in or take advantage of measures of "industrial indoctrination" offered by management (Lin 1986b). One study observed that workers made much use of company services for daily reproduction of labour such as health care, transportation services and housing, but they tended not to use those aimed at morale and socialization, that is, recreational and educational activities. Another case study suggests that workers

know how to negotiate successfully with supervisors on the shopfloor despite the rigid control. Workers let their supervisors know that they do not like to be under rigid control. The workers make use of senses of the firm as "family," "empathic feeling" and their own sense of duty as workers to appeal to humanitarian values of the supervisors as a means of relaxing their control (Ong 1987, 167).

Other management techniques are more blatant in their treatment of workers as inferior. In the Republic of Korea, Japanese managers treat Korean workers in a degrading manner, as inferior to Japanese (CJPSK 1976; Matsuo 1977; Ogle 1990). It is reported that Japanese managers use their own language on the shopfloor and seldom learn the local language (Ogle 1990, 84). The discriminatory attitude towards non-Japanese Asians is partly explained by the official educational influence during the colonization of Korea by Japan from 1910 to 1945 which served to ingrain in the general public a sense of Japanese ethnic superiority among Asians.

In Malaysia, where economic divisions usually coincide with ethnic and religious differences,<sup>146</sup> there is much potential for conflict, particularly where job hierarchies correspond to ethnic stratification (Ong 1987, 159). In response, some firms employ Malay rather than Chinese personnel managers and administrators in

order to generate less ethnic hostility (ibid., 158).

In conclusion, it appears that labour management strategies and productivity campaigns tend to combine traditional ideas of women as self-denying and obedient to authority with sophisticated modern techniques of human relations. Local communal values are invoked as well not only to reinforce discipline among factory workers on the assembly line, but also to keep the supply of workers constant. If local values were not respected, the moral concern of parents for their daughters might override the need for monetary contributions to the household. It has to be noted, however, that workers are not necessarily passive receivers of managerial techniques<sup>147</sup> and cope effectively with them. Illustrations include an application by the workers themselves of a sense of "family" to their supervisors to soften control and selective use of non-wage entitlements. Furthermore, ethnic and/or racial divisions are in some cases activated both positively, for instance, the same ethnic composition of workforce and supervisors, and negatively, as in the case of Japanese enterprises in the Republic of Korea, in the process of labour management.

### 3.13. Industrial Relations



By industrial relations<sup>148</sup> I mean the legal, economic, political and socio-cultural factors that contribute to the shaping of basic working conditions by labour, capital and the state. Among various aspects of the EPZ, industrial relations play a pivotal role in molding the industrialization strategy of EPZs. In the field of international labour law, industrial relations constitute a significant part of fundamental human rights for workers and have been dealt with since the establishment of the International Labour Organisation.

#### 3.13.1. International legal framework

The ILO provides standards for freedom of association for trade union purposes: the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No.87),<sup>149</sup> the Right to Organize and Collective Bargaining Convention, 1949 (No.98),<sup>150</sup> the Collective Agreements Recommendation, 1951 (No.91),<sup>151</sup> the Workers' Representatives Convention, 1971 (No.135),<sup>152</sup> the Workers' Representatives Recommendation, 1971 (No.143),<sup>153</sup> the Promotion of Collective Bargaining Convention, 1981 (No.154),<sup>154</sup> and the Promotion of Collective Bargaining Recommendation, 1981 (No.163).<sup>155</sup> Although as early as 1919, freedom of association was mentioned in the constitutional provisions of the ILO (Valticos 1979:79), the first convention of general application was not

adopted until 1948.<sup>156</sup>

The Freedom of Association and Protection of the Right to Organize Convention (No.87), ratified by 99 member states as of December 31, 1989 (ILO 1990), serves as the fundamental instrument for international protection of the freedom of workers to organize in defense of their interests. It provides for the right of workers to organize into unions without distinction or discrimination of any kind as to occupation, sex, colour, race, creed, nationality or political opinion (article 2). The rights and guarantees which such organization should enjoy, including the right to draft a constitution and governing rules and to elect representatives, are also set out (article 3).

The No.87 Convention also provides for the right of trade unions to organize their activities and to formulate their programmes. This provision relates to the right to strike and the right to pursue political activities in the context of trade union organization, under the circumstances where prohibition by law of political activities is prevalent. The view of the ILO is that a general prohibition of political activities is both incompatible with the Convention and unrealistic in practice (Valticos 1979, 84) and that a general prohibition of strikes constitutes a considerable restriction of the opportunities open to trade unions for

furthering and defending the interests of their members and of the right of trade unions to organize their activities (ibid.,86).<sup>157</sup>

The Right to Organize and Collective Bargaining Convention (No.98) ratified by 115 states as of December 31, 1989, provides for protection of workers and trade unions leaders against victimization by their employers at the time of recruitment and during the period of the employment relationship (article 1) and protection of trade unions against acts of interference (article 2).

The Workers' Representatives Convention No.135 which is complemented by the Recommendation No.143 are intended to recognize freedom of association at the plant level as well as at the national or occupational level. The Convention has been ratified by 44 states as of December 31, 1989 (ILO 1990).

The Promotion of Collective Bargaining Convention (No.154) provides that "collective bargaining" defined in a broader sense of the term in article 2 shall be encouraged by taking measures adapted to national conditions in all branches of economic activities.

The No.98 Convention has been ratified by all the states covered in this study (ILO 1990). It is also applied to Hong Kong without modification (England and Rear 1981). The No.87 Convention has been ratified by Bangladesh and the Philippines (ILO 1990). As for the

No.135 and No.154 Conventions, no states except for Sri Lanka in regard to the former, are signatories as of December 31, 1989 (ILO 1990). For Hong Kong, No.135 Convention is not applicable, since there is not legislation applying the provision of the convention (England and Rear 1981).

The universal standards are provided by article 23 of the Universal Declaration of Human Rights,<sup>158</sup> article 8 of the International Covenant on Economic, Social and Cultural Rights<sup>159</sup> and article 22 of the International Covenant on Civil and Political Rights.<sup>160</sup>

### 3.13.2. The positions of labour and trade unions under domestic laws

Labour and trade unions are generally weak in EPZs. Since the onset of export-led industrialization in Asia in the 1960s, trade union organizations and collective bargaining have been severely curbed (Edgren 1984, 41).

#### Malaysia

Workers cannot become actively involved in collective action due to legislation concerning trade unionism and industrial dispute resolution: the Trade Union Act 1959<sup>161</sup> (revised in 1980)<sup>162</sup> and Industrial Relations Act 1967<sup>163</sup> (revised in 1981),<sup>164</sup> in particular.

Under the Trade Union Act, no trade union of general

nature is permitted. It provides that every trade union shall be registered (section 8), which the Registrar<sup>165</sup> (section 3) may refuse (section 12); that strikes may not be called to force management to recognize a union (section 25A); that trade union officials shall have at least three years' experience in the industry they wish to represent (section 28); that 'management functions' pertaining to promotions, transfers, layoffs and similar matters are not subject to collective bargaining (section 46); that trade unions may not have political funds (section 52); that a federation of trade unions may be formed or created only if it consists of unions whose membership is confined to a particular trade, occupation or industry (section 72); and the Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act (section 58).

The Industrial Relations Act 1967 provides for protection of pioneer industries<sup>166</sup> during the initial years of its establishment against any unreasonable demands for a trade union<sup>167</sup>; procedure to be followed in the submission of claims and collective bargaining; provisions for speedy and just settlement of trade disputes by conciliation or arbitration if not resolved through direct negotiation; power for the Minister of Labour to intervene and to refer disputes to the

Industrial Court established under the Act; awards by the Industrial Court are legally binding; prohibition of strikes or lock-outs for causes connected with negotiation of trade unions, or on matters connected with management functions; management functions pertaining to promotions, transfers, retrenchments are not negotiable; and safeguard for pioneer industries during their first five years of existence or for any such extended period against unreasonable demands of trade unions (Cited in Fröbel, Heinrichs and Kreye 1980, 363).

At the same time, the Internal Security Act 1960 (Revised 1972)<sup>168</sup> provides for detention without trial, which has been used to arrest, detain or threaten labour organizations (Hing Ai Yun 1984, 209; Lent 1984, 453).

In addition, the Universities and Colleges Act 1974 seeks to prohibit any cooperation between any student group and any political parties and trade unions (Hing Ai Yun 1985b). Similarly, the Printing Presses and Publication Bill 1984 plays a part in voluntary regulation of freedom of expression on the part of the media, which effectively undermines the role in disseminating information on labour issues (ibid.).

Under these regulations, workers are only allowed to organize in sectors less vital to industrialization. For instance, unions can be legally formed in the electrical industry, but not in the electronics industry.<sup>169</sup> This

has meant that 12% of women workers in the manufacturing sector cannot organize (Rohana Ariffin 1988). Even given this situation, in 1985 when Mostek, a U.S.-based electronics company, dismissed more than 1,200 workers-almost of all of them women-the retrenched picketed picketing for the first time in EPZs in Malaysia (Lothead 1988). Two-thirds of both female and male workers consider trade unions to be very important as a powerful weapon for collective organization (Hing Ai Yung 1985b).

### Singapore

The Employment Act 1968<sup>170</sup> (Revised in 1984), the Trade Union Act 1968 (Revised in 1982) and the Industrial Relations (Amendment) Act 1968<sup>171</sup> regulates labour and management relations.

The Employment Act 1968 established standards of the terms and conditions of employment and circumscribed the substantial fringe benefits of the workers: reduction of holidays, rest days, annual and sick leave, a standard work week of forty-four hours, limitation of retrenchment and retirement benefits on workers with three and five years of service, limitation of bonus payments from three months' wages or more in many cases to one month's wages (Pang 1981b, 489). Amendment to the Employment Act 1968 in 1984 provides for greater flexibility on the part of the

employer in utilizing human resources: the employer may synchronize work schedules with fluctuating production and avoid paying overtime rates for short periods of long hours by offsetting them against longer periods of short hours (Leggett 1988, 250).

The Trade Union (Amendment) Act 1982 modified the definition of a trade union to reflect an emphasis on the well-being of workers and altered the practice of industrial negotiations for the purpose of promoting greater identification by the workers with their employers and corporate interests (Blum and Pataranapich 1987; Cheah 1988). The amendment includes compulsory re-registration of trade unions, creation of new enterprise unions and elimination of the militant aspects of trade unions by not allowing them to promote, organize or finance strikes or lock-outs.

The Industrial Relations (Amendment) Act 1968 provides that trade unions may not negotiate hiring, firing, promotion, transfer, retrenchment, reinstatements, or work assignment. The act also provides for conciliation by the Ministry of Labour and for final and legally binding arbitration by Industrial Arbitration Courts (IACs).<sup>172</sup> Although the right to strike is legally tolerated, legal strikes are virtually impossible without the tacit approval of the government (Pang and Cheng 1978, 36). This Act is one of the few pieces of



legislation in the world that clearly states the rights of management (Pang 1981b, 489).

Moreover, the ruling People's Action Party (PAP) has a symbiotic relationship with the National Trade Unions Congress (NTUC), one of two nationwide federations of trade unions that arose in the mid 1960s (Leggett 1988). The NTUC represents about 95% of union members (Sharma 1985, 65), and, since 1981, has pursued, jointly with management, a strategy of the Japanization of trade unions such as the establishment of house unions<sup>173</sup> to facilitate consultation and harmony between labour and management (Leggett 1988).

Other Japanese management<sup>174</sup> practices are also promoted, including the formation of quality control (QC) circles to foster motivation, commitment and organizational effectiveness (Leggett 1988). The NTUC, for instance, rewarded "model" workers for their industriousness and exemplary companies' employment practices (ibid.). The role of the NTUC is such that Singapore is rated high for overseas investment suitability, particularly on the criterion of "worker attitudes" (ibid., 252).

Trade unions in Singapore are, thus, depoliticized so as not to wage strikes over economic claims and to work as instruments of the government.<sup>175</sup>

It is argued that trade unions play an important

part in socializing workers in accordance with the economic and social imperatives identified by the government: mobilizing the labour force through productivity increase for national economic development (Blum and Pataranapich 1987; Leggett 1988).<sup>176</sup>

### Republic of China

In the Republic of China, 90% of the workforce of large enterprises belong to trade unions<sup>177</sup> (Shapiro 1981, 12). There is, however, no right to strike (ibid., 13; Winn 1987, 40). It is somewhat disingenuous then that the government placed an advertisement in The New York Times in 1976 claiming that the country is strike-free (ibid., 35):

[The labor force in Taiwan] is the best bargain in Asia, if not the world, when efficiency as well as cost is taken into account. And the island's workers are well disciplined; there is practically none of the costly strife that characterizes industries in many parts of the world. There are no strikes.

In actual fact, however, strikes do occur, though not on a large scale or for extended periods of time (Galenson 1979, 428; Goldstein 1987, 56).<sup>178</sup>

Besides, in the early 1980s, a "Factory as Home and School" movement was launched by a legislator and president of the Chinese Federation of Labor (CFL)-an officially recognized representative union-: the emphases were on labour-management agreement and the "positive

participation" of workers in solving industrial problems (Deyo 1987, 188).

The relative lack of industrial strife relates to the repressive labour policy which has been legitimized by continuing political confrontation with the People's Republic of China (Koo 1987). This was one aspect of martial law,<sup>179</sup> imposed from 1950 to 1987, with the claim that it would prevent Communist subversion and citizen unrest (Kagan 1982, 50). This included suspension of all constitutional guarantees, denial of political freedom and suppression of any legitimate negative criticism against the regime (ibid.). Within this context it should not be surprising that union leaders are known to have a close relationship with the ruling party-Kuomintang (KMT) or the Nationalist Party- and the state security apparatus (Fitting 1982, 738). The result of all of this is that unions do not protect members' rights (Goldstein 1987, 56). This reality must be contrasted with the Labour Union Law of 1975,<sup>180</sup> which states as follows (article 1): the purposes of a labour union shall be to protect the rights and interests of workers, to advance the knowledge and skill of workers, to develop productive enterprises and to ameliorate the livelihood of workers (Winn 1987, 43).

#### Philippines

The Labour Code<sup>181</sup> purports to give social justice to the workers in the context of the government's plan for national development (statement of objectives, pre-employment).

Accordingly, strikes are banned in "vital industries" with the promulgation of the Presidential Decree No.823,<sup>182</sup> although in effect every industry is included;<sup>183</sup> labour-management dispute shall be settled by compulsory arbitration by the National Labor Relations Commission (NLRC)<sup>184</sup> in the Department of Labor; one union may be formed in one industry; collection of any strike contributions by unions are prohibited; donation from foreigners are illegal.

Police in the EPZs are heavy-handed in dealing with labour disputes, and usually arrest and detain many workers (Ocampo 1982, 38; Porte 1986, 182). Martial law or the Proclamation No.1081<sup>185</sup> was promulgated in 1972 when the government embarked on the full-scale industrial development for export promotion (Bello, Kinley and Elinson 1982).

The situation is such that workers cannot claim their rights without being dismissed: claims are concerned with periodic lay-offs, reinstatement, increased workload without notice, inadequate safety measures leading to health problems, sub-standard housing and a lack of sanitary facilities (Paglaban 1978,

12; Sasahara 1980, 79; Ocampo 1982, 38). It is also the case, however, that workers would rather obey managements' orders for day-to-day living than organize because they have to risk their jobs in protest against management (Paglaban 1978). The number of strikes considerably decreased with the declaration of martial law (Ramos 1981).

### Sri Lanka

One of the major roles the Greater Colombo Economic Commission (GCEC) has to play is the maintenance of industrial peace (Jayakody and Goonatilake 1988, 294). There was an attempt at the time of establishment of the GCEC to empower the Labour Minister to exempt EPZ firms from the provision of existing labour laws, which was withdrawn after much criticism nationally as well as internationally (Edgren 1984, 42).

In any events, no trade unions exist within EPZs in Sri Lanka. Though there is no express prohibition against union organizing by the managing authority of the companies therein, traditional trade unions have an implicit understanding for not organizing women workers employed in EPZs (Jayakody and Goonatilake 1988, 293). Moreover, the workers are under strict surveillance on the grounds of security, which does not allow union organizers to enter the EPZ nor carry out union

activities (Fernando 1988, 170). Furthermore, the police use extra-legal means to prevent workers from organizing, picketing and distributing leaflets (ibid.).

The Joint Consultative Councils established by the GCEC to promote good labour management relations also plays a part in maintaining industrial peace (ibid., 294). Workers do not have much faith in the Councils, though (Edgren 1984, 43). Those who have initiated strikes or tried to form a trade union have been expelled and blacklisted from employment in other factories (Jayakody and Goonatilake 1988, 295, 297).

#### Republic of Korea

In the Republic of Korea or South Korea, laws, management practices and state-sanctioned forces have contained and disciplined organized industrial labour.<sup>186</sup> This has been facilitated to a great extent by the perceived confrontation with North Korea-the Democratic People's Republic of Korea (Koo 1987; Ogle 1979, 1990).

The Labor Union Law creates the situation in which legal recognition of unions and their right of formal representation of the workers' interests depend upon the state; unions are barred from forming, cooperating with or contributing money to any political party; and unions have to be based upon individual local unions at the plant or enterprise level instead of national-level of

federations (Launius 1984, 5). The Labor Dispute Adjustment Law makes the strike illegal, prescribes governmental conciliation of disputes and prohibits linkages between workers and non-workers such as student groups and religious organizations (ibid., 6). The Labor Committee Law and the Labor-Management Council Law promote the cooperation of labour interests into mechanisms controlled by the state (ibid.).

A special emergency law called the Kooka Powei Pup of 1971 outlawed strikes of any kind (Ogle 1979, 511). The Yushin Constitution<sup>187</sup> of 1972 stresses the need for limitations on union action on behalf of the economic development (ibid.). The Federation of Korean Trade Unions (FKTU), a nation-wide labour organization, is also well known to be co-opted by the government (ibid., 512). Labour unions and movement are always controlled, intimidated and repressed by the police and the state-sanctioned force (ibid., 513).<sup>188</sup>

Management promotes the Saemaul Movement or the New Village Movement,<sup>189</sup> which provides that for the good of nation the company must succeed; for the company to succeed, workers and management must cooperate and live in harmony; and that disruptions in production are a help to the enemies of South Korea and a blow to national goals (Ogle 1990, 56).

When labour disputes are not settled through the

sanctioned committee system, they are handled by the police or the Agency for National Security Planning (ANSP)-formerly the Korean Central Intelligence Agency (KCIA) (CJPSK 1976; Matsuo 1977; Launius 1984; Ogle 1990).

The consequence of these tough labour policies is that work stoppages declined sharply from 79% per year between 1955 and 1960 to 15% per year during 1963-71 (Deyo 1987, 186). The number of labour disputes dropped from 407 cases in 1980 to 186 in 1981, and to 57 at the end of August in 1982 (Langston 1982, 17).<sup>190</sup> It is women workers, however, that have led the labour movement in the Republic of Korea (CJPSK 1976, 67; Launius 1984, 10; Deyo 1987, 194; Ogle 1990, 84).

### Hong Kong

Trade unions must be registered under the Trade Unions Ordinance,<sup>201</sup> Based on legislation first introduced in 1948 (Turner, et al. 1980; England 1989). This requirement aims to prevent the trade union movement from being used for criminal purposes or for disruptive political ends (ibid.). Registration is, then, administered by the Registrar of Trade Unions who has the power to refuse or cancel (England and Rear 1981). The Trade Unions Ordinance prohibits unions holding political funds (ibid.; England 1989). It allows freedom of



association-as few as seven people can apply for registration as a trade union-, while it bans general unions (ibid.). The Labour Relations Ordinance<sup>202</sup> provides official procedures for conciliation, boards of inquiry when arbitration does not work, and a "cooling-off" period to be ordered (ibid.).<sup>203</sup>

The level of worker resistance is low (Turner, et al. 1980; England 1989; Henderson 1989).<sup>204</sup> This holds particularly true for the manufacturing industry (Turner, et al. 1980; England 1989). Workers have a freedom to strike, although no legislation confer upon trade unions and workers the right to strike (ibid.). The lack of labour militancy, which Henderson (1989) noted has declined substantially in recent years, is not, however, due to repressive labour policy (Turner, et al. 1980; England 1989). Nonetheless, it is argued that two factors relate to the low level of industrial action (ibid., 221). One is the presence of police close to the scene of industrial disputes. The other is section 42 of the Trade Unions Ordinance which confers immunity from suits for inducing breaches of contracts of employment protects only registered trade unions and not individuals, whether they be union officials or workers.<sup>205</sup>

### General

In addition to the labour policy of the governments

which established EPZs, some argue that it is the composition of the workforce and, in particular, the supposed internalized docility of women under patriarchy (Salaff 1981, Cited in Deyo 1984, 285) which also contributes to the compliant state of labour movement.

### The Relationship of Women to Trade Unions

The above discussion has focussed on the general condition of labour relations in South, Southeast and East Asian countries. I now want to consider more specifically the relationship of women to unions.

As in other countries, including industrialized ones,<sup>206</sup> trade union leadership in South, Southeast and East Asia is male-dominated and thus male-oriented in agenda setting and problem solving. This is the case even where the majority of the workers are women (Nash 1977, 177; Ong 1983, 431; Elson and Pearson 1984, 38; Heyzer 1986, 75; Mitter 1986, 149; Kumudhini Rosa 1987, 160; Jayakody and Goonatilake 1988, 293; Rohana Ariffin 1989, 79). In Sri Lanka, for example, unions took no action when the government planned to denounce the ILO No.89 Convention prohibiting night work of women, for they considered it unimportant (Kumudhini Rosa 1987, 160). As another example from that country, a demand for special transport services for women was derailed by male coworkers who argued that equal pay for women meant as

well equal fringe benefits for male workers (Hossain, Jahan and Sobhan 1988, 126).

Many trade unions do not discuss issues and demands specific to women workers such as equal pay for equal work, sexual harassment, maternity protection and child care facilities.<sup>207</sup> Interests of women workers are marginal and marginalized in the trade union movement, for unions consider "women's issues" as pertaining to women members alone and other problems as pressing and more important (Rohana Ariffin 1989, 92). The fact that participation of women in unions is low is a reflection of the absence of actual, not verbal, attention to women from the union leadership (ibid.).

As well, there was a case where unionization of female workers was interfered with not only by male workers but also by their family members and relatives of the women involved (Mitter 1986, 62). Factors motivating this interference include the maintenance of the relatively superior position of male workers in the labour market and preventing a decrease in the contribution made by female workers to the household (ibid.). Nevertheless, women are mobilized around general issues such as wage increase and productivity.

The marginalization of women in trade unions is reinforced by religious factors as well as patriarchal values which dictate women's appropriate roles in society

(Rohana Ariffin 1989; Gallin 1990).

The high turnover rate among women also has a negative effect on the discussion of so-called women's issues to be discussed in the trade unions (Mitter 1986, 54). It has to be noted, however, that high labour turnover is the predominant expression of workers' discontent with their position as dead-end factory workers (Jamilah Ariffin 1984, 219-220; Hing Ai Yun 1985b, 284; Henderson 1989, 117; Gallin 1990, 190).<sup>208</sup> Barron and Norris (1976, 49) have pointed out a danger of circular explanation: the higher turnover rate of women should not be confused with the existence of higher "involuntary" [italic] turnover rates for women (a property of the job), nor should we ignore the possibility that higher "voluntary" [italic] turnover rates can also reflect properties of the job-like low pay and poor work conditions. Further, in the case of Malaysian workers, their awareness that the public "looks down on factory workers" exacerbates their discomfort for their social status (Blake 1984, 159).

Restrictive policies of the government in relation to the labour movement also have a negative influence upon the formation of collective consciousness among women as workers (Jayakody and Goonatilake 1988; Gallin 1990).<sup>209</sup> Severe limitations on strikes cut unions' strength and thus contribute to prevent workers from

organizing. The double burden women carry in working for wages and managing household responsibilities also discourages them from participating in union activities (Hossain, Jahan and Sobhan 1988, 120; Rohana Ariffin 1989, 81). Furthermore, the common practice of subcontracting effectively atomize workers (Gallin 1990, 189). A management technique of personalizing labour issues at the shopfloor level also inhibits women from recognizing their collective exploitation.

In the end, women workers have to struggle themselves to have their interests met within trade unions. Male-dominated values permeate the institutions such that women only expect support from male counterparts for issues which affect them as well. The idea of appropriate gender roles in society contributes to shape and reinforce such behavioral patterns in union affairs. The position and role of women in society and in the labour market is thus carried over into the structure of trade unions.

### 3.13.3. Politics of industrial relations

The general conclusion that can be drawn from the above discussion is that labour relations laws are constructed and applied in favour of governments and EPZ enterprises. In contrast, the rights of workers are curtailed and sometimes suspended in aid of industrial

peace. It is fair to say, therefore, that industrial relations in EPZs are structured not to protect and improve working conditions, but to effectively maintain industrial peace such as to ensure a climate favourable to investment. The salient features of this structure are legislative and administrative measures directed to curb trade unionism.

The respective states play a significant role, through to varying degrees, in creating, facilitating and reinforcing a repressive working environment with a view to accerelating economic growth through export-led industrialization. It is argued that in the Gang of Four or the Newly Industrializing Economies (NIEs) repression of labour has been greater and more significant in Singapore and the Republic of Korea than in Hong Kong and the Republic of China (Deyo 1984). In the latter economies, in contrast, labour control has been instituted at the factory level (ibid.).

Enloe (1983) observes that there exists a strong correlation between militarization in society and the pursuance of export-oriented industrialization which requires controllable labour force.

Labour peace has been assured for economic development, however, at the price of various human consequences, in particular, for women workers.<sup>210</sup>

The repressive state policy towards labour which

characterizes export-oriented industrialization is also strongly associated not only with foreign investment, but also with historically specific geopolitical linkages. The Republic of Korea and the Republic of China, for example, are strategically located adjacent to the non-communist world. Not surprisingly, the United States has supported both politically and economically (Deyo 1987; Haggard and Cheng 1987; Koo 1987).<sup>211</sup> The resultant economic success of these countries, as demonstrated in their respective GNPs, in turn, contributed to the enhancement of the political legitimacy of each government from a Western perspective and, thus, to the strengthening of linkages with the industrialized economies (Deyo 1984, 1987). The strategic location of the Philippines is clearly illustrated by the existence, until very recently, of seven U.S. bases (Bello, Kinley, and Elinson 1982).<sup>212</sup> In the case of Singapore, British and subsequent ANZUS (the Australia, New Zealand, and the United States)<sup>213</sup> support has been of great importance for the ruling elites of the country to frame export-oriented industrialization (Deyo 1987). In Hong Kong where the state is a British colonial administration, the politics of People's Republic of China and the connection with the United Kingdom fundamentally has affected and shaped the political economy of the colony (England and Rear 1981; Haggard and

Cheng 1987).

At the same time, economic policy and conditions within EPZs are fundamentally structured by domestic political and legal regimes.

As Deyo (1987) has argued, the political demobilization of labour is achieved with varying degrees of state intervention during the phase of export-oriented industrialization. He identifies this as one of the indispensable requirements of economic development along with contained labour cost.

Within this complex context, one must also add the particular impact of these structures on women whose position and interests must be contextualized differently than those of their male coworkers. Most importantly, in the context of this discussion of industrial relations, women are fundamentally undermined by the male-centred structure of trade unions, as well as in specific ways by repressive domestic labour policies and practices.



#### CHAPTER IV      SUMMARY AND CONCLUSION

In the preceding chapters, an attempt has been made to reach an understanding of the position of women workers in EPZs that goes beyond the economic considerations usually emphasized by industry and Southeast Asian and Western states. The focus has been on the particular role played by law, both international and domestic in constructing conditions faced by women workers in EPZs. Most importantly, an attempt has been made to undertake an analysis attentive to political economy at the levels of the household, the local community, the corporation, the nation state and internationally.

One of the most salient features of the EPZ is the extensive employment of one particular category of workers, i.e., young and unmarried women.<sup>1</sup> I have argued that this choice is neither accidental nor attributable solely to the supply side of the labour market. Rather, these women are selectively tapped by the demand side of the labour market to serve EPZ industries as a cheap, "unskilled" or "semi-skilled," docile and expendable labour force.<sup>2</sup>

Young women are held out as being more skilled than other workers for the jobs required in EPZs. Skill is not defined objectively, however, but is based on social

distinctions based on gender. Such ideologically based distinctions in turn contribute to a decrease in the valuation of women's labour.

Young, unmarried women workers are desired by companies because, at bottom, they are cheaper to employ and manage. They are constructed as secondary workers, economically supported and socially protected by and subjugated to male family members. This in turn justifies payment of lower remuneration, which is further maintained at an absolute minimum through recruitment procedures involving physical checkups (to rule out pregnancy) and behavioral and attitudinal observation (to ensure docility and acquiescence). Women workers receive, as a result, only subsistence level wages.

As a result of employment in EPZs, women workers tend to be physically damaged in the course of work, which, for instance, sets high production target, requires frequent change of shift and involves handling of dangerous chemicals.<sup>3</sup> Focused only on maintaining minimal labour costs, companies tend to do little to prevent occupation-related accidents and diseases. Sexual harassment also has an adverse affect on women workers physically, psychologically and economically.

Women who brave such adverse conditions also suffer social consequences. They are stigmatized and, in turn, lose social status.<sup>4</sup> This is illustrated in such

derogatory names as "Minah karan" or "Minah letrik" and "Kong Soonie"-a Korean version of America's "Rosie the Riveter" (Launius 1984, 10). This focus of public attentions on the morality of women workers tend to leave other critical problems, including poor working conditions, unnoticed.<sup>5</sup> (Blake 1984, 159; Ong 1987, 183). For immigrant workers, all of the above problems are further compounded by their having to adjust as well to new environments (Jamilah Ariffin 1984, 218; Khoo and Piore 1984, 139; Wijesekera 1987, 24).

It is important to recognize, however, that working in EPZs is not all bad for women. Through such work, women workers can attain a certain degree of independence from rigid familial or patriarchal control, either by existing on their own meager wages, or contributing to the family household. Through such means, women workers can delay their marriages as well (Jones 1984, 40).

There are, however, other factors which limit the economic benefits women can derive from working in EPZs. First of all, they have no promotional prospects and/or alternative employment opportunities. Secondly, they cannot gain power in the family structure in accordance with their monetary independence and contributions. Most importantly and finally, they are still under patriarchal control at the workplace (Heyzer 1986; Goonatilake and

Goonesekere 1988); Walby 1990). Public patriarchy is often much harsher than private patriarchy, since it is not softened by the affectionate relationship between fathers and daughters and/or husbands and wives and gives no room for negotiation for power and control. Thus, personal economic gains for women who work in EPZs do not lead directly to freedom from social control; their "liberation" is extremely limited.

Rather than protecting women workers or requiring better working conditions in EPZs, host governments have concerned themselves with fostering favourable investment climate.<sup>6</sup> This is accomplished legally, administratively and politically. For example, laws and regulations in the fields of investment/tax, labour and environment are minimally enforced thereby facilitating foreign investment. Generous investment incentive packages are provided and industrial peace is guaranteed through repressive legislation, thereby ensuring maximum profit for EPZ enterprises. Other measures taken include streamlined administrative and bureaucratic procedures. Legislation of lower minimum wages for women than for male workers and other economic and labour policies further ensure the availability of a labour force of young women workers for EPZ enterprises. In this way, security for the EPZ industries is traded off against insecurity for female workers. This trade-off is

fundamental to the policy that has facilitated the creation of EPZs.

Thus, though women obtain some benefits from employment in EPZs, overall, these advantages are outweighed by negative factors which not only reinforce pre-existing subordination but compound it. Women workers in EPZs, as a result, are triply exploited (Lim 1983). They are subject to capitalist exploitation through wage labour, imperialist exploitation through North/South relations, and patriarchal exploitation through lower social positioning than their male counterparts. This is not to say, however, that women are passive recipients of such exploitation. There are structural reasons why they see no choice but to subject themselves to such treatment, and when they can, they resist. The situation of women workers in EPZs must be regarded as a collective, structural and ideological problem, not as an individual problem. As Chinchilla (1977) argued, it makes little sense to analyse and assess changes and continuities in women's work, paid or unpaid, independently from that of men as well as from transnational nature of trade, investment and production in the framework of the nation state.

The continuing competition among the governments of developing countries to attract foreign capital investment has led to a situation where working

conditions have worsened and repression of the labour force has increased (Kassalow 1978, 278; Hart-Landsberg 1984, 192). This is even more true for the second generation of EPZs such as those in Sri Lanka<sup>7</sup> and Bangladesh,<sup>8</sup> which were established in the 1980s during a period of world recession (ESCAP & UNCTC 1985, 94) and protectionism<sup>9</sup> on the part of industrialized nations (Basile and Germidis 1984, 61).<sup>10</sup> Comparative advantage is relative as well as historically specific.<sup>11</sup> Comparative advantage of a country shifts in accordance with not only products and resources, both natural and human, available to international trade but also interstate relations which also involve export/import regulations.<sup>12</sup> For example, workers in the textile industry are subject to competition within the international market and thus to domestic state regulation, since the industry is most strictly regulated by governments as a result of the MultiFibre Arrangement (MFA) (Enloe 1983, 412). In the case of the electronics industry, not only are a number of firms, large and small, competing, to hold on to their share of the market, but the sharply cyclical market also leads to severe competition within the industry (Siegel and Grossman 1978).

It is possible that international human rights law<sup>13</sup> might be used to address some of the problems faced by

women who work in EPZs.<sup>14</sup>

In view of the low ratification rates of the countries under review, however, this does not seem likely. First of all, it is up to governments to ratify international conventions, and the governments under consideration in this review are concerned not to do anything to discourage investment. Even once ratification is obtained it does not necessarily mean complete domestic enforcement. Governments have discretion as to the domestic implementation of international standards and there is no international sanction against non-compliance with ratified standards. As well, the standards only represent minimum levels to be attained. Most importantly, even where international standards are in effect, women are still subject to structural inequality. Law reform under the unequal allocation of power in society cannot lead to basic human rights for women. Demands on the state which are formulated and expressed in legal forms can have the effect of making themselves more legitimately acceptable and better known by the public (Smart 1989, 143). Legal demands can also contribute effectively to regarding seemingly individual problems as more collective ones shared among women, as in the case of consciousness raising (Schneider 1986). As long as 'women's questions' continue to be regarded as personal, by themselves and by the public, they will

never be taken up as priorities for political action even at the local level. Women are, however, never central to the state where power relations are negotiated and shaped. The state can, with those demands, legitimately extend its legal arm into the more private spheres of life, for example, in defining and identifying sexual harassment and rape (Smart 1989). It is also the case that those already with power can effectively counter the claims (ibid.). Legal demands in turn not only empower the state as well as legitimate law itself, but also more significantly harm the claimants, i.e., women (ibid.). Therefore, it is not necessarily positive to have recourse to law for the purpose of gaining legal recognition.

It would be hard not to conclude that the employment in the EPZ for women workers cannot be discussed without reference to personal choices available to them however limited they might be and however formulated and perceived in their own social milieu.<sup>15</sup> In the final analysis, however, EPZ employment created for a particular category of women must be examined structurally as well as ideologically, and also from below, i.e., from the standpoint of women workers themselves.<sup>16</sup> Human consequences, particularly for the weak or the powerless, should be given much importance.

Those who are not directly employed in EPZs can



also contribute to the improvement of the working environment by giving political support to the EPZ workers. Increased international attention, by non-governmental organizations (NGOs), for example, to the working condition of women workers in EPZs will help better their working environment. NGOs can create pressure on governments by lobbying and informing the public of pressing issues to make necessary changes at the governmental level. International Women's Year (1975), for example, was more of a result of lobbying activities of various women's NGOs rather than of UN activities and resultant increased international recognition of the role of women as the United Nations claimed (Boulding 1980, 27).<sup>17</sup>

## FOOTNOTES

### CHAPTER I

1. EPZs are also known as "free trade zones" (PARC 1977; Elson and Pearson 1980, 1981, 1984), although the usage is different from the traditional sense of the term; "free production zones" (Fröbel, Heinrichs and Kreye 1976, 1980) and "maquiladoras" (Mexico 1965, cited in Basile and Germidas 1984, 44; Bustamante 1983; Fernández-Kelly 1983). The term "export processing zones" seems to be the most widely used, although at least 19 different terms are currently in use in the English language to describe what is basically the same reality. For the diversity of terminology, see ILO (1988, 4-5).

2. The terms "developing," "underdeveloped," "industrializing" and "less developed" countries and the "Third world" are used interchangeably in this paper. It does not mean, however, that they are monolithic in nature.

3. Women make up from 70 to 90% of the workforce employed in the EPZ industries (Fröbel, Heinrichs and Kreye 1980, 344-346). While young and unmarried females constitute most of the employees in the EPZs under review, it is not always the case. See Pearson (1986).

EPZs in Ireland, Brazil, and Trinidad and Tobago are some of the exceptions in terms of composition of the workforce.

In Ireland, the government promoted employment of male workers, who are assumed to be the main breadwinners of the family, which does not often fit the reality nor descriptively neutral but value-laden, through legal procedures to maintain traditional family relationship. The share of male workers is from 60 to 70%. For details, see Pyle (1990a, 1990b). For recent development of the Irish zone, see O'Sulleabháin (1982) and Shoesmith, ed. (1986).

The EPZs in Brazil have a rather diversified industrial structure, that is, non-concentration of light industries, which explains the low share of women workers of less than 50% (ILO 1988, 63). See also Possas, Coutinho and Possas (1982).

In the case of Trinidad and Tobago, like Brazil, the nature and structure of the industries found in the zones explain the very low participation rate of women, which is as low as 10%. The industries mainly consist of heavy industries: petrochemical, iron and steel (ILO 1988, 62). See also Turner (1982).

4. In the cities of Southeast Asia and East Asia, domestic service was, and in some cases still is, a major occupation for women (Jones 1984). In the case of young Malay women, they rarely worked outside the home except for some help in agriculture (Khoo and Pirie 1984, 137;

Stevens 1987, 102).

5. The terms "multinational enterprises," "multinational corporations," "multinationals," and "transnational corporations" are used interchangeably in this paper. The definition of a multinational enterprise is summarized as follows; a multinational is a firm which exercises managerial control over operations in more than one national market, although the definition and what constitutes managerial control in terms of political, legal and economical issues are subject to debate (Greenwald, ed. 1982, 678). For transnational corporations, see, for instance, Vernon (1971); Turner (1973); Barnett and Muller (1974); Hymer (1979); Kumar and McLeod, eds. (1981); Dixson, Drakakis-Smith and Watts, eds. (1986); and Jenkins (1987).

6. Much of mainstream social stratification theory, however, has not treated women as a subject of study. Women have been ignored or mentioned in passing. See Sokoloff (1980) and Walby (1986).

7. The segmented labour market theory has a variety of forms and goes by many names; dual (primary and secondary), tripartite (core, peripheral, irregular), "internal" and "external," stratified, and radical (Cain 1976, 1215 f1).

8. The term "socialist feminist theory" is the most common reference in the literature today to later Marxist feminist theory of patriarchal capitalism, although, earlier, socialist feminism was often said to include all Marxist feminism (Sokoloff 1980, 181 f3). For Marxist theory of and earlier Marxist feminist theory of the labour market, see Sokoloff (1980).

9. In traditional sociology, people's lives are divided into "work" (paid employment), "leisure" (the time when people choose what they want to do) and "obligation time" (the periods of sleep, eating meals and other necessary activities). For critiques of conventional sociology from feminist perspectives, see, for example, Stanley and Wise (1983); Smith (1987); and Epstein (1988).

10. Contrary to the widely held belief that the introduction of household technology would reduce the burden of those who are in charge of housework, in most cases, the seemingly labour-saving appliances merely change the required level at which cleaning and the like have to be carried out, thereby leaving the number of hours of work consumed by household work largely intact. See Cowan (1983). Moreover, as Ferber (1982, 459) pointed out, it is important to recognize in the sophistication of household technology the increased demand from those already in the labour market. Furthermore, in developing countries the nature of housework is more physically demanding than in industrialized countries.

11. See section 3.5. on wages. For a critique of the household as a unit of analysis, see, for instance, Oakley (1974); Harris (1984); and Bourque and Warren (1987). For case studies in regions under review, see Folbre (1984) and Schrijvers (1988),

12. See section 3.5. on wages.

13. For a case study substantiating this point, see House (1983).

14. Craig, Garnsey and Rubery (1985) make the point, however, that the supply side of the labour market, such as the institution of family, was inadequately conceptualized.

15. The Convention on the Elimination of All Forms of Discrimination Against Women, adopted by the General Assembly of the United Nations on December 18, 1979 and entered into force on September 3, 1981, defined in the article 1 the term 'discrimination against women' for the purposes of the Convention as follows: any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural civil or any other field. In the preamble, it stated that discrimination against women violates the principles of equality of rights and respect for human dignity ... and that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women. For the text, see CSDHA(UN) (1988). The ILO Convention concerning Discrimination in Respect of Employment and Occupation (1958) (No.111) defined the term "discrimination" in article 1 for the purpose of the Conveniton as follows: any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. For the text, see ILO (1982). Blackstone's International Law Documents (Evans, ed. 1991) ignores the Convention on the Elimination of All Forms of Discrimination Against Women which pertains to half the world population, while it includes the United Nations Convention on the Rights of the Child (1989), the International Convention on the Elimination of All Forms of Racial Discrimination (1966), in addition to the three fundamental documents of human rights, i.e., the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social and Cultural Rights (1966). For non-discrimination based on sex, see also article 2 of the Universal

Declaration of Human Rights (see U.N.G.A. Res.217 (III), 3U.N. GAOR Supp (No.13) 71, U.N. Doc. A/810(1948).) and articles 3 of the International Covenants of 1966 (see CSDHA(UN) 1988).

16. See section 3.13. on industrial relations.

17. See section 3.5. on wages and 3.11. on non-wage entitlements.

18. Broadly defined, sexual harassment is 'unwanted' sexual attention (Stanko 1988, 90). See also section 3.9. on employment security; MacKinnon (1978); and MacKinnon (1987).

The guidelines issued by the Equal Employment Opportunity Commission (EEOC) of the United States establish three basic criteria to determine whether an act constitutes unlawful sexual harassment: (1) of submission to the conduct is either an explicit or implicit term or condition of employment; (2) if submission to or rejection of the conduct is used as a basis for an employment decision affecting the person rejecting or submitting to the conduct; or (3) if the conduct has the purpose or effect of substantially interfering with work performance or creating an intimidating, hostile or offensive work environment (Social and Labour Bulletin. 2/80, 241-242).

19. There was a case where complaints from women workers about sexual harassment and coarse language reinforced the employers' belief in the merits of occupational segregation by sex (Hein 1984, 264 f6).

20. For feminist critiques of Marxism, see, for instance, Eisenstein, ed. (1979); Sargent, ed. (1981); and Jagger (1983).

21. For the reserve army hypothesis, see also Braverman (1974) and Bruegel (1979). For a critical assessment of Braverman, see Beechy (1987).

22. The idea of the "family wage"-a wage enough paid to the male wage earner sufficient for him, his wife and children to maintain the acceptable standard of living without involvement of his family members in waged work- was a historical product during the Industrial Revolution: it was the demand of the male worker organized in the trade union and of the middle and upper classes that women be removed from the factory, partly because the entry of women in numbers into the labour market would threaten the position of the male workers both in the labour market due to their lower wages paid and in the home due to the erosion of the patriarchal institution of the household, and partly because women's waged labour would not only corrupt them but work to the detriment of the welfare of the next generation (Hartmann 1976; Barrett 1988). See also Oakley (1974). Although Humphries (1977a, 1977b) argued that the demand was that of the working class family as a

whole to sustain their family structures in the context of class struggle, few households in the working class have historically been organized around dependence on the male wage and the earnings from other family members have usually been essential to maintain the household (Barrett 1988). The "family wage" thus has a function of maintaining patriarchal relations within the family and at the workplace, thereby benefiting both capital and men, particularly when married. At the same time, women's lower wages cause them to depend economically on the male wage earner within the institution of marriage. Lower wages for women are, in turn, supported by women's assumed dependence. Within these interrelationships, women contribute by doing household work without being paid to reproduce labour of the male workers and their own at the marginal cost to capital, not to mention that of the coming generation of wage labourers, i.e., children (Barrett and McIntosh 1980). The system of "family wage" creates in cases where the wife is not in paid employment the situation in which the level of the living standard of a family is adjusted to the wage level of the male wage earner. For the structural causes of lower wages for women, see 3.5. on wages.

23. Related to the family wage, the form of family has not always been one which includes a male breadwinner and varies among classes even in a given period of time. In the working-class family, women's paid work is equally important as that of male family members. See Tilly and Scott (1978).

24. See also Mitter (1986). For "housewifization" of rural women integrated into the world market, see Mies (1982).

25. For instance, Stivens (1987) pointed out considerable ideological support by the Malaysian state for the "housewife" as a model of women. For a Malaysian case, see also Ng and Mohamed (1988). For Asian cases, see Agarwal (1988). For the emergence of the housewife in the industrializing West, see Oakley (1974).

26. For discussion at the local level, see, for instance, Judd (1990) and Sharp and Spiegel (1990).

27. Hartmann defines patriarchy as a set of social relations which has a material base and in which there are hierarchical relations between men, and solidarity among them, which enable them to control women (Hartmann 1976, 138).

Sokoloff, who recognizes a dialectical relationship between patriarchy and capitalism, relying partly on Hartmann's definition (Sokoloff 1980, 183 f7), defines patriarchy as follows: a set of social relations of power that enables men to control women; this power is grounded in the hierarchical relations between men, who benefit materially and ideologically from the

exploitation of women's labor (ibid., 154).

28. See section 3.13. on industrial relations.

29. For implications, see, for instance, Carby (1982); Parmer (1982); Phizacklea, ed. (1983); Barrett and McIntosh (1985); and Phizacklea (1988, 1990).

## CHAPTER II

1. The Shannon Airport EPZ established by the government of Ireland was the first EPZ in the world.

Shannon International Airport, customs-free since 1947 and conveniently located for refuel on the transatlantic flight, suffered damaging effects with the development of jet liners which no longer needed refueling. Irish authorities then took the policy of export-oriented industrialization in the late 1950s (Pyle 1990a, 88) and set up in 1959 the Shannon Free Airport Development Company to designate areas for foreign capital to invest and export manufactured goods. The official establishment of the Shannon Export Processing Zones was in 1960 (Shoesmith, ed. 1986, 34).

2. For instance, President Marcos of the Philippines, Prime Minister Mahathir of Malaysia, and President Jayawardene of Sri Lanka.

New Straits Times, a nation-wide English language newspaper in Malaysia, reported speech by then-Duputy Prime Minister Mahathir to foreign investors in Switzerland (cited in Lim Mah Hui 1982, 156). "What we seeking is a complementarity of our economies. Your costly, highly sophisticated and skilled labour should not be wasted on producing low value labour intensive products ... On the other hand, Malaysia could produce the less sophisticated labour intensive products and all the various resource-based products" (13 October 1979).

3. In the case of Hong Kong, however, an outward looking strategy was adopted from the beginning because of a relatively small internal market (Haggard and Cheng 1987). In Singapore, the import substitution phase was not sustained (ibid.). For a discussion of the import substitution strategy of industrialization, see, for instance, Hirschman (1968).

4. The United Nations Conference on Trade and Development (UNCTAD) was established in institutional form by a resolution of the UN General Assembly on December 30, 1964 (Res.1995 (XIX)). The resolution specifies the functions of the Conference, which include the promotion of international trade, particularly that involving developing States (articles 3 (a) and (b)), the coordination of activities within the UN system relating to trade and development (articles 3(d)), and the harmonization of trade and development policies (articles 3.(e)) (Grant, Parry and Watts 1986, 410).

5. Although the transition could not be neatly divided into two phases. See Robison, Higgott and Hewison (1987). Moreover, the debate between two strategies for industrialization and economic development has still been going on (Dodaro 1991).

6. The World Bank and the International Monetary Fund are established under the same logic of the Bretton Woods Agreement under which the U.S. dollar functioned as the key currency and liberalization of trade was facilitated on a global scale. Although they are specialized organs of the United Nations, the structure of power is weighed in favour of capital-exporting countries. For their recent policy coordination, see World Bank (1985, 52-53).

7. Walden Bello and his associates describe in Development Debacle: The World Bank in the Philippines how the World Bank group intervened and directed Filipino political economy towards export-oriented industrialization in the course of development (Bello, Kinley and Elison 1982). See also, Villegas (1983) and Jayasuriya (1987).

8. Previously, multinational corporations in their attempts to lower the production cost used Native American reservations, where they could utilize training funds by the Bureau of Indian Affairs to save half of the wages, and Chicano communities (Siegel and Grossman 1978; Lim 1978).

9. In the case of U.S.-based international capital, amendment to the tariff laws (items 806.30 and 807.00) in the mid-1960s facilitated their overseas expansion. For explanations of Items 806.30 and 807.00, see Finger (1976) and Grunwald and Flamm (1985, 34-37).

10. For effects and implications of containerization, see Woods (1972).

11. The authors of The New International Division of Labour use the term to designate that tendency which:

(a) undermines the traditional bisection of the world into a few industrialised countries on one hand, and a great majority of developing countries integrated into the world economy solely as raw material producers on the other, and

(b) compels the increasing subdivision of manufacturing processes into a number of partial operations at different industrial sites throughout the world,

where the division of labour should be understood as an on-going process, and not as a final result (Fröbel, Heinrichs and Kreye 1980, 45).

For critiques of the new international division of labour thesis, see Jenkins (1984) and Henderson (1985).

12. See, for example, Vittal, ed. (1977); Balassa (1978, 1981, 1985, 1988); Heller and Porter (1978); Tyler (1981); Feder (1983); World Bank (1983, 1987); Nishimizu



and Robinson (1984); ESCAP & UNCTC (1985); Kavoussi (1984); and Ram (1985, 1987).

13. Both studies by Basile and Germidis, and the UNCTC and ILO adopt a narrower definition of the EPZ. See Basile and Germidis (1984, 20); ILO (1988, 4-7). The problem of definition for the purpose of the present study is discussed after the treatment of the proliferation of the EPZs in this section.

14. The consequences of EPZs are, however, unequal (Basile and Germidis 1984: 22). It is generally regarded that EPZs in Kaoshiung and Masan were success. Considerable capacity remains unoperational, for instance, in Kandla of India (Fröbel, Heinrichs and Kreye 1980, 316). Moreover, the performance of EPZs as regards production, export, and employment do not by itself define the level of success in different countries. The outcome, or the benefit in terms of output and employment generation, both with qualitative differences, has to be measured against the amount of the direct cost and implicit subsidies contained in the policy designed to promote EPZs.

15. The Asian Productivity Organization is an intergovernmental institution between India, Japan, Nepal, Pakistan, the Philippines, the Republic of Korea, the Republic of China, and Thailand. The Convention was signed in Manila on April 14, 1961 and came into force May 11, 1961. "The objective of the Organization is, by mutual cooperation, to increase productivity in the countries of Asia" (article 1). (Osmanczyk 1985, 55).

16. In Malaysia and the Philippines, for instance, local sales may go up to 10 to 30 % of total sales (Maex 1983, 23).

17. The problem of "unemployment" is perceived in a way that it only pertains to males as traditionally they are supposed to be the breadwinners that should be economically active and independent to support their other members of the families. For instance, Chia Siow Yue (1984, 148) describes as follows: the economic plight of unemployment, even temporarily, is not as serious for a young female worker in an extended family system than for the sole bread-winner in a nuclear family. This leads to the inappropriate criticism of employment generation among women, although it is generally recognized that overall employment generating effects of EPZs is rather limited (Basile and Germidas 1984, 44; Maex 1983, 32; ILO 1988, 127). Leinbach, for instance, maintains that employment creation is somewhat limited because of the high ratio of women workers in EPZs (1982, 466). For similar criticism, see Lee (1984, 19). As Boserup (1970) and others effectively demonstrated, unemployment is far from being a minor problem among women in developing countries.

18. In the case of textile and clothing, exports from developing countries to industrialized nations was restricted by the quota system under the Arrangement Regarding International Trade in Textiles, better known as the Multifiber Arrangement (MFA). When the export quota allocated to a given country was filled with export, then multinational enterprises transferred their factories to some other country where no such restrictions were established and abundant inexpensive labour is available. Hong Kong manufacturing, for instance, move into Sri Lanka and Bangladesh in order to make use of the unused quotas (Fazila Banu Lily 1985; Pomery 1988). See Kockkoek and Mennes (1986) for the problem of the timing of quota restrictions. It should be noted, however, that the MFA, although administered by the General Agreement on Tariffs and Trade (GATT), derogates from the GATT principles of nondiscrimination and avoidance of quantitative restrictions except in special cases. For a summary discussion of the MFA, see Goto (1989). For the Long-Term Arrangement Regarding International Trade in Cotton Textiles, leading to the creation of the MFA, see Bardan (1973). Meanwhile, there is no similar agreement in the case of electronics industry.

19. Dror's claim that the basic social and economic conditions, including labour and industrial relations, are sufficiently attractive (Dror 1984, 706) ignores political forces at work to implement export-oriented industrialisation, in particular, through the use of EPZs. For a general discussion of the importance in industrial policy of the political framework, see Higgott and Robison with Hewison and Rodan (1985). For a Singaporean case, see Rodan (1985).

20. For other definitions: see Basile and Germidis (1984, 20) for one based on UNIDO and UNCTAD studies; Samuelsson (1982) for a wider definition adopted by the World Export Processing Zones Association (WEPZA); ESCAP & UNCTC (1985, 1); and Kelleher (1976, 2-3).

21. The EPZ firms in the Republic of China are entitled to exemption from customs duties on importation of raw materials, machinery, and equipment, and on exportation of goods from the zone. They are also exempted from sales, commodity and business taxes. The tax holiday on corporate income tax is for a five-year period. Loans for the factory building are available from the host government and repayable in installments over ten years. There is no restriction on dividend remittances. See Wan (1981) and Spinanger (1984).

In the Republic of Korea, the occupant firms in EPZs are permanently exempted from tariffs for importation of capital goods, raw materials, parts, and semi-finished goods, and for exportation of their products. Permanent

exemption from business tax also applies to them. Income tax, corporation tax, property tax and acquisition tax are exempted from the initial five years and reducible by 50% for the following three years (Van, n.d., Cited in Vittal, ed. 1977, 69-71). The incentives given to the EPZ firms has remained largely unchanged since 1970 (Warr 1984, 170).

In the case of the Philippines, firms registered by the EPZ authority are exempt from customs duties on imported raw materials, semi-processed inputs and capital equipment, export taxes under the Republic Act No.5490 and the Presidential Decree No.66, and all municipal and provincial taxes. They are also free from income taxes for four to six years according to the status accorded by the Investment Incentives Law of 1967 to the industry. Contractor's tax is also exempted. There is no restriction in their degree of foreign ownership. For incentive packages, see Van (n.d., cited in Vittal, ed. (1977); Spinanger (1984); and Warr (1985).

In Sri Lanka, firms established in EPZs are exempt from income taxes, royalty remittance and salaries of expatriate staff up to ten years. They are also entitled to duty-free importation of raw materials, equipment, and components, and exportation of their products. Tax holiday is for five years from the date of commencement of production, and after expiration a nominal tax of 2.5% is levied up to a maximum of 15 years. There is no limit on foreign equity holdings (Business America. August 1987, 22; Asian Business. February 1990, 64). The government is reported to have committed strongly to attracting foreign investment, particularly to EPZs (Business America. February 25, 1991, 34).

In Malaysia, tax incentives available to the EPZ firms are not uniform and depend on the location, type of the product, and the ratio of Malaysian raw materials utilized in production. Tax holiday is from two to eight years. Import duty is exempt on raw materials and machinery required for manufacturing industries. Customs duties are reduced for raw materials and component parts used in the manufacturing of goods for export. There is no restriction on dividend or capital remittance, nor on ownership requirements. See Fong and Lim (1984) and Spinanger (1984).

22. The Republic of China has the following major statutes for foreign investment: 1)the Statute for Investment by Overseas Chinese, promulgated on January 19, 1955, and amended on March 26, 1960; 2)the Statute for Investment by Foreign Nationals, promulgated on July 14, 1954, and amended on December 14, 1959; 3)the Statute for Encouragement of Investment, promulgated on September 10, 1960, and amended on January 4, 1965; and 4)the Statute for Technical Cooperation, promulgated on August 9, 1962,

and amended on May 29, 1964; 5) the Law of Customs Duty, promulgated on August 8, 1969, and amended on December 8, 1978; 6) the Company Law, promulgated on December 30, 1929, and amended on September 4, 1970. As regards the EPZ, the basic framework is formed by the Statute for Establishing and Management of Export Processing Zones, promulgated on January 31, 1965, and amended on December 24, 1979. The scope of foreign investment in the Republic of China is stipulated in article 5 of the Statute for Investment by Foreign Nationals (Wan 1981, 252-253). For investment laws of the Republic of China in comparison with those of the People's Republic of China, see Wan (1981).

In the case of the Republic of Korea, major public policy on foreign investments is as follows: the Foreign Capital Inducement Law promulgated, 1966, the Public Loan Inducement and Management Act, and the Free Export Zone Establishment Law enacted on January 1, 1970. For a brief summary of investment laws in the Republic of Korea, see Kim (1982).

In the Philippines, the main investment laws are Republic Act No. 5186, otherwise known as the Investment Incentives Act, approved on September 16, 1967; Republic Act No. 5455, otherwise known as the Foreign Business Regulations Law, approved on September 30, 1968; Republic Act No. 6135, otherwise known as the Export Incentives Act, approved on August 31, 1970. Significant amendments have been introduced, however, by Presidential Decrees since the declaration of martial law (Proclamation No. 1081) on September 21, 1972. The number of amendments and the contents are unknown and amount at least to 2,000 by the year 1976, due to non-publication by the government (Espiritu 1986, 38). For example, Presidential Decree No. 1892 of December 6, 1983 extended the incentives in Presidential Decree No. 66 to investors outside the EPZs. For the text in English of Republic Act No. 5186 -An act prescribing incentives and guarantees to investments in the Philippines, creating a board of investments, appropriating the necessary funds therefore and for other purposes- see Far Eastern Law Review. 15 (1968): 319-345. For the text of martial law, see Supreme Court, Manila (1977). For a discussion of the legal aspects of foreign investments, see Canlas (1977).

In the Malaysian case, the Investment Incentives Act of 1968 gave, for the first time in its history, incentives to encourage foreign investment. The amendment made in 1971 was to encourage industries to utilize more local labour providing special incentives for greater employment. As to the development of EPZs in Malaysia, the following laws are relevant: the Free Trade Zone Act of 1971, the Free Trade Zone Regulations of 1972, and the Free Trade Zone Manufacturing Regulations of the same

year. For an analysis of the trend of investment incentives, see Fong and Lim (1984).

In Hong Kong, there are no discriminatory policies against both local and foreign investors, offering fewer controls on business. For an overview of the foreign investment climate in Hong Kong, see Olesnick and Rhodes (1987).

In Singapore, a free-enterprise economy although the state has been visible in the policy of industrialization (Rodan 1985), the 1968 labour laws helped to attract foreign investment in labour-intensive industries by limiting the powers of unions (Pang 1981a). For investment laws in the ASEAN nations, see Sornarajah (1985).

23. In the Republic of China, the Statute for Establishing and Management of Export Processing Zones enacted in 1965 created the Export Processing Zone Administration.

In the case of the Philippines, Republic Act 5490 of 1969 provided for the creation of the Export Processing Zone Authority (EPZA). The act at the same time stipulated the establishment of an EPZ in Mariveles, Bataan. Later in November, 1972, two months after the declaration of martial law, Presidential Decree 66 was issued to amend Republic Act 5490 giving the EPZA "exclusive jurisdiction and sole police authority" within all areas administered by it.

In Sri Lanka, legislation establishing the Greater Colombo Economic Commission (GCEC), responsible for establishment and management of EPZs, was introduced in January, 1978, reflecting the pro-British, land and business interests, as part of a move towards an open economy, after the United National Party (UNP) came to power in July, 1977. The Greater Colombo Economic Commission Law No.4 of 1978, amended in 1980, gave the statutory authority jurisdiction over an area of authority and over licenced enterprises that are approved by the commission locating outside the zone. For the GCEC projects situated outside the EPZs, see Wijesekera (1987).

24. For instance, article 157 of the 1978 Sri Lankan constitution guarantees investment against expropriation. In the Philippines, freedom from expropriation is constitutionally guaranteed in article IV of the Constitution (Legislative Series. 1974.Phi-1A). In the case of Bangladesh, the Foreign Private Investment (Promotion and Protection) Act 1980 guarantees protection, fair and equitable treatment to and repatriation of foreign investment. Some countries such as the Republic of Korea, Sri Lanka, Malaysia, and Singapore conclude bilateral agreements guaranteeing investment. See, for instance, the Singapore-United States Investment Guarantee Agreement, Khoo (1977). Moreover, some

including the Republic of Korea and Sri Lanka are signatories to the 1965 International Centre for the Settlement of Investment Disputes (ICSID) Convention on on subrogation and arbitration of investment disputes. For the ICSID Convention, see Gopal (1982).

25. Excluded are "special economic zones" in China, although where the entire regions designated enjoy status similar to the characteristics found in EPZs. They not only include pre-existing industrial facilities but also do not provide reliable data. For cases of People's Republic of China, see Jaco and Leung, ed. (1986) and Crane (1990).

### CHAPTER III

1. Lim (1978) is one of the earliest works which focussed on social aspects of the employment of women during the phase of export-oriented industrialisation.

2. It is generally recognized that the definition and measurement of the female labour force participation rate is inaccurate or incomplete. This is particularly true in developing countries (Anker 1983; Psacharopoulos and Tzannatos 1989). Some of the problems are as follows; 1)the term "labour force" is defined as those engaged directly in paid employment; 2)the employable is defined those aged between 15 and 60, in spite of perceived variations in life expectancy and in the level of economic development; 3)difficulty in establishing which unemployed people are seeking work. See, for example, Benería (1981); Benería (1982); Anker (1983); Dixon-Mueller and Anker (1988); Psacharopoulos & Tzannatos (1989).

3. In the Republic of China in 1976, junior high school girls were graduated months ahead of time to meet labour market demand (Cited in Fitting 1982, 737).

4. See section 3.8. on maternity protection.

5. See also Parmer (1982), for a discussion of Asian women in the context of gender, race and class.

6. The government of the Philippines placed an advertisement in The Times saying that "Our labour force speaks your language." Another is from the Federal Industrial Development Authority of Malaysia: "the labour force is generally English speaking". See, Fröbel, Heinrichs and Kreye (1980, 341).

7. In the case of Singapore, article 70 of the Employment Act 1968 provides that no child (a person who has not completed his [sic] fourteenth year of age, section 2) or young person (any person who has completed his [sic] fourteenth year of age but who has not completed his [sic] sixteenth year of age, section 2) shall be employed in any industrial undertaking (Legislative Series. 1968-Sin.1).

8. Any mistake is regarded as a cause of

retrenchment if the worker reaches the age limit. See "Interview with an FTZ worker" in PARC (1977, 163-165).

9. See Legislative Series. 1974. Phil.1A. For an overview of the Labour Code (Presidential Decree No.442), see Social and Labour Bulletin. 1/74, 3-5 and Ricafrente (1974).

10. An apprentice is defined as 'a person to be given on-the-job training and theoretical instruction by the employing firm or other groups approved by the Ministry of Labor and Employment (MOLE) (article 57 of the Labour Code).

11. See the Minimum Age for Admission to Employment Convention (No.138) of 1973, which is supplemented by the Recommendation concerning Minimum Age for Admission to Employment (No.146). For the texts, see ILO (1985c). "Conventions" are instruments designed to create international obligations for the states which ratify them. They provide the basis for a minimum level of protection. The main characteristics are as follows: (1) they are adopted in an institutional framework; (2) the International Labour Conference is constituted by representatives of governments, employers and workers, each delegate being entitled to vote independently; (3) the rules such as a two-third majority being sufficient for the adoption of Conventions and Ratifications make conventions particularly effective. "Ratifications" are designed to create legal obligations for the states which ratify them and serve to provide guidelines for government action, although the governments have discretion over domestic implementation. See ILO (1982, viii-x). The ILO Conventions and Recommendations are generally implemented through national legislation or collective agreements. Article 19 (paragraph 5 and 6) of the ILO Constitution provides that the member states submit the Conventions and/or the Recommendations within a year, and at the latest eighteen months, after their adoption by the Conference to the competent national authorities and subsequently to inform the ILO of what legislative or other action has been taken. For the Constitution of the ILO (articles 19, 22 and 23), see ILO (1982, viii-x).

12. For instance, the Minimum Age (Industry) Convention (No.5) of 1919, the Minimum Age (Non-Industrial Employment) Convention (No.33) of 1932 set the general standard of 14 years of age. For the texts, see ILO (1982).

13. For instance, the Minimum Age (Industry) Convention (Revised) (No.59) of 1937 and the Minimum Age (Non-Industrial Employment) Convention (Revised) (No.60) of 1937. For the texts, see ILO (1982).

14. In the case of Malaysia, with the introduction of the New Economic Policy (NEP) in 1970, private

business and industry have to meet the requirement that not less than 30% of the work force must be Malay. The NEP was instituted as a response to the May 1969 racial riots engendered by economic and political inequities between the Malays and the non-Malays, and for mobilization of Malay mass support for the emergent Malay bourgeois class and the Malay-administered state (Hing Ai Yun 1985a). Owing to this government policy and the fact that the majority of Malays lives in rural areas where poverty is widespread and employment opportunities are limited, most of the Malay women employed in the EPZ are rural-to-urban migrants who are responding to these conditions and hoping to attain more personal freedom (Jamilah Ariffin 1984). The NEP intends to reduce poverty irrespective of race and to restructure Malaysian society in order to eliminate the identification of race with economic function and geographic location (ibid.). The consequence was that between 1970-1980 the proportion of Malay wage workers increased by 22% as compared to 7% for the Chinese counterparts and 4% for the Indians (Hing Ai Yun 1988, 70). For the implications of urbanward female migration for factory employment, see sections 3.5. on wages and 3.12. on labour management. For an overview of female urbanward migration in Peninsular Malaysia, see Jamilah Ariffin (1984) and Khoo and Pirie (1984). For the New Economic Policies, see, for instance, Jomo, ed. (1985) and Jomo (1987). For Islamic resurgence in Malaysia, see von der Mehden (1980) and Mutalib (1990). For ethnic and class relations in Malaysia, see Cham (1975); Lim Mah Hui (1980); and Brennan (1985).

15. Newspaper help-wanted advertisements are, however, considered to be unreliable (Kung 1976).

16. See Legislative Series. 1974. Phil.1A.

17. A Sri Lankan case study shows that the rate of trainee is as much as 20.3% (Shoesmith, ed. 1986, 103), whereas in the Masan EPZ in the Republic of Korea the rate is 51.3% (CJPSK 1976, 59).

18. To lower the cost of production, subcontracting to which no labour legislation and safety standards can be applied, is widely practiced particularly in the garment sector in the Philippines (Pineda-Ofereneo 1982). This pattern also holds true in the Republic of Korea (CJPSK 1976, 58) and Hong Kong (Sit and Ng 1980). This practice served to undermine the bargaining position of non-subcontracted workers (Enloe 1983, 414). Watanabe (1974) argued that the use of subcontracting contributed substantially to increase competitiveness through lowering labour costs. In a similar vein, Basile and Germidas (1984, 53-54) suggested that it had a positive effect in terms of the local value added thereby breaking the enclave nature of the EPZ resulting in the creation of domestic linkage. Pearson (1986) pointed out,



however, that subcontracting results in many industrial accidents in domestic premises.

19. For major international standards regarding minimum wages, see article 23 (paragraph 3) of the Universal Declaration of Human Rights (1948), and article 7(a) of International Covenant on Economic, Social and Cultural Rights (1966).

The Universal Declaration of Human Rights (article 23.3) provides as follows: Everyone who works has the right to just and favourable remuneration ensuring for himself [sic] and his [sic] family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection (see U.N.G.A. Res. 217 (III), 3 U.N. GAOR Supp (No.13) 71, U.N. Doc. A/810 (1948)).

The International Covenant on Economic, Social and Cultural Rights (article 7(a)) requires as follows: Remuneration which provides all workers, as a minimum with: (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant. For the full text, see CSDHA(UN) (1988, 34-37).

While the Universal Declaration on Human Rights is not legally binding, the International Covenant on Economic, Social and Cultural Rights binds the state parties which have ratified it. The Declaration is often cited in human rights conventions, such as the UN Declaration on the Granting of Independence to Colonial Countries and Peoples of 1960 and the European Convention on Human Rights of 1950, as a fundamental human rights instrument. For the influence of the Universal Declaration of Human Rights on human rights instruments, see Saito (1984, 127-149).

As to the International Covenant on Economic, Social and Cultural Rights, it has been ratified only by the Philippines, Sri Lanka and the Republic of Korea among the countries being considered here. As regards Hong Kong, the United Kingdom made territorial application at the same time of its ratification.

As the ILO standards, the Minimum Wage Fixing Machinery Convention, 1928 (No.26); the Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No.99); the Minimum Wage Fixing Convention, 1970 (No.131); the Minimum Wage Fixing Machinery Recommendation, 1928 (No.30); the Minimum Wage Fixing Machinery (Agriculture) Recommendation, 1951 (No.89); the Minimum Wage Fixing Recommendation, 1970 (No.135). For the texts, see ILO (1982). For an historical and comparative overview of minimum wage fixation, see Rocella (1984).

20. Although the main body of the Constitution of the

ILO relates to the organs and functions of the Organization, it also includes such principles contained in the Preamble to the Constitution and in the Declaration concerning the Aims and Purposes of the Organization (Philadelphia Charter), adopted on May 10, 1944, which are incorporated in it in 1946.

21. See ILO (1982, 230-232).

22. See ILO (1982, 233-235).

23. For a similar classification of the role of minimum wage fixing, see ILO (1968, 5-9). For the concise discussion, see Starr (1981b).

24. For new minimum wage fixing procedures in the Philippines, see Social and Labour Bulletin. 4/90, 351-352.

25. One of the other measures to cheapen labour cost is provided by article 52 of the Labour Code: tax is deducted 50% of the National Manpower and Youth Council (NMYC) students training expenses, not to exceed 10% of direct labour wage. For the Labour Code, see Legislative Series. 1974-Phi.1. The NMYC, established in 1969, which is established in 1969, which is charged with "training institutions, and formulating such plans and programs as will ensure the efficient allocation, development and utilization of the nation's manpower and thereby promote employment and accelerate economic and social growth" (article 43). The Council is supposed to carry out a long term plan for the utilization of Philippine manpower both for employment and entrepreneurship (article 46) (Legislative Series. 1974.Phi.1A).

26. According to Ramanayake (1984, 25), minimum wage rates are set the same for both sexes. Also, clause 6 (a) of the investment agreement of the GCEC clearly expresses that the GCEC has the final authority to prescribe remunerations, conditions of work, occupational health and safety and so forth (Ramanayake 1982, 60). "(a) The enterprises shall offer to all employees who are citizens of Sri Lanka such terms and conditions of service as are not less favourable than the minimum terms and conditions of service as may be prescribed by the Commission from time to time relating to wages, hours of work, overtime, leave, provident fund, welfare facilities, safety precautions, and workmen's [sic] compensation."

27. The reason for statutory discrimination in the minimum wage is as follows; equal wages in the plantation sector would negatively affect the industrial sector in competition with other countries (ILO 1985b, 226).

In Mauritius as well, the government has legislated different minimum wages for women and men and this also applies to the EPZ. This practice, Hein argues, has been influenced by tradition in the sugar plantations (Hein 1986, 299). The minimum wage for women is almost half

that of men (ibid., 298). In spite of this fact, there has been no pressure from within the society including trade unions to change this discriminatory practice, although employers ensure that women and men do not concurrently occupy the same types of jobs (ibid., 299). Mauritius has not ratified the Equal Remuneration Convention (No.100) of 1951 of equal pay for work of equal value as of December 31, 1989 (ILO 1990). However, it has already acceded to the Convention on the Elimination of All Forms of Discrimination Against Women in 1984, and the principle of equality of both sexes is prescribed in the article 3 of the Constitution.

Morocco also legislated separate minimum wage scales for women and men (ILO 1985a, 47), in spite of ratification of the Equal Remuneration Convention (No.100) on November 5, 1979.

28. For an overview of the new Constitution of Sri Lanka, see Social and Labour Bulletin. 4/78, 327-328.

29. This is also true of Bangladesh, Canada, the Netherlands, and the United Kingdom and many countries influenced by British practice (Starr 1981a, 93-94).

30. For a discussion of minimum wage legislation in Hong Kong, see England and Rear (1981, 374-376).

31. Three objectives at the time of establishment of the National Wage Council are as follows (Pang 1981b, 494): (i) to formulate annual wage guidelines for the economy as a whole; (ii) to ensure orderly wage development to promote the economic and social development of Singapore; and (iii) to assist in the development of incentive schemes to improve national productivity. For the structure and the influence of the National Wage Council on industrial relations, see Kim Seah Teck Kim (1981). For a list of the National Wages Council Wage Recommendations from 1972 to 1986, see Cheah (1988).

32. See Legislative Series. 1968. Sin.1. For an overview, see Tan Pheng Theng (1974).

33. See Legislative Series. 1968. Sin.2. For a concise summary, see Tan Pheng Theng (1974).

34. See also section 3.13 on industrial relations.

35. For industrial restructuring in Singapore, see, for instance, Rodan (1987).

36. See section 3.13 on industrial relations.

37. See ILO (1982, 42-43).

38. See ibid. (44-46).

39. Other international standards are: article 23 (paragraph 2) of the Universal Declaration of Human Rights, article 7 (a) of the Covenant on Economic, Social and Cultural Rights, and article 11 (d) of the UN Convention on the Elimination of All Forms of Discrimination Against Women.

The Universal Declaration of Human Rights provides

as follows: everyone, without any discrimination, has the right to equal pay for equal work (see U.N.G.A. Res.217 (III), 3 U.N. GAOR Supp (No.13) 71, U.N. Doc. A/810 (1948)). For article 7(a) of the Covenant on Economic, Social and Cultural Rights, see Footnote 28 of this section. Article 11 of the Convention on the Elimination of All Forms of Discrimination Against Women provides as follows: states parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular (d) the right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work. For the full text, see CSDHA(UN) (1988, 19-24). Ratification of this Convention was made by the Philippines, Sri Lanka, the Republic of Korea and Bangladesh, while Singapore and Malaysia have not ratified yet.

40. Article 135 of the Labour Code before amendment which was approved on May 12, 1989 is as follows (Legislative Series. 1974-Phi.1A.):

Discrimination prohibited. No employer shall discriminate against any woman with respect to terms and conditions of employment on account of her sex. Equal remuneration shall be paid to both men and women for work of equal value.

41. While daughters can be regarded as a significant source of economic support of the family, some parents refuse to let them join factory life for fear of supposed moral problems (Stivens 1987, 102). This holds particularly true among the Malay population. The EPZ firms introduce in their labour management the Western ideas of womanhood, which are not acceptable to parents and brothers in a different cultural setting. Social morality is equated with control of women and their sexuality.

At least one case study showed that almost none of the workers have acquired habits of smoking and drinking (Lin 1986b, 32). The ugly image of factory workers is partly attributed to the the way in which the state-controlled media reports (Mehrun Siraj 1984, 167; Ong 1987, 181-183). Nonetheless, the the Westernized dress and changed lifestyles, particularly pronounced among electronics workers, invoke negative reactions among thier families and local communities (Lim 1978, 36-37; Grossman 1979, 13; Blake 1984, 154). The "factory girls" are thought to be "loose" sexually (Lim 1978, 37; Fuentes and Ehrenreich 1983, 25) and are called, for instance in Malaysia, "Minah Karan" or "Minah Letik" (Matsui 1987, 87; Ong 1987, 146) meaning "high voltage women." For personnel management, see section 3.12. on

labour management. For the implications of women's employment, see, for instance, Lim (1978) and UNIDO (1980).

42. It is to be noted, however, that contribution to family income does not necessarily grant them greater status or decision-making power within the family. See, for instance, Kung (1976) and Salaff (1981). For the role of the family structure and women's work in developing countries, see, for instance, Diamond (1979); Arrigo (1980); and Salaff (1981).

43. See, for instance, Fujimori (1978, 43).

44. For a similar case regarding the level of skills of males in shipbuilding industry, see Heyzer (1986). See also, similar findings substantiating the argument by Phillips and Taylor (1980), see Armstrong (1982); Coyle (1982); Humphrey (1987); and Ecevit (1991).

45. A study of a Japanese electronics factory in Malaysia showed that there were only 25 chargehand positions (assistants to foremen and supervisors to lineleaders) available, the highest rank attainable by female workers for the 800 operators (Ong 1987, 159). Moreover, there were many cases where operators qualified for the jobs of chargehand or lineleader turned down promotion despite the higher wages offered. Since if those in different ranks were friends or relatives, it became stressful for higher-rank workers to articulate power relations vis-a-vis their "sisters," which are also doubled by their relation to the upper-ranks (ibid., 164).

46. On the average, women's wages are less than two thirds than men's (1982) (Gannicott 1987, 721). As to the difference in wages between women and men, Gannicott (1987, 725) came to the conclusion that men in Taiwan receive a constant premium over the female salary, even for approximately equal work for equal productivities. It is to be noted, however, that Gannicott (ibid.) concludes that the sources of wage discrimination against women in the Republic of China are experience, marital status, and firm size.

47. For the issues addressed in the Factory Law, see Winn (1987, 51).

48. This difference is accounted for, by Ramanayake (1984, 225), by the fact that male workers tend to occupy "skilled" jobs and a large number of female workers are found to be trainees. See also footnote 26 above.

49. The same tendency was confirmed in export-oriented industries along the Mexican border with the United States (Fernández-Kelly 1983, 28).

50. In the case of Hong Kong garment manufacturers, however, the Caribbean islands and Central American countries are favoured, because they have preferential

trading arrangements with the United States and Europe (Ooi Guat Tin 1990, 61).

51. Dror claims, however, that there is no evidence of relocation of EPZ enterprises (Dror 1984, 715). Moreover, recently, there are increasing cases where "runaway shops" returned to their countries of origin or peripheral regions of industrialized countries such as Scotland when technological advances offset the comparative advantage of developing countries and/or extra sources of finance are available. Fairchild, for instance, returned its assembly operations from Singapore to Portland (Robison, Higgott and Hewison 1987, 8). See also Mitter (1986).

52. This case involved, another economic factor, that is, the end of the tax holidays in Singapore for the company. It was the case that unemployment in Singapore during the recession of 1974-75 was dampened by layoffs of Malaysian workers and women workers (Pang 1981a, 4). They are, however, not exclusive, because a considerable proportion of women migrant workers are from Malaysia (Heyzer 1982, 186). Four fifth of the foreign workers in Singapore are from Peninsular Malaysia and employed in the labour-intensive manufacturing and construction sectors (Pang 1980, 504 f8). For female Malaysian migrant workers in Singapore, see Heyzer (1982). For the implications of foreign labour in Singapore, see Pang and Lim (1982).

53. Statistically, hours actually worked include: a) hours actually worked during normal periods of work; b) time worked in addition to hours worked during normal periods of work and generally paid at higher rates than normal rates (overtime); c) time spent at the place of work on work such as the preparation of the workplace, repairs and maintenance, preparation and cleaning of tools, and the preparation of receipts, time sheets and reports; d) time spent at the place of work waiting or standing by for such reasons as lack of supply of work, breakdown of machinery or accidents, or time spent at the place of work during which no work is done but for which payment is made under a guaranteed employment contract; e) time corresponding to short rest periods at the workplace, including tea and coffee breaks.

Excluded are : a) hours paid for but not worked, such as paid annual leave, paid public holidays, paid sick leave, b) meal breaks; c) time spent on travel from home to workplace and vice versa (ILO 1979, 30-31).

Accordingly, the hours actually worked are not necessarily identical to the hours paid.

54. The hours of work fixed by or in pursuance of laws or regulations, collective agreements or arbitral awards are statistically "normal hours of work." Where not so fixed, "normal" hours of work should be taken as

meaning the number of hours per day, or week, in excess of which any time worked is remunerated at overtime rates or forms an exception to the rules or customs of the establishment relating to the classes of workers concerned (ILO 1979, 30).

55. Galenson (1979, 407) notes, however, that workers do overtime work on everyday basis without being paid, due to inadequate law enforcement machinery.

56. Mrinal (1984, 83) observes, however, that the number of hours worked per week is not long, as 44% of the workers worked between 45 and 48 hours a week and 23% worked more than 55 hours a week.

57. The following deals mainly with the international legal framework. Materials on domestic laws in this area were impossible to obtain with a few exceptions.

58. See ILO (1982, 248-251).

59. The Hours of Work (Industry) Convention (No.1) and The Hours of Work (Commerce and Offices) Convention (No.30) of 1930, which sets the same standard as the Convention No.1. For the texts, see ILO (1982).

60. See ILO (1982, 282-286).

61. The standard of the forty-hour week is provided in the Forty-Hour Week Convention (No.47) of 1935, came into force in 1947 and had nine ratifications as of December 31, 1989 (ILO 1990).

62. Other international standards established by the United Nations system are Universal Declaration of Human Rights (article 24) (see U.N.G.A. Res.217 (III), 3 U.N. GAOR Supp (No.13) 71, U.N. Doc. A/810 (1948)) and the International Covenant on Economic, Social and Cultural Rights (article 7, paragraph d) (see CSDHA(UN) 1988) which do not provide specific duration of the hours of work.

63. In some planned economies, shift work is also more common. See Kabaj (1965) and Kabaj (1968).

64. In Singapore where labour shortage has been a problem, housewives are employed on a part-time shift basis. They usually work from 5 p.m. or 6 p.m. to 10 p.m. or to 11 p.m., which enables them to perform household duties and to do caring work for their families (ILO 1985a, 51).

65. For problems of shift work, see for instance Maurice (1975); Betancourt and Clague (1976); and Carpentier and Cazamian (1977).

66. An example of shift allowances in the textile company in Malaysia is as follows (Hing Ai Yun 1985a, 169 f51).

Morning shift	\$0.20 (6.30a.m.-2.30p.m.)
Afternoon shift	\$0.80 (2.30p.m.-10.30p.m.)
Night shift	\$1.70 (10.30p.m.-6.30a.m.)
Change of shift	\$0.60 (6.30a.m.-6.30p.m.)

&1.20 (6.30p.m.-6.30a.m.)

Normal daily wage is \$6.77 (daily-rated).

67. In the case of Malaysia, most of the EPZ companies arrange bus services for workers (PARC 1977, 163).

68. See ILO (1982, 701-702). However, the Night Work (Women) Convention (No.4) was revised by a subsequent Convention.

69. See ILO (1982, 704-705). This Convention No.41 is no longer open to ratification as a result of the entry into force of a revising Convention.

70. See ILO (1982, 706-708).

71. The Convention prescribes 'night' as follows (article 2): the period of 11 consecutive hours should include an interval of at least seven consecutive hours falling between ten o'clock in the evening and seven o'clock in the morning, and different intervals may be prescribed for different areas, industries, undertakings, etc, but the competent authority should consult employer's and workers' organizations before prescribing an interval beginning after eleven o'clock in the evening. (ILO 1982, 704).

72. "Protocols" are a special instrument open to ratification bound by the specific convention.

73. See Labour Law Documents. 1990-ILO Prot.C. 89.

74. See ibid. 1990-ILO C.171. Night is defined as follows (article 1): a period no less than seven consecutive hours, including the interval from midnight to 5 a.m.

75. See ibid. 1990-ILO R.178.

76. Previous Conventions and Recommendations on night work pertained to women and young persons only. See, for example, ILO (1982, 706-708) for the No. 89 Convention and ILO (1982, 752-754) for the Night Work of Young Persons (Industry) (Revised) Convention (No.90).

77. See, for instance, ILO (1982, 706-708, 752-754).

78. The Employment Act of 1955 deal with the following matters.

- a. Contracts of Service,
- b. Payment of Wages,
- c. Employment of women including maternity protection,
- d. Terms and condition of service including:
  - i. Rest days.
  - ii. Hours of work.
  - iii. Holidays.
  - iv. Task work.
  - v. Overtime work.
  - vi. Shift work.
  - vii. Annual leave.
  - viii. Sick leave.
  - ix. Retrenchment benefit.
  - x. Retirement benefit.

See Legislative Series. 1982. Mal.2.

79. In Mauritius, one of the countries with an EPZ since 1970 employing vast numbers of women, night work is prohibited by the Labour Act of 1975. Nonetheless, the EPZ Act No.51 provides that it is subject to a mandatory



break of 12 hours thereafter (Hein 1987). However, very few women have been willing to work on night shift (ibid.). Mauritius has not ratified the ILO Night Work (Women) Convention (No.89) as of December 31, 1989. For the Labour Act of 1975, see Legislative Series. 1976. Maur-1. and Social and Labour Bulletin. No.2 (1976). pp.152-154 for the overview.

80. See ILO (1982, 691-692).

81. See ibid. (693-696).

82. See ibid. (697-699).

83. See Labour Law Documents. 1990-ILO C.171.

84. See ibid. 1990-ILO Prot. C. 89.

85. For the full text, see CSDHA(UN) (1988, 19-24).

86. See Legislative Series. 1974-Phi.1.

87. See ibid. 1952-Phil.1.

88. See ibid. 1973-Phil.3.

89. See ibid.

90. For legal initiatives in encouraging smaller family size in Singapore, see Hall (1972).

91. Population activities of the ILO financed by the United Nations Fund for Population Activities (UNFPA) had increased 75 times in nine years from 1970 to 1979 (Mies 1986, 122). The roles of the ILO range from researches on demographic change and women's role, migration policies, labour mobility, population education for both employees and employers at the workplace such as trade unions and co-operatives, promotion of integration of population factors into national development planning (Sadik 1984). For population activities of UNFPA, see Wolfson (1983) and Sadik (1984). For a critical view of the implementation of population activities by the UNFPA, see Warwick (1982). For population activities by other organization, for instance, the World Bank, see Wolfson (1983) and Herz (1984).

92. For population policies directed only at women and the role of the pharmaceutical industry, see Golly (1982), Balasubrahmanyam (1986); and LaCheen (1986). See also Erler (1985, 115-139) and Matsui (1987, 51-54) for Bangladeshi cases.

93. Manipulating transfer pricing, i.e., underpricing goods for export while selling them at market prices globally in transactions among parent and affiliated companies, allows vertically integrated firms not only to minimize tax burdens but also to evade tax internationally. An United Nations study shows that intra-company transactions assume 40% of the world's trade (United Nations 1978). Therefore, with the incentive package including tax holidays and high costs incurred for providing infrastructure, the EPZs do not necessarily have positive impacts on the economies of the countries concerned. For economic analyses of the EPZ, see, for instance, Hamada (1974); Rodriguez (1976); and

Hamilton and Svensson (1982).

94. Sexual harassment of women is underreported in non-industrialized countries as well. In developing countries where norms restrict women's mobility, women who break the norms, such as the view that women's physical proximity to males who are not kin is a threat to their honour, are often considered fair game for sexual exploitation (Anker and Hein 1986a, 36).

Moreover, this problem is not new. In a 1939 Malaysian case, for example, sexual molestation by employers and supervisors was such that one of the demands of a strike by a trade union was its cessation. The demand was repeated after the Second World War (Rohana Ariffin 1988, 243).

95. See CSDHA(UN) (1988, 92-96).

96. For the general discussion of the No.119 Recommendation, see Yemin (1982). For the text, see ILO (1982, 138-142).

97. For the influence of the No.119 Recommendation on some of the member states, see Yemin (1976).

98. ILO (1981, 19) describes, however, that the legislation in Sri Lanka does not appear to contain an explicit requirement of justification for termination of employment by the employer.

99. See Legislative Series. 1974-Phil.1.

100. See Part II. Contracts of Service of the Employment Act 1968 in Legislative Series. 1968. Sin.1.

101. See Legislative Series. 1967-Mal.1A. For a summary of the comprehensive revisions, see Social and Labour Bulletin. 3/80, 285-287.

102. Lim (1978, 20) has pointed out that the notion of women's work as secondary allows the industries to lay off women workers more easily.

103. The informal sector is defined as follows (Portes and Sassen-Koob 1987, 31): all work situations characterized by the absence of (1) a clear separation between capital and labor; (2) a contractual relationship between both; and (3) a labor force that is paid wages and whose conditions of work and pay are legally regulated. The informal sector is structurally heterogeneous and comprises such activities as direct subsistence, small-scale production and trade, and subcontracting to semiclandestine enterprises and homeworkers. For a discussion of the informal sector, see, for instance, Connolly (1985).

104. Although this commoditization of female sexuality produces higher pay for women than in other occupations in spite of the high degree of exploitation, the costs are also high because of their declining value as traded commodities, shorter working life and health risks, mental as well as physical (Thanh-Dam 1983). The hospitality industry, euphemism for prostitution, relates

significantly to the rise of the tourist industry and of transnational corporations (Fuentes and Ehrenreich 1983, 25). Tourism and its associated prostitution constitute an important part of export-led development strategy, for they are seen as a source of foreign exchange earnings (Mitter 1986, 64; Enloe 1989, 32). In the case of the Philippines, the 1974 Labour Code (article 138) legalizes hospitality services for the purpose of generating foreign exchange earnings under the name of extending legal protection for women in those professions (Villegas 1983). The fact is that very few of the women enjoy the benefits (Neumann 1979, 22). Tourism is also used for enhancing political legitimacy (Richter 1980; Lee 1991). All of these factors explain the state policies of actively promoting tourism, for instance, total ban on strikes in the hotel industry in the Philippines (Wood 1981, 9). The role of state extends in interpreting, reproducing and disseminating cultural dimension of tourism (Wood 1980). Racist stereotypes of Asian women also play a part in attracting tourists (Lee 1991, 90-92). For sex tourism in Southeast Asia, see Thanh-Dam (1983); Heyzer (1986); Mackie (1988); and Lee (1991). For feminist critiques of prostitution as a contractual liberty, see Pateman (1983, 1988) and Shrage (1989).

105. International efforts to prevent occupationally induced health problems has also been made by the World Health Organization (WHO), the United Nations Environment Programme (UNEP), the Organization for Economic Cooperation and Development (OECD), the European Community (EC) and so forth (Ziskind 1982).

106. EPZs are overrepresented by textile, apparel and electronics industries. Fröbel and his associates (1980) named the structure 'industrial monoculture.' Present section on occupational health and safety refers to those industries.

107. For an opposite opinion as regards the electronics sector in Malaysia, see Fong Chan Onn (1989).

108. It is a well known fact that among textile factory workers in the early twentieth-century Japan -only young and unmarried women were hired in those days as well- tuberculosis was rampant and a number of them died of it. See Hosoi (1954); Nakamura and Molteni (1985); and Tsurumi (1990). Tono (1984) compares them to overseas expansion of Japanese textile industry creating similar situations in Southeast Asia. The conditions at the textile and garment industries in Southeast Asia are also compared by a number of researchers to nineteenth-century sweat shops in Europe and the United States (Fuentes and Ehrenreich 1983; Enloe 1983). For the women factory workers in the industrializing West, see Tilly and Scott (1978). It is to be noted, however, that Enloe (1983).

analyzes the similar working conditions in a historically specific perspective.

109. Cleanness is required in an electronics workplace in order to maintain the machinery.

110. The study was prepared by the U.S. National Institute on Occupational Safety and Health (NIOSH) (Pacific Studies Center 1977, 32). At the federal level in the United States, however, it was not until 1970 that a relatively comprehensive Occupational Safety and Health Act was adopted. The law became operative in April, 1970. See Legislative Series. 1970-USA.1. See, for instance, Morey (1974) and Wood (1976).

111. It is, however, difficult to establish classification of illness into one caused by work and aggravated by work (ILO 1985b, 140).

112. A Korean survey pointed out the tiny budget of a Korean subsidiary as compared with the Japanese parent company (CJPSK 1976, 66).

113. "Mass psychogenic illness" is defined as the collective occurrence of physical symptoms and related beliefs among two or more persons in the absence of an identifiable pathogen (Colligan and Murphy 1979).

114. For the list of the ILO instruments concerning occupational safety and health and the working environment, see ILO (1985c, 122).

115. See ILO (1982, 334-339).

116. See *ibid.* (386-387).

117. See *ibid.* (388-391).

118. See *ibid.* (498-412).

119. See *ibid.* (413-417).

120. See *ibid.* (350-355).

121. See *ibid.* (356-362).

122. See Social and Labour Bulletin. 1/87, 147-148.

123. *ibid.*

124. For medical and legal aspects of asbestos, see Castleman (1984).

125. For economic analyses of safety and preventive measures, see, for example, Chelius (1974), Oi (1974) and Bequele (1984).

126. The Environmental Protection Agency (EPA) has issued in 1989 controls on manufacturing, importing and processing of asbestos products to phase out nearly all use of asbestos in new products over the next seven years. The regulations, however, allow some exemptions. See Social and Labour Bulletin. 3-4/89, 311-312.

127. For example, advertisement for polluters placed in a Mexico City's English-language newspaper The State of Mexico is as follows (Barnet and Muller 1974, 345):

RELAX. WE'VE ALREADY PREPARED THE GROUND  
FOR YOU. If you are thinking of fleeing from the  
capitol because the new laws for the prevention

and control of environmental pollution affect your plant, you can count on us.

However, the volume by Barnet and Muller on multinational corporations do not appreciate health problems posed by the labour process.

128. Even in industrialized economies, compensation rather than prevention has constituted the main response to work hazards (Willis 1989, 321).

129. For a political economy perspective of occupational health and safety, see for instance Elling (1986) and Carson (1989).

130. For a concise summary of issues in the area of enforcement of safety legislation, see Greenberg (1973).

131. See section 3.4. on hiring practices and regulations.

132. See section 3.8. on maternity protection.

133. See section 3.12. on labour management.

134. Ibid.

135. See section 3.10. on occupational health and safety.

136. See section 3.12. on labour management.

137. See Legislative Series. 1968-Sin.1.

138. There is also a case where a company makes an adjustment of bus services according to the supply-demand ratio of labour: where a company requires more labour, it might extend its bus service further in order to recruit the needed labourers at the same wages, whilst it might curtail the number of or distance travelled by buses when it requires fewer labourers (Galenson 1979, 394).

139. These organized activities, which do not involve alcohol and mixing of female and male workers as in parties, are viewed favourably by Muslim leaders (Mehrun Siraj 1984, 172).

140. A Malaysian survey revealed that 92% of electronics workers felt disgraced for being factory workers (Matsui 1987, 87).

141. Hostility from the receiving community also arises from housing shortages engendered by influx of a vast number of workers (Ong 1987).

142. See section 3.10. on occupational health and safety.

143. For an essentially economically motivated view of the Japanese QC circles which denies the Western notion emphasizing the socio-cultural framework, see Watanabe (1991). It has to be noted, however, that his article is written, as is usually the case, from the mainstreampoint of view in sociology, in that workers are tacitly assumed to be male and thus supposed to work until the retirement age of the company -the term "lifetime employment system" is misleading (cf. "lifetime imprisonment")- under the egalitarian remuneration system

and the promotion system. These assumptions are true of male workers in big corporations.

144. For Japanese management methods in an electronics firm in Singapore, see Lin (1984). Lin (1984) describes Japanese management as a job hazard. For the general comparison between headquarters in Japan and subsidiaries in Singapore, Malaysia, India and Canada, see Jain (1990). For a comparative study in industrial relations including management between Japanese and U.S. factories in Thailand, see Voravidh and Amara (1988).

145. In the case of Malaysia, the "Look East" policy actively advocated since 1981 by Prime Minister Mahathir targets Japan and the Republic of Korea, particularly their productivity related aspects, as a model to change the Malaysian work ethic to more vigorous and competitive one along Japanese lines. The government is reported to have sent 484 workers to Japan and the Republic of Korea for training: 449 were Malays, 19 Chinese and 16 Indians (Hing Ai Yun 1988, 77 f18). See also for the NEP in section 3.3 on hiring practices. The 'Look East' policy is, however, not welcomed nor supported by trade union leaders (Sharma 1985, 55), although it is still being promoted (Sopiee and Kuno 1991). Ong (1987, 149-150) argues that the policy envisages Malay-Muslim support, in particular, for the government and the workplace where Japanese capital is a major presence. This is done by emphasizing cultural values rather than technological expertise which do not contradict Islamic ideals and are also acceptable to non-Muslim citizens. For Japanese society in general, see Nakane (1967); Okimoto and Rohlen, eds. (1985); and McCormack and Sugimoto, eds. (1988). For critical reviews of Nakane (1967), see Jensen (1980); Mouer and Sugimoto (1980) and Hata and Smith (1983).

146. For historical formation of economic disparities among ethnic groups in Malaysia, see Lim Mah Hui (1980).

147. Workers are aware of the exploitative nature of labour control as exemplified in productivity measures (Hing Ai Yun 1988, 70).

148. For a summary of theories of industrial relations, see Debschenk (1983).

149. See ILO (1982, 4-6).

150. See *ibid.* (7-8).

151. See *ibid.* (205-206).

152. See *ibid.* (9-10).

153. See *ibid.* (11-14).

154. See *ibid.* (218-220).

155. See *ibid.* (221-222).

156. Other Conventions of non-general applications are as follows: the Right of Association (Agriculture) Convention, 1921 (No.11) and the Right of Association

(Non-Metropolitan Territories) Convention, 1947 (No.84). For the texts, see ILO (1982).

157. The International Labour Conference adopted in 1970 a resolution concerning rights which are essential for the normal exercise of trade union rights, acknowledging that the absence of civil liberties removes all meaning from the concept of the rights of trade unions. See ILO (1970).

158. Article 23 provides as follows; 1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protect against unemployment. 2. Everyone, without any discrimination, has the right to equal pay for equal work. 3. Everyone who works has the right to just and favourable remuneration ensuring for himself [sic] and his [sic] family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. 4. Everyone has the right to form and to join trade unions for the protection of his [sic] interests (U.N.G.A. Res.217 (III), 3 U.N. GAOR Supp (No.13) 71, U.N. Doc. A/810 (1948)).

159. See CSDHA(UN) (1988).

160. See *ibid*.

161. See Legislative Series. 1959-Mal.1.

162. See Legislative Series. 1982-Mal.1.

163. See Legislative Series. 1967-Mal.1A.

164. See Legislative Series. 1982-Mal.2.

165. The Registrar of Trade Unions is given discretionary power by the Trade Unions Act 1959 (sections 4A, 12 and 28(d)) to refuse of registration of a trade union if he is of the opinion that the trade union is likely to be used for unlawful purposes or for purposes contrary to or inconsistent with its objects and rules (section 12 (3)(a); any condition for registration is that trade union executive has no criminal record and has not committed any offense which "in the opinion of the Registrar renders him unfit to be an officer of a trade union" (section 28(d)). See Legislative Series. 1982-Mal.1.

166. According to the Investment Act of 1968, "pioneer status" is granted to an industry or for a product provided (1) the industry is not already being carried out or the product is not at present produced in Malaysia on a commercial scale, (2) that there are good prospects for further development, and (3) that it is in the public interest to do so. The status entitles a company to relief from company, development, and payroll taxes for two to five years depending on the amount of capital investment (Fong and Lim 1984, 399).

167. The government of Malaysia, however, due to a threat from the United States to remove GSP (Generalized System of Preferences) status, finally lifted a ban on

trade union registration in EPZs (Edgren 1990, 641).

168. For an introductory summary, see Lent (1984) and Hing Ai Yun (1985b).

169. The reason was that the electronics industry does not fall within the legal definition of "electrical industry" (Hing Ai Yun 1984, 453). See also Wangel (1988).

170. See Legislative Series. 1968-Sin.1.

171. See Legislative Series. 1968-Sin.2. For the text of the Industrial Relations (Amendment) Act before revision (the Industrial Relations Ordinance 1960), see Legislative Series. 1965-Sin.1.

172. The main function of the court is inter alia to register and certify collective agreements, to interpret collective agreements or awards, to vary the terms contained in collective agreements, to provide conciliation and to refer disputes arising out of the administration of collective agreements to referees.

173. The reasoning behind the promotion of house unions is represented well by the following statement of the Republic of Singapore's Committee on Productivity, which emphasizes house unions as follows (Deyo 1987, 192). "In reinforcing company identification, one should generate identification with a particular company and also establish in the minds of the workers that their benefits and welfare depend on the company's future.... The committee believes that house unions should be promoted because it [sic] helps workers to identify with the company and its future." Ronald Dore notes that the Japanese system enhances enterprise consciousness and also does less to develop individualism (Dore 1973, 215). There is no evidence, however, that house unionism contributed to Singapore's economy or to the improvement of the workers' well-being during the economic downturn in 1985 and 1986 (Blum and Pataranapich 1987, 398).

174. For the management of human resources in Japanese enterprises, see, for example, Hanami (1979) and Pascale and Athos (1981). For industrial relations in Japan, see Levine (1981) for a summary and Sugimoto, Shimada and Levine (1982) and Shirai, ed. (1983).

175. In consequence, the credibility of trade unions among workers is not high (Lim 1978, 17).

176. See also Deyo (1981) for a Singaporean case.

177. Although the right of unions to exist is recognized in the Labor Unions Law (article 2), only workers employed by enterprises with more than thirty workers may form a union (article 6) (Winn 1987).

178. There are hardly any full-fledged foreign reporters in the Republic of China, as the media has been controlled by the ruling Nationalist Party for political reasons. Carl Goldstein for the Far Eastern Economic Review was the main exception in 1987 (Seymour 1988).

179. Although martial law was suspended on July 14,



1987, there have been other repressive regulations promulgated in the period and the enactment of the "National Security Law for Period of Rebellion Suppression" (Seymour 1988, 74).

180. It was promulgated in 1929 and revised in 1975. All major provisions remain intact, however (Winn 1987, 43).

181. See Legislative Series. 1974-Phi.1. and Labour Law Documents. 1989-PHL 1. For the Labour Law before the 1974 revision, see Fernandez (1965a, 1965b).

182. See Legislative Series. 1975-Phi.1.

183. The ILO Committee of Experts on the Application of Conventions and Recommendations, however, stressed the need for a more restrictive interpretation of "essential services" (ILO 1984, 152-153).

184. For the NLRC, see Seno (1974, 675-666) and Quadra (1975, 176-177).

185. For the full text, see Supreme Court, Manila (1977).

186. For a summary of historical background of industrial relations in the Republic of Korea, see Ogle (1979).

187. "Yushin" Constitution accepts collective bargaining, but with limitations: (1) the purpose of bargaining between labour and management is to 'ensure the improvement of productivity in co-operation with each other' and (2) collective action by workers to back up their collective bargaining is restricted by a clause to the effect that workers who exert a 'strong influence' on the nation, government or economy can have their 'rights to collective action limited or withheld' (section 29) (Ogle 1978, 143). See Kim (1978). "Yushin" was to be Korea's version of the Meiji Restoration (1868), the symbol of the sweeping changes from above that facilitated Japan's rapid modernization. For the Meiji Restoration, see Shibahara (1977).

188. For the authoritarian attitude of the government and the enterprise towards labour, see T. K. Sei (1974, 1975, 1977 and 1980). See also Kim (1978).

189. The movement initiated by President Park Chung Hee in 1974 originally aims at village modernization by "hard work, self-help and cooperation" (Matsuo 1977, 78). When applied to the workplace: (t)he spiritual base of the Saemaul movement at factory is, namely, the rationalization of management; by means of this movement, increased productivity and the development of autonomous, internalized systems of cooperation and unity can be achieved (ibid., 72).

190. Seen from the freedom of media, however, the real figure must be larger than is officially known (Launius 1984, 7).

201. For the Trade Unions Ordinance, see England and

Rear (1981, 140-146).

202. For the Labour Relations Ordinance, see England and Rear (1981, 322-328).

203. To date, however, the provisions have not been implemented (England 1989, 220).

204. The recent exception is the anti-colonial riots of 1966-1967. For the events, see England and Rear (1981, 17-21).

205. It is argued that trade unions traditionally have been concerned with welfare aspects such as employment security and political mobilization, left or right (Turner, et al. 1980; England and Rear 1981). England and Rear (1981, 61-62) suggests that "refugee mentality" contributes to industrial and social peace. See Henderson (1989) for a critique.

206. See, for instance, Kessler-Harris (1975) for the United States; Hanami (1984) for Japan; Walby (1986) and Walton (1991) for the United Kingdom; and Griffin and Benson (1989) for Australia.

207. Although parents share responsibility of child care-the fact that women bear children does not dictate care of children exclusively taken by women-, it has always been the case that male parents are discharged from the responsibility. Their first priority was rarely perceived to be related to their potential or actual role as fathers. The ILO adopted in 1965 the Recommendation concerning Employment (Women with Family Responsibilities) (No.123) based on the idea that women's place is at home. The Recommendation dealt extensively with measures for women to accomodate family responsibilities with work outside the home. See ILO (1966, 1113-1114).

Based on the changing recognition in society of roles of both sexes and thus the consideration of the equal opportunity and equal treatment for men and women workers with family responsibilities, however, the ILO adopted in 1981 the Workers with Family Responsibilities Convention (No.156) complemented by the Recommendation (No.165). The No.156 Convention states that each ILO member State "shall make it an aim of national policy to enable persons with family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities." For the No.156 Convention, see ILO (1982, 52-55). For the No.165 Recommendation, see ILO (1982, 56-61),

The U.N. Convention on the Elimination of All Forms of Discrimination Against Women of 1979 recognizes in its annex and article 5 the common responsibility of both parents in the family and in the upbringing and development of their children. For the text, see

CSDHA(UN) (1988, 19-24).

208. Chiplin and Sloane (1974) suggest that male workers in the secondary sector adopt the same behavioral pattern as female workers, although Dror (1984, 714) claims that drawing on a case study which provides a statement of women workers that they can easily learn the task the poor quality of the job and no career prospects does not pose any problem for the women workers. It is also argued that female workers with higher level of education expect better employment other than factory work (Blake 1984, 159).

209. Some case studies suggests that women workers do not regard themselves as workers and see their waged work as temporary, which lead them not to get involved in anything which might jeopardize their job (Kumdihini Rosa 1987, 163; Goonatilake and Goonesekere 1988, 191). Evidence exists, however, that women workers are not unaware of their exploitative job situation (Kung 1983, 176). A clear evidence is the case of the Republic of Korea. See CJPSK (1976) and Ogle (1990).

210. In the Philippines, for instance, the Presidential Council for National Economic Recovery created by the Presidential Decree 1033 of May 1, 1985 proposed that a non-renewable three-year ban on strikes and lockouts would solve industrial unrest and encourage economic recovery (Porte 1986, 182).

211. For an argument of the enhancement of political legitimacy through the expansion of foreign investment, see Fitting (1982). Cumings (1987) points out the essential Japanese context of Taiwanese and Korean industrial development since colonization (Taiwan was annexed in 1895 and Korea in 1910, and remained under Japanese rule until 1945). See also Koo (1987).

212. For the U.S.-Philippine Military Base Agreement of 1947, see Shalom (1990). For the 1991 decision to remove the U.S. bases, see Brillantes, Jr. (1992).

213. A security treaty between Australia, New Zealand and the U.S.A., entered into force in 1952. For the text, see Osmanczyk (1985, 44).

#### CHAPTER IV

1. Young, Bussink and Hasan (1980), surprisingly enough, do not mention women workers in their discussion of the electronics industry in Malaysia. "Women's role in the electronics industry has made Malaysia a leading producer of micro-chips" (Social and Labour Bulletin. 3-4/84, 570).

2. A question raised by a opposition party [i.e., except for the Liberal Democratic Party (LDP)] Diet member in Japan partially illustrates the reality of the EPZ (CJPSK 1976, 63). "Ninety-three out of 103 companies in the Masan Export Processing Zone are Japanese.

During 1973, the ongoing economic penetration of Japanese corporations into Korea has increased drastically. While Minister of MITI [Ministry of International Trade and Industry], Nakasone [LDP, later Prime Minister] stated that this penetration is simply in compliance with the Korean desire to bring in foreign investment, it is hard to believe that such investment would occur solely in accordance with another party's desire. Isn't the motive to be found instead in the low wages and inferior labour conditions, amounting to an opportunity to make use of what could be called near slave labor? To be more specific-what is the significance of the demands made by Orion Electronic workers for wage increases and an end to sexual harassment of women workers?".

3. Pang and Lim (1989, 53) argue, however, that the relatively short-term involvement of women with EPZ industries has the effect of limiting health problems.

4. Arrigo (1980, 34) summarizes the social implications of the industrial employment as follows. "(T)he traditional society does not provide a social role for the growing numbers of unmarried women past customary marriage age, and it is likely they will continue to pass their personal lives isolated and hidden in dormitories and rented rooms, but continually subject to social censure."

5. In cases where women live at home and yet work in factories in the local communities, however, some village leaders are concerned about the working conditions such as wages and injuries at work (Mehrun Siraj 1984, 169). This is partially explained by one of the basic Islamic principles of work equally applicable to both sexes that there should be no exploitation of the worker (ibid., 165).

6. Dror (1984, 719) argues, conversely, that there is no need for separate legislation in order to promote the aims of establishing the EPZ.

7. The government of Sri Lanka, for instance, explicitly seeks advice concerning the EPZ from the Singaporean government, on the assumption that the latter's formula for success can be transferable as a general merchandise (Enloe 1983, 411). As noted earlier, Sri Lanka offers the most generous incentives in Asia (Jayawardena 1983).

8. It is reported that the incentives offered to foreign investors have been fixed after consideration of the facilities provided by other Asian countries (Asian Finance. April 15, 1990, 87). In Chittagong EPZ, the land comes for an incredibly low rent of US\$1 per sq. meter per year (op.cit., 85).

9. See Norgués, Olechowski and Winters (1986).

10. Although the economic performance of EPZs in the

Republic of Korea, the Republic of China, Singapore and Hong Kong is generally regarded as a major success (Basile and Germidis 1984), their assessment cannot be attributed solely to correct policy choice, as some neo-classical economists claim (e.g. Balassa 1978). Other factors, such as historical background as a basis for industrial development and external geopolitical linkages and events, have to be taken into consideration. See, for instance, Haggard and Cheng (1987). The fact is that those economies with success have already begun to upgrade their production to capital- and skill-intensive one to cope with the changing structure of production on a global scale, although in the case of Hong Kong the role of government is negligible (Henderson 1989). For industrial upgrading, see Basile and Germidis (1984); Haggard and Cheng (1987); Cheah (1988); Rodan (1987); and Lai Ah Eng and Yeoh Lam Keong (1988).

11. The development of regional division of labour has been a response to the shifting comparative advantage (Business Week, March 15, 1982:38; Kamal Salih and Mei Ling Young 1989; Pang and Lim 1989; Henderson 1989).

12. For a case study of changing positions in the world trade of Japanese textile and clothing industries for the past 120 years, see Park and Anderson (1991).

13. For international women's rights, see Langley (1991).

14. It is claimed that not a single representation under article 24 of the ILO Constitution or complaint under article 26 relating to EPZs has been registered with the ILO (Dror 1984, 719). This has to be tempered, however, by the fact that no such action can be easily taken. For the ILO Constitution, see ILO (1982).

15. See Strathern (1987).

16. It is important to note, as Ong (1988) argued, that maintaining a respectful distance serves to avoid prejudiced perception, interpretation and understanding of the researched.

17. As Nancy Fraser (1989) suggests, the boundary between what is political and what is not is not simply fixed or given. Issue areas being considered as part of the political agenda are the outcome of socially contested and thereby recognized problems.

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