

# International labour standards and decent work: a critical analysis of Thailand's experiences, with suggestions for theory, policy, practice and research

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The International Labour Organization (ILO) promotes labour standards and decent work to counter a global 'race to the bottom' in terms of job regulation. By analysing Thailand's experiences, we consider three questions: 1) How might we characterize Thai capitalism?; 2) What are Thailand's labour market contexts for human resource management and industrial relations?; and 3) What is Thailand's situation regarding decent work and how is it related to politics, ILO labour standards and labour law? We identify two Thai labour-market contexts: state-owned and private enterprises where there is unionization (Type A); and public services/smaller enterprises/informal work where unionization is negligible (Type B). We find implementation of decent work is patchy. We suggest that Thailand reforms its tripartite agency to promote decent work and improve human resource management. These steps are more likely to be more effective and sustained under a parliamentary democracy than under a military junta. Our analysis has relevance also for other economies.

**Keywords:** decent work, ILO labour standards, industrial relations, International Labour Organization, Thailand

## Key points

- 1 The ILO labour standards are significant international conventions, recommendations, declarations and protocols that may influence national labour laws and industrial relations.
- 2 The impact of ILO labour standards that relate to decent work is patchy in Thailand and contrasting in two types of Thai labour market, which we call Types A and B.
- 3 Implementing the decent work agenda may encourage managers to deploy workers in more productive and innovative ways.
- 4 As well as advancing Thailand's economic and social development, more decent work in Thailand would improve Thai people's working lives.

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- 5 Thailand should reform its tripartite national institution that can foster the implementation of the decent work agenda. This would be a worthwhile institutional innovation.
- 6 Such improvements are more likely to be achieved and sustained under parliamentary democracy than under military rule.

Since its establishment in 1919, the International Labour Organization (ILO) has produced conventions, recommendations, declarations and protocols. These are its labour standards.<sup>1</sup> A priority for the ILO is to ‘promote opportunities for women and men to obtain decent work’.<sup>2</sup> Its decent work agenda sets four strategic objectives (job creation, rights at work, social protection and social dialogue, with gender equality a cross-cutting objective). Further, as a constituent of the United Nations (UN), the ILO aims to promote the UN’s Sustainable Development Goals that include promoting decent work. The goals: ‘aim to encourage sustained economic growth by achieving higher levels of productivity and through technological innovation . . . to achieve full and productive employment, and *decent work*, for all women and men by 2030’ (UN 2015; italics added).

Although there is an annual World Day for Decent Work, and most people probably agree with the concept, there is international controversy about its implementation. Decent work can be seen as laudable in promoting the dignity of workers, advancing human rights in workplaces and helping to eradicate poverty, but some governments may only appear to support it, rather than enforce it. Such inaction reflects an assumption that if their country offers low labour costs, limits the coverage of labour laws and ignores other ILO labour standards, it will attract foreign direct investment (FDI), thereby creating jobs and strengthening the national economy. Similarly, enterprises may seek to maximize profits by outsourcing some of their activities to suppliers in countries where labour costs are lower and workers’ rights ignored. Here, we consider Thailand’s experience with regard to the decent work agenda.

The ILO’s Regional Office for Asia and the Pacific is in Thailand, one of the ILO’s 187 member states. Thailand is also a member of the Association of South East Asian Nations (ASEAN). It has a population of 66 million people with a labour force of almost 40 million. It is a centralized ‘constitutional monarchy’ that in recent years has alternated between government by parliamentary democracy and by military junta. Unlike other Southeast Asian countries, Thailand (which means ‘land of independence’) was never colonized. It is the world’s 21st largest economy, almost the same size as the Australian economy.<sup>3</sup> Thailand has emerged from being a developing economy towards being a developed economy.<sup>4</sup> Currently, manufacturing, agriculture and tourism are the most important segments of the economy. Thailand has attracted much investment by multinational enterprises in electronics and vehicle assembly.

Thailand’s labour productivity growth rate has been rising at approximately 3%–4% a year for decades. Much of this growth is fostered by foreign direct investment (FDI) from Europe, the United States, Japan, South Korea, China and other

Asian countries. Thailand's gross domestic product (GDP) grew by nearly 4% between 2001 and 2017,<sup>5</sup> but its GDP per capita is still relatively low at US\$5900,<sup>6</sup> only a little higher than a third of the average GDP per capita of all countries, US \$15 800. Thailand is a significant emerging capitalist economy that has been transformed by export-oriented industrialization. It seems to be attractive to FDI and to tourists. Its experiences may be relevant to those trying to implement or to explain human resource management (HRM) and industrial relations (IR) policies or practices in other emerging economies in ASEAN and beyond.

In this article, we discuss three main research questions: 1) How might we characterize Thai capitalism? For example, in terms of the distinction between two 'varieties of capitalism' (Bamber et al. 2016; Hall and Soskice 2001), does Thailand fit into either of the two ideal types, a liberal market economy (LME) or a co-ordinated market economy (CME)? 2) What is the labour-market context for HRM and IR in Thailand? and 3) What is the situation with decent work in Thailand and how is it related to politics, ILO labour standards and Thai labour law? Before summarizing our conclusions and making suggestions, we consider these questions under the following headings: Law and development, labour law and industrial relations; ILO labour standards; Decent work; Thai capitalism, politics, unions and the application of ILO labour standards; and Discussion of Thai experiences. Our research methods comprise an analysis of laws, ILO labour standards and other relevant documents; observations of many meetings; and discussions and interviews with key informants.

## Law and development, labour law and industrial relations

Law may have a developmental purpose, for example, as a tool of social engineering (Pound 1922; Presser 2002), and it can be used to shape national development (Samy and Dehejia 2007). Formalization of laws thus can help to develop institutions to facilitate public policy implementation.

Internationally, labour law can be progressive, for instance, when influenced by Robert Owen's campaign to legislate uniform labour protection in Europe. International campaigns for labour standards were adopted in Switzerland, Germany and France in 1889, 1890 and 1900, contributing to the creation of the International Association for Labour Legislation in 1901 (Kaufman 2004, 69–72). Subsequently, the ILO developed its labour standards. The ILO's work in the IR field could be seen as 'a middle way' that aimed to foster peace in the world of work, in spite of the inevitable conflicts of interest between the industrial relations (IR) parties (Suttawet 2015).

The ILO Declaration of Philadelphia (ILO 1944) states that 'labour is not a commodity'. Workers may have rights to form unions that can represent them to enterprise owners and managers and to promote their interests. The ILO and certain other international agencies are advocates of human rights and workers' rights in employing organizations (Addo and Martin 2016; Rivera 2016; Ruggie 2013). Nevertheless, many local, as well as multinational enterprises, adopt unitary<sup>7</sup> forms of HRM and do not recognize unions.

Industrial relations include rule-making processes conducted by the state, employers and workers and their associations (Dunlop 1993). Countries can use labour laws to regulate IR and to improve the quality of employees' working lives. Ratifying ILO labour standards can be a crucial step towards improving national labour laws that may promote decent work and sustainable development. In this millennium, ILO labour standards have increasingly focused on social progress in the global economy and the relationship with sustainable development (Novitz 2010; Novitz and Mangan 2011; Sengenberger 2005). The ILO labour standards are the most significant international labour laws that influence national labour laws and IR.

### **ILO labour standards**

Any ILO member state may formally ratify a labour standard (e.g. an ILO convention) and include it in their national legislation. Or, rather than ratifying all 189 ILO conventions, ILO member states may apply some of them informally, as guidelines, perhaps adapted to their ideology and context. The progress of ratification reflects the government's policy, the capacity of its labour institutions and mechanisms and also the extent of technical co-operation with the ILO.

Since the mid-1990s, efforts to progress the implementation of ILO labour standards have included three landmark events: the Global Summit for Development in Copenhagen in 1995; the World Trade Organization (WTO) Ministerial Conference in Singapore in 1996; and the Declaration on Fundamental Principles and Rights at Work (ILO 1998). These events have helped to reinforce the importance of the core (fundamental) ILO labour standards. The core labour standards are included in eight ILO conventions:

- 1 Freedom of association and the right to collective bargaining (87 & 98)
- 2 Elimination of discrimination in employment (100 & 111)
- 3 Elimination of forced and compulsory labour (29 & 105)
- 4 Abolition of child labour (138 & 182)

Various interests<sup>8</sup> promote these eight conventions as encapsulating rights for workers all over the world. The ILO and others have promoted these core conventions as important counterbalances to the WTO's neoliberal agenda since the 1990s.

The ILO set a 2015 deadline for all of its member states to ratify all eight core conventions. By 2017, more than 80% of them had ratified all eight (ILO 2017a). In ASEAN, the Philippines, Indonesia and Cambodia have ratified all eight, Singapore and Malaysia six, Vietnam and Laos five, Myanmar three and Brunei only two conventions (see Table 1).

Of the ASEAN+6 countries (see Appendix 1), Australia has ratified the most core conventions (seven), but has ratified 58 ILO conventions in total. Despite being one of the ILO's founders, by 2018 Thailand had ratified only six core conventions, plus one on governance. The two core conventions it has not ratified are freedom of association and the right to collective bargaining (87 & 98). Thailand has also ratified 11 technical

**Table 1** Ratification of core ILO labour standards by ASEAN members

Country	Convention								Ratification total
	87	98	29	105	100	111	138	182	
Brunei	X	X	X	X	X	X	✓	✓	2
Cambodia	✓	✓	✓	✓	✓	✓	✓	✓	8
Indonesia	✓	✓	✓	✓	✓	✓	✓	✓	8
Laos	X	X	✓	X	✓	✓	✓	✓	5
Malaysia	X	✓	✓	✓	✓	X	✓	✓	6
Myanmar	✓	X	✓	X	X	X	X	✓	3
Philippines	✓	✓	✓	✓	✓	✓	✓	✓	8
Singapore	X	✓	✓	✓	✓	X	✓	✓	6
Thailand	X	X	✓	✓	✓	✓	✓	✓	6
Vietnam	X	X	✓	X	✓	✓	✓	✓	5

X = non-ratification, ✓ = ratification.

Source: ILO (2017a).

conventions (so it has ratified 18 conventions in total). In terms of its convention ratification, then, Thailand is lagging behind Australia (and many other countries).

## Decent work

The ILO's former director general, Juan Somavia, introduced the decent work concept at the International Labour Conference in 1999 (ILO 1999). He saw the primary goal of the ILO as promoting the opportunity for people to obtain decent and productive work in conditions of freedom, equity, security and human dignity, supported by the ILO's four strategic objectives: job creation, rights at work, social protection and social dialogue, with gender equality as a cross-cutting objective.<sup>9</sup>

The ILO classifies its labour standards into 24 categories (see Appendix 2). In the first category are the IR standards, which include freedom of association and collective bargaining (see the categorization of IR standards in Appendix 3). At least 10 IR ILO labour standards should be seen as especially important for decent work: 1) Freedom of Association and Protection of the Right to Organize; 2) Collective Bargaining; 3) Conciliation and Arbitration; 4) Consultation; 5) Communications within the Undertaking; 6) Workers' Representatives; 7) Examination of Grievances; 8) Tripartite Consultation; 9) Labour Administration; and 10) Labour Relations in Public Services.

The decent work concept is multifaceted, and therefore, difficult to measure. There is controversy over the measurement of the extent of decent work between countries (ILO 2008, Nizami and Prasad 2017; Sehnbruch et al. 2015). Nonetheless, the ILO Declaration on Social Justice for a Fair Globalization recommends that member states may consider 'the establishment of appropriate indicators or statistics, if necessary with the assistance of the ILO, to monitor and evaluate progress of the decent work agenda' (ILO 2008).

Measuring decent work is facilitated, however, by the ILO Decent Work Indicators (ILO 2013) corresponding to the Decent Work Agenda's four objectives. These indicators are subdivided into 10 elements: 1) employment opportunities; 2) adequate earnings and productive work; 3) decent working time; 4) work, family and personal life; 5) work that should be abolished; 6) stability and security of work; 7) equal opportunity in employment; 8) safe work environment; 9) social security; and 10) social dialogue (ILO 2013).

Furthermore, one approach (ILO 2013) is to try to consider the country's laws and formal regulations. For example, the ILO specifies a list of 21 legal indicators of decent work (see Appendix 4).

## **Thai capitalism, politics, unions and the application of ILO labour standards**

### **Varieties of capitalism**

Since 1958, under various governments, Thailand has published 12 National Economic (and Social) Development Plans.<sup>10</sup> With such these plans, Thailand may appear to have a form of centrally planned development that might be more like that of a CME. Arguably, however, its approach to the regulation of its IR and related matters makes Thailand seem rather more like an LME. Since the 1990s, most Thai governments have generally promoted neoliberal economic policies more typical of an LME, minimizing the regulation of labour markets, with relatively little regulation that promotes employment protection (cf. Baccaro and Howell 2011). Perhaps Thailand, then, is 'a hybrid' variety of capitalism as it has mixed characteristics.<sup>11</sup> In the face of globalization, Thai policy makers with regard to its labour markets and its HRM have increased their focus on competing with other ASEAN member states (Napathorn and Kuruvilla 2018). Against this background, let us review Thai politics, IR and unions.

### **Politics, industrial relations and unions**

The prevailing military regime has constrained unions that were already weak (Brown 2016). Thai politics have significantly influenced IR practices and the potential of Thai unions (Mabry 1979). In the current millennium, Thai democracy has been disrupted by military dictatorships that have built on internal political conflict. Military juntas have conducted two coups – in 2006 and 2014 – each leading to a new constitution. The government after the 2006 coup was not fully controlled by the military, but the post-2014 government is run and fully controlled by the military, representing a return to state authoritarianism (Baker 2016; Hewison 2015). Despite talking about a 'return to democracy', the post-2014 military government seems to be in no hurry to foster a return to full democracy and is trying constitutionally to continue its control over a future elected government (Hewison 2018).

There is a schism in Thai politics between two movements that have driven sporadic protests in Thailand, the red-shirts and the yellow-shirts.<sup>12</sup>

The red-shirts support a mixture of progressive and populist policies associated with former Prime Ministers Thaksin Shinawatra and his sister Yingluck Shinawatra. The red-shirts are allies of the Pheu Thai Party (a party for Thais). Their members are mainly rural and suburban workers, and other people from outside Bangkok, especially from the north and the north-east. They also include certain students and academics who oppose the military, as well as left-wing and liberal activists and some of the new middle-class business people who see attempts by the urban and military elite to control Thai politics as a threat to democracy.

The yellow-shirts are a network of royalists, ultra-nationalists and urban middle-class people known as the People's Alliance for Democracy that was later replaced by the People's Democratic Reform Committee. They are committed to a conservative ideology and the king, and less concerned than the red-shirts with such principles of democracy as sovereignty of the people and elected governments. They strongly oppose the Shinawatras.

The conflict in the political domain has influenced many aspects of Thailand, including its labour administration, IR, unions and the promotion of decent work via the adoption of ILO labour standards.

### **ILO labour standards in Thailand**

Thailand's Ministry of Labour is responsible for labour standards, which are administered by tripartite committees. As already mentioned, Thailand has not ratified two core ILO labour standards, nor most of the ILO's other IR labour standards. Why have Thai governments repeatedly refused to ratify such ILO labour standards? Among other reasons, Thai governments have feared that ratification would encourage increased unionism, not only among private-sector and state-owned enterprise workers who are already organized under the 1975 and 2000 labour laws, but also among state employees, who have never had such rights. The Thai state has long discouraged its own employees, employees in essential services and transnational migrant workers from unionizing and engaging in collective bargaining. Its rationale has been that this would destabilize the national economy and security.<sup>13</sup> Unions and non-governmental organizations (NGOs) continue to pressure governments to ratify these two core ILO labour standards. In comparison with the Thai state, employers seem to be less explicit in opposing the ratification of these two conventions.

As mentioned, Thai governments have a weak record in terms of ratifying ILO conventions (Table 2). Of the ILO IR labour standards, Thailand has voluntarily endorsed conventions 87 and 98 as well as a recommendation about workers' representatives, which Thailand incorporated into its Labour Relations Act, 1975. But such endorsements of conventions and recommendations are less important than the formal ratification of conventions.

### **Thai labour laws and the application of ILO labour standards**

To assess Thailand's labour law and the application of ILO labour standards, we could focus on the last three of the ILO 21 indicators (ILO 2013) in Appendix 4 – freedom of

**Table 2** ILO conventions ratified by Thailand

## Fundamental conventions

- 1 C29 – Forced Labour, 1930 (1969)
- 2 C100 – Equal Remuneration, 1951 (1999)
- 3 C105 – Abolition of Forced Labour, 1957 (1969)
- 4 C111 – Discrimination (Employment & Occupation), 1958 (2017)
- 5 C138 – Minimum Age, 1973 (2004)
- 6 C182 – Worst Forms of Child Labour, 1999 (2001)

## Governance (priority) convention

- 1 C122 – Employment Policy, 1964 (1969)

## Technical conventions

- 1 C14 – Weekly Rest (Industry), 1921 (1968)
- 2 C19 – Equality of Treatment (Accident Compensation), 1925 (1968)
- 3 C80 – Final Articles Revision, 1946 (1947)
- 4 C88 – Employment Service, 1948 (1969)
- 5 C104 – Abolition of Penal Sanctions (Indigenous Workers), 1955 (1964)
- 6 C116 – Final Articles Revision, 1961 (1962)
- 7 C123 – Minimum Age (Underground Work), 1965 (1968) not in force
- 8 C127 – Maximum Weight, 1967 (1969)
- 9 C159 – Vocational Rehabilitation and Employment (Disabled Persons), 1983 (2007)
- 10 MLC2006 – Maritime Labour, 2006 (2016)
- 11 C187 – Occupational Safety and Health, 2006 (2016)

Thai implementation date (in parentheses) at the end of each line; C, convention; MLC, maritime labour convention.

Source: ILO (2017c).

association and the right to organize, collective bargaining and tripartite consultation – but these are insufficient. For a fuller assessment, it is appropriate to add labour administration and public-service IR, with other IR labour standards. Of the 18 conventions ratified by Thailand, 16 were in force in 2018, one had been denounced, and one had been ratified only recently (see Table 2). By the same year, 2018, Thailand had enacted 16 principal labour laws (see Table 3). To what extent, then, do Thai labour laws incorporate the ILO's decent work agenda?

Among Thailand's labour laws, the IR laws are most likely to reflect ILO labour standards. In Thailand, as in many other countries, IR practices are different in state-owned enterprises from those in the private sector. These two segments are regulated in distinct ways, by the Labour Relations Act (1975) in the private sector, and the State Enterprise Labour Relations Act (2000), which applies to state-owned enterprises. We focus mainly on these two segments since these are the most highly regulated. Table 4 compares Thai labour laws and the ILO's IR labour standards. Table 5 analyses Thai labour laws, the ILO's IR labour standards and decent work indicators.

**Table 3** Thai labour laws

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1	Thai Civil and Commercial Code (Hire of Service and Hire of Work) 2468 (1925)
2	Labour Relations Act 2518 (1975)
3	The Labour Protection Act 2541 (1998)
4	State Enterprise Labour Relations Act 2543 (2000)
5	The Establishment of and Procedure for Labour Court 2522 (1979)
6	Provident Fund Act 2530 (1987)
7	Employment and Job Seeker Protection Act 2528 (1985)
8	Alien Employment Act 2521 (1978)
9	Skill Development Promotion Act 2545 (2002)
10	Social Security Act 2533 (1990)
11	Workmen's Compensation Act 2537 (1994)
12	Home Workers Protection Act 2553 (2010)
13	Occupational Safety Health and Act 2554 (2011)
14	Persons with Disabilities' Quality of Life Promotion Act (2007)
15	Thailand Professional Qualification Institute (Public Organization) Royal Decree 2554 (2011)
16	Maritime Labour Act 2558 (2015)

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Source: ILOSTAT (2015), Ministry of Labour (2017).

### Discussion of Thai experiences

Industrial relations and decent work practices are substantially influenced by government policy and action, which varies in Thailand under the contrasting regimes of parliamentary democracy and military junta. How can we summarize the contrasting political contexts with regard to IR and decent work policies? Under parliamentary democracy, IR was included in the democratic 1997 Constitution, together with social security and workers' remuneration schemes. In the 2007 Constitution, state employees could be represented by unions. This constitution included IR and notions of tripartism whereby workers had rights to elect their own representatives.

The military's 2017 Constitution also says that human rights are guaranteed. However, the 2017 Constitution has only a conditional provision for state employees to be represented by unions. The 2017 Constitution appears to give state employees the same rights as other employees, such as freedom of association and unions. But such rights are heavily qualified and are permitted only if state employees do not disturb national security, public welfare or social order. There are further constitutional limitations on their rights by special laws that regulate politics, discipline, performance and the ethics of state employees.

Under parliamentary democracy, the enactment and enforcement of labour laws were closely monitored by unions, the independent National Law Reform Commission and NGOs. Decent work practices were also fostered by tripartite agencies in which unions had a voice. Under the post-2014 military government, however, labour law reforms have focused on simple changes to laws. In 2015, the National Law Reform Commission, an independent public agency, was dissolved and since then many changes have been

proposed to the Labour Relations Law. Nevertheless, there are still different regulatory arrangements for IR in private enterprises and in state-owned enterprises.

In contrast, under the military, unions have fewer opportunities to exercise an independent voice and the ILO also seems to be less active in encouraging decent work

**Table 4** Comparison of ILO IR standards with Thai laws and IR practices

ILO IR standards	Thai IR laws/practices
<p>C87 – Freedom of Association and Right to Organize</p> <p>Workers and employers can unionize, except armed services and police</p> <p>States cannot intervene in employers' and workers' unions</p> <p>Unions make their own rules and can join federations</p> <p>Collective organization cannot be a condition of employment</p>	<p>Workers' and employers' unions allowed in state-owned and private enterprises, but not for state bureaucrats</p> <p>Workers' and employers' unions must be registered</p> <p>Enterprise unions grew in 1970s–1990s; since then there has been more growth of industrial unions</p>
<p>C98 and 154 – Collective Bargaining</p> <p>State should promote collective bargaining by employers' and workers' unions</p> <p>Parties must not sign contracts that contradict collective agreements, which should cover all workers in a category</p> <p>Dispute-settlement processes</p>	<p>State has promoted 'consultation', but not collective bargaining. State feared that collective bargaining might promote IR conflict</p> <p>There is a little collective bargaining at industrial level, for example, for metal industries</p> <p>No national collective bargaining, but national union centres demand improvements annually on 1 May</p> <p>Collective bargaining outcomes registered annually; covers only a few of the 3 million enterprises</p>
<p>C150 – Labour Administration</p> <p>There shall be consultation, co-operation and bargaining between state, employers' and workers' unions</p> <p>Voluntary association and collective bargaining</p>	<p>Ministry of Labour began 1993, covering: labour welfare and protection; employment; skill development; social security</p> <p>Tripartite National Labour Advisory Council of governments', employers' and workers' representatives began 1976; less active since early 2000s</p> <p>Two types of unionism: enterprise unions and industrial unions</p> <p>Workers' and employers' unions obliged to support good relations, education and training, but not collective bargaining</p>

**Table 4** (continued)

ILO IR standards	Thai IR laws/practices
C151 – Public Services	
No discrimination re union officials and members	State-owned enterprise workers may form only enterprise unions
Unions must be independent	State-enterprise unions can federate. (There is an unregistered federation and a legal federation.)
State not to interfere in employers' and workers' unions	State-owned enterprise workers' unions can join with private-sector unions
State to promote collective bargaining between state and unions	Bipartite enterprise-relations committees mandatory in each enterprise; chair held by the state
State dispute-settlement processes	
State officials and general workers have rights	
C135 – Workers' Representatives	
Workers union representatives and/or elected workers at the enterprise and protected from dismissal. Representatives regulated and can use facilities provided by the enterprise	Workers' committees can be established in private enterprises by election of workers or appointed by unions according to the union density There can be an enterprise committee on labour welfare, but only in private enterprises with > 49 employees
C144 – Tripartite Consultation	
Most representative workers' and employers' unions should be consulted re. the ILO's annual meeting labour standards	There are about 20 national tripartite bodies. The chairs are mostly from the state side No annual meeting of tripartite bodies to discuss ratification of labour standards

Source: Authors' summary based on the websites of ILO, Thai government, employers and workers' unions, non-governmental organizations (NGOs), labour law consultants and public debates, for example [www.mol.co.th](http://www.mol.co.th) (Ministry of Labour), [relation.labour.go.th](http://relation.labour.go.th) (Relations Division, Department of Labour Protection and Welfare) <http://ecot.or.th/2016/th> (Employer Confederation of Thailand), <http://www.econthai.com> (Employers' Confederation of Thai Trade & Industry (ECONTHAI), <http://voicelabour.org> (A Labour NGO), <https://thailabourmuseum.org> (Thai Labour Museum), [www.clt.or.th](http://www.clt.or.th) (Thai Labour Organization) and Facebook of the Thai Labour Solidarity Committees Organization).

policies. Under democratic governments, unions were part of a relatively independent labour movement, interested in developing a welfare state. Although unions are formally restricted by the IR law from being involved in politics, in practice state-owned enterprise unions are more potent in Thai politics than private-enterprise unions. Many private-enterprise unions are informally aligned with the red-shirts, but they do not get explicitly involved in politics. Most of the state-owned enterprise unions are formally aligned with the yellow-shirts. Hence, the influences of the red-shirt and yellow-shirt movements are demarcated with regard to unions, the labour market and potentially on decent work.

**Table 5** ILO IR legal framework indicators of decent work and labour relations laws in Thailand

ILO's legal indicators of decent work	Labour laws in Thailand: main concepts	Decent work in Thailand
Labour administration	No explicit law	Adopted ILO technical assistance in 2000s, for example, employment, health & safety, social security, domestic workers
Freedom of association and the right to organize; collective bargaining rights; public-sector IR and workers' representatives	<p>Labour Relations Act 2518 (1975)</p> <p>Promotes good IR for example registration of unions; regulation of workers' and employers' claims; dispute-settlement procedures; establishment of workers' committees</p> <p>State-Enterprise Labour Relations Act 2543 (2000)</p> <p>Separates state-enterprise unions from private-sector ones; establishes collective bargaining re. changes to employment conditions; dispute settlement; establishment of unions; requires parties to establish tripartite State-Enterprise Labour Relations Committee to regulate and control minimum employment standards</p> <p>Establishes bipartite enterprise relations committees, for example for consultation and dispute settlement</p> <p>Labour Court 2522 (1979)</p> <p>Establishes procedures and jurisdiction for Central, Regional and Provincial Labour Courts re. disputes about rights/duties; cases where rights must be exercised through a court; cases of appeal; cases re. wrongful acts between employers and employees, for example work performance; disputes which the labour court can decide</p>	<p>Employers' and workers' unions are registered, so under state control and could be dissolved if their action is seen as illegal</p> <p>Separation of the 2 laws (for private and state-owned enterprises) is also state control, which weakens unions</p> <p>State-owned enterprise workers have more benefits, for example, in terms of pay, welfare and employment security</p> <p>National centres of unions are fragile with 16 peak organizations that fragment bargaining power</p> <p>Labour Court cases may run for years</p> <p>Workers' welfare committees are independent from unions, but are not mandated in enterprises with &lt;50 employees</p>

**Table 5** (*continued*)

ILO's legal indicators of decent work	Labour laws in Thailand: main concepts	Decent work in Thailand
Tripartite consultations	<p>Labour Protection Act 2541 (1998)</p> <p>Rights and duties of employers and employees on worker's welfare; minimum standards on labour force, women workers, child labour, pay, severance</p> <p>Establishes workers' welfare committees in enterprises with &gt;50 employees. Committees can consult with employers re. fairness and occupational health, etc.</p> <p>Each law regulates tripartite organizations; there are about 20 such organizations with involvement of workers' and employers' representatives</p>	<p>Regulation differs in various state departments</p> <p>Fragmentation detracts from decent work implementation</p> <p>Tripartite organizations not obliged to monitor and improve implementation of ILO standards</p> <p>National Labour Advisory Council may advise the state, but has not played a key role in implementing ILO labour standards</p>

Source: Authors' summary based on the websites of employers' and workers' unions and state agencies: [www.bot.or.th](http://www.bot.or.th) (Bank of Thailand), [www.mol.co.th](http://www.mol.co.th) (Ministry of Labour), [www.nso.go.th](http://www.nso.go.th) (National Statistics Office) and [www.nesdb.go.th](http://www.nesdb.go.th) (National Economic and Social Development Board).

The big state-owned-enterprise unions were involved in ousting elected governments twice since 2006. First, along with The People Alliance for Democracy, these unions opposed the Taksin Shinawatra government's 2006 privatization policy. Second, these unions sided with the opposition party (the Democrats) and the yellow-shirt movement (People's Democratic Reform Committee) in opposing the subsequent Yingluck Shinawatra government. This was not because of her government's privatization policy, but because it was promoting the 2014 comprehensive reconciliation law to end the national political conflict.<sup>14</sup> After massive protests, each of the Shinawatra governments was removed by military coups.<sup>15</sup> After taking power, the two military governments took control of many important state-owned enterprises; then a group of union leaders sought opportunities to co-operate with the military to try to solve workers' problems in the national labour reform activity with involvement in improving state-owned enterprises and to stop privatizations.<sup>16</sup>

Under the current junta, unions are regulated tightly. Leaders of state-owned enterprise unions had been involved in national IR law reform, through a state-controlled tripartite committee, but they played only minor roles and later resigned from the committee. In contrast, despite representing many smaller unions, the 16 national private-sector union councils have played more influential roles.<sup>17</sup>

Certain of the state-owned enterprise workers' union members are in relatively secure employment and have at least some decent work aspects. Thus, it is not surprising that they tend to support the established-conservative political regime and to align with the yellow-shirts. In contrast, informal workers who are in less secure employment tend to align with critics of the regime, for example, the red-shirts.

### **Decent work in two categories of labour market: Types A and B**

Thailand's economic development and decent work practices differ between two distinct categories of Thai labour market, which we call Types A and B (Table 6).

Type A workers have rights to unionize.<sup>18</sup> Type A includes workers in state-owned enterprises and in certain parts of the private sector, such as banking, electronics and vehicle manufacturing, where there is relatively high union density and generally more pluralism than in Type B.

Work in most other parts of the private sector (Type B) is conducted in a context of relatively weak unionization.<sup>19</sup> Type B workers who have no union rights include state employees (e.g. public servants, judges, lawyers, police and the armed services) and other public-sector employees (e.g. university staff), workers in small and medium enterprises (SMEs), as well as workers in informal employment. Type B also includes agricultural workers (apart from maritime workers). Agriculture is mostly informal, based on families and self-employed workers. Work in Type B is regulated primarily by unitary forms of HRM, especially in SMEs.

We focus on evaluating decent work for Type A workers who work in contexts that generally exhibit more pluralism than in Type B, so there are more prospects for implementing decent work in Type A. This Type A approximates an IR system that Dunlop

**Table 6** Summary of decent work situation in two types of Thai labour market

	Decent work situation: a summary			
	Job creation	Rights	Protection	Social dialogue
Type A = formal sector (state-owned enterprises and formal parts of the private sector)	Smaller part of labour market; formal employment	An IR 'system'/ employees have unionization rights: only about 1300 enterprises	Limited employment protection; limited gender equality	Relatively more pluralism in HRM and in social dialogue; prospects for decent work
Type B = public services and informal sector (most agricultural and urban-self-employed)	Bigger part of labour market; includes informal workers and 'self-employed'	No IR 'system'/no unionization rights: state employees and about 3 million SMEs	Little employment protection, especially for migrants; gender inequality	Unitary HRM; less-developed social dialogue; few prospects for decent work

Source: the authors.

(1993) and Flanders (1970) might have recognized. In Type A contexts, the IR activities of the state, employers' and workers' unions may promote decent work. Nonetheless, although Thailand is a foundation member of the ILO, the application of ILO labour standards has been patchy. These labour standards have had only limited success in Thailand in fulfilling the ILO's four strategic objectives of its decent work agenda. To what extent have the strategic objectives of decent work been implemented in Type A contexts?

1. *Job creation*: the official unemployment rate was <2% between 2001 and 2017, which seems low, but may not be accurate as most workers are in the informal economy.<sup>20</sup> Employment in the formal economy approximates 17 million workers (44% of the total labour force), but there are more than 21 million workers (56% of total labour force) in the informal economy.<sup>21</sup> Decent work is not merely about employment, but is about *productive* employment. Labour productivity growth rate in the formal economy, for example, averaged only 3.2% a year from 2008 to 2017.<sup>22</sup> It is likely to be much less in the informal economy and among so-called self-employed workers, though reliable data are not available.

2. *Rights at work*: Workers in only about 1300 enterprises have the opportunity to join a union that could represent them. The other approximately 3 million enterprises, especially the SMEs, do not deal with unions. Only a total of 442, 465 and 490 collective bargaining agreements were registered in the years 2014, 2015 and 2016 (Ministry of Labour 2018).

3. *Social protection*: Thailand enacted a labour protection law in 1998 which was an improvement of the 1975 royal decree. But the coverage is low. Most of the 11 million workers in the agricultural segment (a third of the total workforce) are not covered. The

minimum wage for unskilled workers first entering the labour market in the private sector is usually announced annually, after a mixture of bargaining and consultation in the National Wage Tripartite Committee. This follows the submission of annual demands by the national unions' congress, after its May Day Celebration.

As the population of Thailand is ageing, there are labour shortages. Employers may resolve these shortages by employing migrant workers – around 3.8 million, mostly from Myanmar, Cambodia and Laos, though about half are classified as 'illegal' migrants.<sup>23</sup> Employers generally see migrant workers as cheap labour and more easily exploitable than Thai workers (Coca 2016; Human Rights Watch 2010). The decent work agenda applies to migrant workers (especially the 'illegal' ones), then, to an even lesser extent than to most native Thai workers.<sup>24</sup>

4. *Social dialogue*: This is practised mainly through a tripartite system. The national tripartite committees of government, employers and workers have operated at least since 1975. About 20 such committees have been established. They are mostly chaired by high-ranking government staff. The committees focus mainly on minimum wages, IR, health and safety and social security, but their legally specified roles are narrow and limited further by the state's tendency to exercise control. Under the military rule, however, the government's role in promoting social dialogue between employers' and workers' organizations has been greatly reduced compared to what it was under parliamentary democracy.<sup>25</sup>

Turning to gender, Thai union leaders are predominantly men. Relatively few unions have women's divisions or special programs directed at promoting women's participation in union activities. Women have only a limited presence in settling workplace disputes in the judicial institutions, such as the Labour Court and tripartite committees or in gaining relatively powerful positions such as associate judges. The gender pay gap is much greater in the private sector in municipal (urban) areas than in non-municipal (rural) areas. But there appears to be a very small gender pay gap among state employees in urban and in rural areas. In rural areas, the average pay for women is consistently higher than that of men, though by only a small margin (Thonguthai 2002).

In short, the implementation of decent work has been inconsistent in Thailand. Since the 1990s, the state labour offices have tried to promote some aspects of the decent work agenda with encouragement from the ILO, such as workplace health and safety, working conditions of informal workers, of child labour and of domestic workers, but again implementation is limited.<sup>26</sup> This may reflect Thailand's relative lack of ratification of ILO's labour standards to promote decent work, as summarized above. Although Thailand has not formally ratified any of the ten ILO labour standards on IR, its labour regulation to an extent reflects certain other ILO labour standards.<sup>27</sup>

## Conclusions

Returning to our initial research questions of how we can characterize Thai capitalism, Thailand does not fit easily into either the CME or LME ideal type. If anything, its mixed characteristics make it look like 'a hybrid' variety of capitalism.

In answer to question 2 about the context for HRM and IR in Thailand, we identify two distinct types of labour markets in Thailand: Type A, with HRM approximately in a pluralist IR context, and Type B, with HRM in more of a unitary context. Consequently, there is more scope for implementing decent work under Type A than under Type B labour markets. The latter adopts the state's and employers' interests and tends to adopt a unitary frame of reference with little or no unionization or freedom of association. This context applies to most SMEs and the many informal workers who are in Type B labour markets.

Turning to question 3, which asks what the situation is with decent work in Thailand and how is it related to the politics, ILO labour standards and labour law, we find that, in spite of Thailand having been a member of the ILO for a century, the impact there of ILO labour standards that relate to the decent work agenda is patchy. This reflects the limited scope of the IR system, the restricted union coverage and activity, as well as the inconsistent legal implementation of the ILO's labour standards. Although it has ratified only a small number of the ILO labour standards, the Thai state might argue that it has aimed to reflect informally additional ILO labour standards. But, since Thailand has not actually ratified most of them, the ILO cannot monitor their implementation. In short, Thailand is not fully meeting the four strategic goals of decent work.

### **Suggestions for theory, policy, practice and research**

#### *Theory*

From Thailand's experiences, we infer three propositions that would be worth exploring further in Thailand as well as in other contexts.

- 1 In an emerging economy where democracy is not institutionalized, workers and their unions in the formal labour market that offers relative employment security tend to support the established political regime.
- 2 Workers in the informal labour market that are not unionized and have little employment security are not likely to experience much decent work and these workers are likely to oppose the established political regime.
- 3 A military dictatorship and an undemocratic government is not likely to foster decent work that includes workers' rights and social dialogue, but is more interested in job creation and productivity improvements.

#### *Policy*

Since unions have more presence in state-owned enterprises, these unions have been able to help workers in these enterprises in Type A labour markets to benefit from decent work provisions to a greater extent than they have for most private-sector workers. Workers in Type B labour markets, the huge informal labour market and the public services, are not unionized and so do not experience most of the pluralist characteristics of an ideal-typical IR system. Hence, there is not much evidence of decent work-type provisions for most Thai workers, for example, in terms of pay, welfare benefits and employment security.

State employees, for instance, are employed in a unitary Type B HRM context. This does not offer decent work according to the ILO's definition and the context is less favourable for these workers than for those employed in Type A labour markets, that is state-owned enterprises and the formal parts of the private-sector (large enterprises).

Being able to organize collectively would help employees to negotiate decent work. This could improve the quality of their working lives by removing pay and working conditions from competition and by countering other tendencies of globalization that induce a 'race to the bottom' in terms of pay and conditions. Furthermore, implementing the decent work agenda may encourage managers to innovate and to deploy workers in more productive and innovative ways.<sup>28</sup> Higher wages provide a significant benefit that can also serve to counter poverty and raise people's standards of living. Accordingly, Thailand would benefit if it were formally to ratify more of the ILO labour standards and if ILO monitoring were then to follow. Thailand should follow the example of many other countries by ratifying more ILO labour standards, especially the conventions on Labour Administration, Co-operation and Consultation at the Levels of the Undertaking, Industry and Nation, Tripartite Consultation and IR in Public Services.

Nevertheless, *ratification* is not a panacea. Enacting a law does not necessarily mean that the law is always enforced successfully. Enforcement takes time and an appropriate institutional and regulatory framework. We would encourage Thailand's key IR actors and other advisors, including the key state, union and employers' organizations, and a supporting cast of academics and NGOs proactively to promote decent work to a greater extent. This would help to sustain Thailand's continued development and to foster co-operation on labour issues among ASEAN member states. Its institutional machinery, such as the National Labour Development Advisory Council, has not been effective in promoting decent work. Therefore, Thailand might consider reforming to develop a more effective tripartite national institution that can foster improvements by helping to implement the spirit of the decent work agenda in changing Thai labour markets.

When reforming such an institution, Thailand should design its own institution, one that is appropriate for its emerging-economy status with an informal economy that is larger than its formal economy. The ILO could help Thailand to reform or develop such an institution. Thailand might also learn from the experiences of other countries with neutral institutions; for example, Australia and the United Kingdom have such institutions that play vital roles: in Australia, the Fair Work Commission and Fair Work Ombudsman; in the United Kingdom, the Advisory, Conciliation and Arbitration Service (Acas) and Employment Tribunals.<sup>29</sup> Closer to Thailand, in the ASEAN Community, the regulation of Singapore's employment relations through a network of mostly tripartite institutions guided by a Ministry of Manpower (Leggett, Kuah and Gan 2017) might offer another model to learn from. In view of significant contextual differences with Thailand, however, such examples are ones *to learn from*, not necessarily to *emulate*.

A new or a redeveloped national institution could advise employing organizations how to reform their HRM, for instance, by trying to move from unilateral approaches to more participative ones that aim to foster employee involvement, and accept ILO IR

labour standards. In co-operation with the new institution, academic advisors, unions and labour NGOs, the Personnel Management Association of Thailand could also be one of the prime movers to facilitate such reforms.

### *Practice*

In practice, the promotion of decent work based on ILO labour standards should not disadvantage Thai entrepreneurs (though they might complain in the short-term). In the longer term, more decent work in Thailand would encourage the competitiveness of Thai enterprises and increase their productivity. This should improve Thai people's working lives, as well as advancing Thailand's economic and social development. Such improvements, through the efficient formalization of law and well-functioning IR institutions, are more likely to be achieved and sustained under parliamentary democracy than under military governments. Implementing the decent work agenda is more likely if it is attempted in a context of free expression and debate.

To facilitate the progress of decent work for all types of workers, it would help if Thai labour law were reformed to include ILO labour standards. Such inclusions might help the nation escape being controlled by conservative elites. In addition, it would help if Thai labour laws were codified by systematically integrating the fragmented existing labour laws.

### *Future research*

One limitation of this article is that it is based on analyses of ILO labour standards, decent work, laws and other relevant documents, observation of meetings as well as interviews with key informants. Future research on HRM and IR in Thailand should include more mixed methods including, for instance, workplace case-studies and surveys of employers and workers in Type A and Type B contexts.<sup>30</sup> Further research would be beneficial, not least because we could learn more about the practice of HRM and IR as well as the implementation of collective agreements, labour laws, ILO labour standards, productivity, technological innovation and the extent of decent work in such emerging economies as Thailand. More research on HRM and IR at enterprise level is crucial to glean the information necessary to design evidence-based policies and improvements. This should help us to develop better theoretical explanations and practical applications of IR and HRM in Thailand and also in other countries, especially other emerging economies.

## **Notes**

<sup>1</sup> These ILO labour standards include 189 conventions (C), 205 recommendations (R), 6 declarations and 6 protocols ([www.ilo.org](http://www.ilo.org), accessed 14 Jan 2018).

<sup>2</sup> [www.ilo.org/global/topics/decent-work/lang--en/index.htm](http://www.ilo.org/global/topics/decent-work/lang--en/index.htm) (accessed 4 Mar 2018).

<sup>3</sup> In terms of gross domestic product at purchasing power parity. [www.cia.gov/library/publications/resources/the-world-factbook/geos/th.html](http://www.cia.gov/library/publications/resources/the-world-factbook/geos/th.html) (accessed 16 May 2018).

<sup>4</sup> For an analysis of different categories of economy in Asia, see Bamber and Leggett (2001).

<sup>5</sup> <https://data.worldbank.org/country/thailand> (accessed 14 Jan 2018).

<sup>6</sup> <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?locations=TH>; comparison in terms of purchasing power parity (accessed 14 Jan 2018).

- <sup>7</sup> On the classic distinction between a unitary and pluralist frame of reference, see Fox 1974.
- <sup>8</sup> For example: <https://cleanclothes.org/issues/faq/ilo> (accessed 15 May 2018).
- <sup>9</sup> [www.ilo.org/global/topics/decent-work/lang--en/index.htm](http://www.ilo.org/global/topics/decent-work/lang--en/index.htm) (accessed 14 Jan 2018).
- <sup>10</sup> The first plan (1961–1966) was called National Economic Development Plan, but from the second plan (1967–1971), the name was the National Economic and Social Development Plan.
- <sup>11</sup> Australia would also be closer to an LME than a CME. However, Mitchell et al. (2011) ask if Australia might also be seen as ‘a hybrid’ that shows mixed characteristics.
- <sup>12</sup> See: <http://www.bbc.com/news/world-asia-pacific-13294268> (accessed 30 Apr. 2018).
- <sup>13</sup> Based on observations of and reports about many meetings, for example, held by the government, national union councils and National Reform Commission, in the period 2000–2018.
- <sup>14</sup> Interviews with Paiboon Kaewpaytai, former secretary of a state-enterprise workers’ union; and Prasit Kaiganokwong, former vice president of a state-owned enterprise workers’ union, 23 Feb. 2018.
- <sup>15</sup> [www.wsj.com/articles/in-thailand-a-struggle-for-control-of-state-firms-1402930180](http://www.wsj.com/articles/in-thailand-a-struggle-for-control-of-state-firms-1402930180) (accessed 4 Feb 2018).
- <sup>16</sup> Watts and Chaichalearmmongkol (2014); interview with Apsorn Krissanasmit, President, State Enterprise Workers’ Federation of Thailand, 28 Dec 2017. State-owned enterprise workers’ unions are divided into two national federations: the State-owned Enterprise Workers’ Union Relations Confederation (SEWURC) and the State Enterprise Workers’ Federation of Thailand. SEWURC supports the yellow-shirts.
- <sup>17</sup> Interview with Chalee Loysoong, a former private-sector union leader, 7 Dec 2017.
- <sup>18</sup> Labour Relations Act (1975).
- <sup>19</sup> Among state-enterprise employees, union density is 38.4%. Among non-agricultural employees, union density is 3%, <http://relation.labour.go.th/index.php/2017-08-25-04-50-47>; <http://gfmis-soe.sepo.go.th/list/knowledge>; <http://service.nso.go.th/nso/nsopublish/themes/files/lfs59/reportJun.pdf> (accessed 28 Feb 2018).
- <sup>20</sup> <https://tradingeconomics.com/thailand/unemployment-rate> (accessed 8 Dec 2017).
- <sup>21</sup> <http://service.nso.go.th/nso/web/survey/surpop2-2-4.html> (accessed 8 Dec 2017).
- <sup>22</sup> CEIC (2017) <https://www.ceicdata.com/en/indicator/thailand/labour-productivity-growth> (accessed 25 Feb 2018).
- <sup>23</sup> Labour Minister, Pols. Gen. Adul Sangsingkeo, on Channel 3 TV, 19 Feb 2018.
- <sup>24</sup> [www.hrw.org/report/2010/02/23/tiger-crocodile/abuse-migrant-workers-thailand](http://www.hrw.org/report/2010/02/23/tiger-crocodile/abuse-migrant-workers-thailand); (<https://www.laborrights.org/releases/migrant-workers-prosecuted-reporting-exploitation-thailand>, (accessed 1 Feb 2018).
- <sup>25</sup> Interviews with Kovit Burapathanin, former Director, International Cooperation Bureau, Ministry of Labour, 7 Dec 2017; Thanakit Sasopa, President, Honda Labour Confederation of Thailand, 28 Dec 2017.
- <sup>26</sup> On workers’ health and safety, see websites such as: [www.ilo.org/safework/countries/asia/thailand/lang--en/index.htm](http://www.ilo.org/safework/countries/asia/thailand/lang--en/index.htm); on informal workers: [www.ilo.org/global/about-the-ilo/newsroom/features/WCMS\\_177229/lang--en/index.htm](http://www.ilo.org/global/about-the-ilo/newsroom/features/WCMS_177229/lang--en/index.htm); [www.wikigender.org/wiki/informal-workers-in-thailand](http://www.wikigender.org/wiki/informal-workers-in-thailand); on child labour: [www.dol.gov/agencies/ilab/resources/reports/child-labor/thailand](http://www.dol.gov/agencies/ilab/resources/reports/child-labor/thailand); [www.ilo.org/asia/projects/WCMS\\_161095/lang--en/index.htm](http://www.ilo.org/asia/projects/WCMS_161095/lang--en/index.htm); on domestic workers: [www.nationmultimedia.com/news/life/art\\_culture/30303908](http://www.nationmultimedia.com/news/life/art_culture/30303908); [www.voanews.com/a/domestic-workers-overworked-in-thailand/3248937.html](http://www.voanews.com/a/domestic-workers-overworked-in-thailand/3248937.html) (all accessed 2 May 2018).

<sup>27</sup> These include conventions 87 Freedom of Association and Protection of the Right to Organize, C98; Right to Organize and Collective Bargaining, recommendation; 130 Examination of Grievances Recommendation and C135 Workers' Representatives.

<sup>28</sup> Allen (2011) develops a similar argument in relation to relatively high wages in Britain, which induced much innovation and laid the groundwork for the scientific and industrial revolutions to take place there, rather than elsewhere.

<sup>29</sup> For more on such institutions and their contexts, see: Bamber et al. (2016), chs 2 & 5.

<sup>30</sup> Workplace surveys are challenging to conduct in countries that have a big informal economy, but it would be worth trying and could contribute much knowledge about HRM and IR in such contexts. For information on countries with a long experience of such surveys, see for example Brown et al. (2009).

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## Conflict of interest

In the past, one co-author has conducted a project with the Ministry of Labour, Thailand. Both co-authors have also conducted projects with the ILO. Since they have conducted

such projects that might be perceived as potential sources of conflict of interest, they have disclosed these to this journal's Co-Editors, Timothy Bartram and Fang Lee Cooke. The co-authors state that their earlier involvement with the Ministry of Labour and ILO does not in practice constitute a conflict of interest that would influence their objectivity. The co-authors have no other conflict of interests to declare.

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## Appendix 1

### Ratification of ILO core labour standards by non-ASEAN members included in ASEAN+6 countries

Country	Convention								Ratification total
	87	98	29	105	100	111	138	182	
China	X	X	X	X	✓	✓	✓	✓	4
Japan	✓	✓	✓	X	✓	X	✓	✓	6
South Korea	X	X	X	X	✓	✓	✓	✓	4
Australia	✓	✓	✓	✓	✓	✓	X	✓	7
New Zealand	X	✓	✓	✓	✓	✓	X	✓	6
India	X	X	✓	✓	✓	✓	✓	✓	6

X = non-ratification, ✓ = ratification.

Source: ILO (2017a).

## Appendix 2

### Categories of ILO international labour standards

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- 1 Freedom of association, collective bargaining and industrial relations
  - 2 Forced labour
  - 3 Elimination of child labour and protection of children and young persons
  - 4 Equality of opportunity and treatment
  - 5 Tripartite consultation
  - 6 Labour administration and inspection
  - 7 Employment policy and promotion
  - 8 Vocational guidance and training
  - 9 Employment security
  - 10 Wages
  - 11 Working time
  - 12 Occupational safety and health
  - 13 Social security
  - 14 Maternity protection
  - 15 Social policy
  - 16 Migrant workers
  - 17 HIV and AIDS
  - 18 Seafarers
  - 19 Fishers
  - 20 Dockworkers
  - 21 Indigenous and tribal peoples
  - 22 Specific categories of workers
  - 23 Final articles
  - 24 Another category that is not elsewhere classified
- 

Source: ILO (2017b).

## Appendix 3

### The ILO's key IR standards

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- 1 C87 – Freedom of Association and Protection of the Right to Organize
  - 2 C98 and 154 – Collective Bargaining
  - 3 C135 – Workers' Representatives Convention
  - 4 C144 – Tripartite Consultation
  - 5 C150 – Labour Administration
  - 6 C151 – Public Service Industrial Relations
- 

C, Convention.

Source: ILO (2017b).

## Appendix 4

### The ILO's legal indicators of decent work

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- 1 Labour administration
  - 2 Government commitment to full employment
  - 3 Unemployment insurance
  - 4 Statutory minimum wage
  - 5 Maximum hours of work
  - 6 Paid annual leave
  - 7 Maternity leave
  - 8 Parental leave
  - 9 Child labour
  - 10 Forced labour
  - 11 Termination of employment
  - 12 Equal opportunity and treatment
  - 13 Equal remuneration of men and women for work of equal value
  - 14 Employment injury benefits
  - 15 Occupational safety and health (OSH) labour inspection
  - 16 Old-age social security or pension benefits (public/private)
  - 17 Incapacity for work due to sickness/sick leave
  - 18 Incapacity for work due to invalidity
  - 19 Freedom of association and the right to organize
  - 20 Collective bargaining right
  - 21 Tripartite consultations
- 

Source: ILO (2013).

## Appendix 5

### ILO labour standards on the freedom of association, collective bargaining and IR

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- Fundamental conventions on freedom of association and collective bargaining
- C87 – Freedom of Association and Protection of the Right to Organize, 1948
  - C98 – Right to Organize and Collective Bargaining, 1949
- Freedom of association (agriculture, non-metropolitan territories)
- C141 – Rural Workers' Organizations, 1975
  - R149 – Rural Workers' Organizations, 1975 Instrument with interim status
  - C11 – Right of Association (Agriculture), 1921
  - C84 – Right of Association (Non-Metropolitan Territories), 1947
- Industrial relations
- C135 – Workers' Representatives, 1971
  - R143 – Workers' Representatives, 1971
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**Appendix 5 (continued)**

C151 – Labour Relations (Public Service), 1978  
 R159 – Labour Relations (Public Service), 1978  
 C154 – Collective Bargaining, 1981  
 R163 – Collective Bargaining, 1981  
 R91 – Collective Agreements, 1951  
 R113 – Consultation (Industrial and National Levels), 1960 Request for information  
 R92 – Voluntary Conciliation and Arbitration, 1951  
 R94 – Co-operation at the Level of the Undertaking, 1952  
 R129 – Communications within the Undertaking, 1967  
 R130 – Examination of Grievances, 1967

C, Convention; R, Recommendation.  
 Source: ILO (2017b).

**Appendix 6****Total ratifications of ILO core conventions by ILO member states**

Convention	Convention name (year)	Total ratifications	Ratification %
29	Forced Labour (1930)	178	95.2
87	Freedom of Association and Protection of the Right to Organize (1948)	154	82.4
98	Right to Organize & Collective Bargaining (1949)	165	88.2
100	Equal remuneration (1951)	173	92.5
105	Abolition of Forced Labour (1957)	175	93.6
111	Discrimination (Employment & Occupation) (1958)	175	93.6
138	Minimum Age (1973)	171	91.4
182	Elimination of the Worst Forms of Child Labour (1999)	181	96.8

*N* = 187 member states.  
 Source: ILO (2018).