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PEOPLE'S TRIBUNALS IN ASIA  
ESTABLISHING THE RIGHT TO MINIMUM LIVING WAGE  
AS A FUNDAMENTAL HUMAN RIGHT

Test Case:  
Garment Workers in Asia in the Global Garment Industry  
July 2011

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## I. Asia and the Global Economy: Labour Rights, Human Rights and Development

The global economy is increasingly integrated from the perspective of capital but increasingly fractured from the perspective of labour. Freer capital flows, relentlessly expanding global companies, and expansive trade policies have made the world a smaller place for capital. In contrast, labour mobility is limited and workers in the global economy are isolated from each other even as their labour contributes to the consolidation of the global commodity chain.

Asia holds the largest workforce and largest manufacturing base in the world. Asia is the largest recipient of foreign investment and represents most of the global working poor among which women comprise an increasingly significant proportion. 75% of the world's migration takes place from or within Asia. Asia must be taken into account and included in any strategy for making large-scale change.

Labour rights are one of the most threatened rights in the world today. In the wake of corporate-led globalization, labour flexibility has won the day over labour rights. The architects of such globalization believe that unfettered corporate-led trade and investment, along with labour flexibility and capital market restructuring, are the tools for prosperity. The multinational companies leading this approach are based primarily in the Global North. Northern governments, through their disproportionate power in international financial institutions, help in forging the road to this illusive prosperity. Governments and corporations of the Global South have, for the most part, acquiesced to such policies with varying degrees of resistance.

One of the central myths behind this approach to globalization is that labour standards and labour rights hurt economic development and that developing countries must first achieve strong economic growth. This myth helps to put multinational companies in charge of economic development by making them be the primary engines of economic growth. Leading multinational companies have more power over national governments than do the citizens who elect them. This is in contradiction of historical capitalist development where improvements in labour conditions and government intervention have been integral to national economic development in some of the leading capitalist countries. Reports from the Organization for Economic Cooperation and Development (OECD), the International Labour Organisation (ILO), or Mc Kinsey Global Institute have proven this myth to be wrong or without any foundation.

Locally, nationally, and internationally, we have repeatedly seen that if the rights of a significant portion of the workforce sector are violated then the labour conditions of this workforce drag down the overall conditions of the labour force. Deteriorating conditions of workers negatively affect productivity, competitiveness, and consumer markets. Purchasing power of people is falling and poverty levels are being pushed down so that few people can be listed below it.<sup>1</sup> This has blocked out the majority of today's consumers from the consumer market.

One of the main fears guiding the economic policies of developing countries is the potential loss of foreign direct investment (FDI), which is seen as the fuel for economic development. Increasingly, governments set national policies to attract FDI and MNCs. These measures, for example, have resulted in special economic zones with no labour rights, and empowered employers to retrench workers with impunity.

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<sup>1</sup> Utsa Patnaik, [Republic of Hunger](#)

Labour standards are seen as increasing labour costs and therefore turning away FDI essential for economic development.

This assumption is not only unscientific and unsubstantiated; it is also in contradiction to the Right to Development – as developed since 1981 and now included in the mandate of several UN institutions and offices. The right to development, as established in the Declaration on the Right to Development, is now stated to be a universal and inalienable right and an integral part of fundamental human rights. While development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights. “Lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level.”<sup>2</sup>

In today's world, enforcement of labour standards and rights can no longer take place solely within the nation-state boundaries. Global capital flows and the global structuring of corporations have taken the initiative for labour standards from the hands of any one local employer or unit. The global supply chain, which is created, is the stage on which the enforcement of labour standards and rights must take place.

Capital prefers to enter a region as opposed to country by country as this is more efficient managerially. These regions can be seen as ‘region states.’<sup>3</sup> Similarly, for labour rights, one could apply the same principle -- “the heart of the challenge...is not to solve all problems locally, but rather to make it possible to solve them by harnessing global resources.”<sup>4</sup>

Labour standards tell us what the working conditions are and what they ought to be. From basic issues of wage and hours, decent labour standards ought also to tell us about the decency of the work in terms of its ability to support families and educate children, remove social inequities, give workers a fair share of wealth, a voice in work and society, and human dignity. It is not enough to create any kind of employment; it is important to create decent jobs – that makes for sound social and economic policy.

According to Upendra Baxi, the eminent human rights scholar, the paradigm of Universal Declaration of Human Rights (UDHR) have been replaced by trade-related market-friendly human rights (TRMFHR) where the human rights of global capital have a high premium.<sup>5</sup> The UDHR had assigned the responsibility of delivering human rights to the states. But the new paradigm denies any re-distributive role of the state and instead pushes for free spaces for capital through de-regulation, de-nationalisation, and disinvestment. In fact, “all progress towards the achievement of social, economic, and cultural rights is thought best attained, by a cash-stripped United Nations system, within a cooperative framework that assures ample incentives for multinational corporate philanthropy towards furthering the purposes of the United Nations.”<sup>6</sup> The role of corporations is defined then within the framework of an unaccountable “social compact”, leaving social responsibility to the goodwill of individual corporations.

Baxi points out that “The diverse bodies of human rights found their highest summation with the Declaration on the Right to Development insisting that the individual is a subject of development, not its object. The emergent paradigm reverses this trend. It seeks to make not just the human individual but whole nations

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<sup>2</sup> wikipedia

<sup>3</sup> *End of Nation-State*, p. 80

<sup>4</sup> *End of Nation-State*, p. 96

<sup>5</sup> *Future of Human Rights*, Baxi, Upendra, p. 234

<sup>6</sup> *Future of Human Rights*, p. 248-250.

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into the objects of development,....” The need of the hour, in fact, is a paradigm of human rights that “appreciate that in the absence of economic development human rights have no future at all.”<sup>7</sup>

## II. People’s Tribunal & Labour Rights

The concept of a people’s tribunal finds different incarnations throughout history. Its name, structures and impact may differ. Its goals have tended to be about popularizing the notion of justice; provision of a space for criticism, self-criticism and mediation; mass education; democratizing or popularizing legal processes; promoting local self-government; and in extreme authoritarian circumstances, developing a parallel people’s judicial system.<sup>8</sup> Therefore, a people’s tribunal can popularize, educate, mediate, empower and even adjudicate.

Today, labour rights is under siege by both capital and state and set aside by judicial systems under the influence of both state and capital. The formally recognized public space for labour rights affirmation and adjudication is shrinking dramatically. At a time like this, spaces outside formally recognized spaces have to be opened up in order to end the silence on treasured notions of labour rights and human rights. The People’s Tribunals on Decent Labour Standards is an initiative originating in the most populous part of the world where the world’s working poor resides and works -- Asia.

The concept of rights is not only about what it protects “but in its being simultaneously a prioritizing, protective and action-demanding concept.”<sup>9</sup> In order for a right to be actionable, it must possess clarity and focus. As Baxi says, “A pro-active code of obligations ought not to remain dangerously inchoate.”<sup>10</sup>

A “right” needs to meet three decisive tests: meet rational and logical standards, be emotionally and culturally attractive, and be translatable into codes of enforceable action.<sup>11</sup> There are two types of rights: a “right” that is not wrong to realize, and a “right” that is necessary for human flourishing. There are two ways to argue this: “fair share of available resources is a human right” or “securing the broad needs of people is a human right.”<sup>12</sup>

If a “right” is “necessary” securing of which is a human right, then it is worth considering whether violation of such a right in the context of labour constitutes forced labour if workers are forced to work, against their will, in those conditions out of economic necessity. The Forced Labour Convention defines forced labour as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”<sup>13</sup>

Society in the abstract may be a collection of persons equally. But, in reality unequal distribution of power has to be taken into consideration so that individual liberty is respected at the same time that power is redistributed.<sup>14</sup> This necessarily means a collective definition of rights.

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<sup>7</sup> *Future of Human Rights*, Baxi, Upendra, Oxford University Press, 2009, p. 261-262

<sup>8</sup> *Ideology of Popular Justice in Sri Lanka: A Socio-Legal Inquiry*, Tiruchelvam, Neelan, Law and Society Trust, 1984.

<sup>9</sup> *Rights*, Freedon, Michael, World View Publications, 1998, p. 10

<sup>10</sup> *Future of Human Rights*, p. 289

<sup>11</sup> *Rights*, p. 11

<sup>12</sup> *Rights*, p. 47-50

<sup>13</sup> Forced Labour Convention; Convention concerning the Abolition of Forced Labour

<sup>14</sup> *Rights*, p. 108

As the Right to Minimum Living Wage is conceptualized, one needs to be attentive to the issues above: to ensure clarity and focus in definition, to assess whether the definition is of an undoubtedly necessary, obligatory and collective right. Baxi suggests using the “precautionary principle” and “shared responsibility as two notions that could be deployed at a time when market fundamentalism holds sway and human rights paradigms have to be re-invented away from the cooptation they have been subjected to.

### III. Minimum Living Wage as a Human Right

According to the International Labour Organisation (ILO), “Wage employment and wages are central to the world of work. Approximately half of the global labour force works for a wage. Living standards and the livelihood of wage earners and families depend on the level of wages, when and how they are adjusted and paid. Wages are a major component of overall consumption and a key factor in the economic performance of countries. The enormous expansion of the labour force participating directly and indirectly in the international exchange of goods and services and the growing interdependence of low-, middle- and high-income countries has squarely placed wages at the centre of the debate on globalization.”<sup>15</sup>

#### a. Minimum Living Wage

In 1944, the International Labour Organisation (the ILO) adopted the Declaration of Philadelphia, as an addition to the ILO’s constitution. The Declaration articulated key principles: labour is not a commodity, freedom of expression and of association are essential to sustained progress, poverty anywhere constitutes a danger to prosperity everywhere, and that all human beings have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity.

In June 2008, the International Labour Conference adopted an ILO Declaration on Social Justice for a Fair Globalization, based on the principles in the Declaration of Philadelphia. The Declaration on Social Justice supports “policies in regard to wages and earnings, hours and other conditions of work, designed to ensure a just share of the fruits of progress to all...” The 2008 Declaration recognises the importance of “full employment and the raising of standards of living, a minimum living wage and the extension of social security measures to provide a basic income to all in need...” In other words, social security, a decent wage, and formal and full employment are essential for a minimum living standard.

The importance of setting a minimum wage is to signal that not all conditions of work, or of life, are subject to negotiation or coercion. The significance of setting a living wage is that it makes concrete the idea that work should provide for one’s life – that a working person should never, despite their efforts, be unable to support themselves and their families.

#### b. Right to Minimum Living Wage

The United Nations Declaration of Human Rights has over time, been divided into three generations of rights. The first-generation human rights were enshrined by the 1948 Universal Declaration of Human Rights in the International Covenant on Civil and Political Rights. The second-generation human rights

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<sup>15</sup> ILO [Global Wage Report 2008](#)

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include a right to be employed, rights to housing and health care, as well as social security and unemployment benefits. They can be found in the International Covenant on Economic, Social, and Cultural Rights. The third-generation human rights are expressed in many progressive international law and remain mostly unofficial --they include collective rights, rights to self-determination, natural resources and so on. Wage features prominently in the body of human rights.

The Universal Declaration states in

- Article 23 (3) "Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection."

The International Covenant on Economic, Social and Cultural Rights has two articles related to wage:

- Article 7 states "... the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular: (a) Remuneration which provides all workers, as a minimum, with:... (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant; and
- Article 11 (1) states "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

However, the body of human rights implies rather than asserts positively a "Human Right to Wage." Based on the ILO's standard on wage as described above, the Asia Floor Wage Campaign seeks to assert a "Human Right to Minimum Living Wage."

### c. Wage as a Fundamental Human Right

Is decent wage for garment workers a fundamental human right? Given that certain wages are vital to ensuring a human being's ability to lead a basic life, and constitute, also a vital pre-condition to ensuring other rights, there exists much scholarship and practice supporting the idea that minimum wage is a fundamental human right and not a privilege; it is obligatory. Some scholars maintain that payment of wage less than minimum wage is forced labour. In fact the Supreme Court of India has so decided in the landmark decision in *Bandua Mukti Morcha*.

Constitutional traditions and approaches vary in recognition of decent wages as a fundamental human right. Yet, it is clear that almost all contemporary constitutions recognize this right. In the experience of some countries, such a right stands implicitly recognized via the articulations of related basic rights such as Right to life, Right to freedom of movement, Right to own property, Right to freedom of association, Right to freedom of speech, Right to equal treatment or equal protection before the law. In some other constitutional experiences, the express protection of a right to work carries with it an assurance of a right to wages. Further wage discrimination on the basis of caste, class, race, or gender stands regarded as constituting a denial of the right to wages.

Constitutional societies that actively safeguard the relative independence of the judiciary provide a fertile ground the practices of judicial activism. To mention just one leading example, in 2005, a Supreme Court decision in India invoked human rights and the constitutional rights of the citizens in directing the state

governments to pay arrears of wages to employees of state public sector. The court described the non-payment of wages as a human rights problem and asserted the duty of the government as per the constitution that deals with life and liberty of citizens. The Supreme Court clarified that it was ordering immediate payment as it was a question of “survival” of the employees. The court can be said to have judicially enunciated constitutional human rights.

d. Accountability for Denial of a Minimum Living Wage as a Human Right

The relationship of wage to survival raises questions about the consequences of denial of wages. The growing gap between rich and poor and the growing impoverishment of the majority of the working poor in the world (located in Asia) give rise to great economic inequality.

Denial of a minimum living wage is a grave injustice that propagates great inequality, jeopardises global economic well-being, and forces productive workers to live in abject poverty. The following considers how the denial of a minimum living wage as a human right can come to effect the realization of social justice, as prescribed by the Universal Declaration of Human Rights:

**Right to life:** The insecurities that arise when workers are paid less than below minimum wage make it impossible to actually satisfy the right to life.

**Right to equal opportunity:** The global gender division of labour, where female dominated industries are characterized by low wages and exploitative practices, proves that the right to equal opportunity is limited in the global garment industry. The right to a minimum wage would not empower women but will set the example for those industries that are also distinguished by the employment of women and squeezed by the competition of low wages.

**Right to the protection of law:** Without a minimum wage, workers that have been terminated or forced to sign their own dismissals as a result of their unionization around wage issues find that they lack the support to ensure their right to the protection of law. Suppliers have the capacity to curtail basic human rights to ensure the continued subordination of their workers.

**Right to work:** As a result of both challenging industrial relations and the need to satisfy their most basic necessities, the situation is one where garment workers are impelled under compulsion to work overtime hours when their wages are below minimum wage. This subliminal form of coercion may be concealed, but its consequences clearly are visible in the daily struggles of workers who have succumbed to lengthy working hours to earn that scant extra revenue for survival. In light of such, the AFW grasps the need to establish a minimum living wage, as a means to impede forced labour and to ensure a liberating, not limiting society.

**Right to a standard of living adequate for himself and his family:** Without a decent minimum living wage, by no means are workers able to meet their basic needs of food, shelter nor clothing. Based on pragmatic accounts of what is to be considered as decent, the AFW would ensure that their wages are capable of satisfying such basic necessities.

Nevertheless, the proliferation of various public and private institutions, the increasing levels of mediation, and the growing complexity of the global economic structure have made accountability for the denial of wage difficult and elusive. In order to make “Human Right to Minimum Living Wage” actionable, both public



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and private institutions would need to be identified and mechanisms implemented for the delivery of this right.

e. Wage as a Collective Human Right

Collective rights are the rights held by the working or labouring classes. Collective rights are not straightforwardly human rights because they are not universal to all people just by virtue of being human. Group rights have a complicated history in human rights. The debates include conflicting perspectives such as the validity of group rights in the context of universal rights, the need for freedom from undue state control, the danger of granting excessive rights to already privileged groups, and the importance of realising equality and protection for exploited groups.

Labour as a group has legal rights within the domain of national labour laws in a given country. However, labour rights for the working or labouring classes within the body of international human rights is a more recent development. The UN and the ILO's articles and conventions on international labour standards may not be legally binding; however, they do set a universal and acceptable qualitative standard.

The Human Right to an adequate / decent / minimum living wage, etc by workers can be described as a collective human right for workers.

#### IV. Garment Workers in Asia as an Oppressed Collectivity

The garment industry is arguably the most integrated international industry today. It has globalized and repeatedly re-structured its production in the last two decades moving from continent to continent in search of cheap labour and large scale competitive advantage. Its production is spread across the globe, primarily in the Global South in regions like Latin America, Africa, Eastern Europe, and Asia.

Presently, the largest concentration for garment production is Asia. In terms of scale of production, size of workforce, access to raw materials, technology, diversity of skills, and labour cost, Asia offers the most competitive advantage. In fact, researchers have established that the garment industry has, for the most part, completed its re-structuring with regard to its production locations. Out of the many Asian countries, China, India, Bangladesh, Sri Lanka, Indonesia, and Cambodia can be said to cover the bulk of the garment production. This workforce constitutes a numerically strong regional collectivity.

Research on wages of garment workers in these countries shows that wage levels in these countries are more or less comparable. So, the relatively uniform wages provide a regional bargaining opportunity. A unified regional strategy would also avoid the danger of jobs moving within these countries because of a wage demand in any one country.

There have been numerous struggles to ensure fair labour standards in the global supply chain through consumer campaigns, anti-sweatshop campaigns, codes of conduct and international monitoring mechanisms, social clauses in trade agreement, and so on. Laudable as this work has been, it has little ability to provide leverage for building worker collectivity with bargaining power – which, many would say, is essential for representing workers' interests and fair labour standards at the workplace. Job insecurity, long and uncompensated working hours, inadequate and illegal wages, firing of workers who dare to

protest, sexual harassment, physical disciplining, denial of legal benefits such as pension, maternity leave, sick leave, and so on, continue.

The establishment of decent labour standards in the global supply chain of the garment industry requires thoughtful strategies that take into consideration workers' bargaining power globally, the gender dimension of the workforce, Asia's regional economic priorities from the perspective of workers as well as government and business, and the economy of the global supply chain in its entirety.

Women represent an estimated 60% to over 80% of the global garment manufacturing workforce. The ILO considers gender equality as a key element in its vision of 'Decent Work for All Women and Men' for social and institutional change to bring about equity and growth. Indeed, women's empowerment is about women taking ownership of their lives and leading a dignified existence without discrimination. This must be with the support of their social environment and with protection from verbal and physical abuse. It is clear that in an industry that largely employs women as its workforce, improving working conditions and wages not only has a direct impact on the emancipation of women but it is also conjoined with benefits for the economy as a whole. Gender equality at the workplace and in society as a whole needs to be at the core of any strategy to address poverty.

Women are known to be wise investors and savers. Their responsibility as home-builders, care-takers and child bearers connotes a situation where an improvement in their wages would have an immediate effect on their families and their social environment. It then becomes obvious that the most viable route to alleviate poverty is to correct wage discrimination, because women are in a position to make the most out of these improvements beyond their own personal sphere. Currently, the International Trade Union Confederation (ITUC) published statistics on the global gender pay gap that proves that the differential still remains starkly wide at 17 per cent. A decent minimum living wage is therefore a rational step forward to correct this imbalance.

Most importantly, an Asia Floor Wage raises the value of women's work to a dignified level, demonstrating to female workers that they are worthy. In fact, some believe that the garment industry, a modern manufacturing industry, has such low wages because it is predominantly women (unlike, say the more male automobile industry). Worthy of respect for they are invaluable in the production process, which further engenders pride and dignity for themselves.

An initiative, originating with union leadership within Asia, for the global supply chain economy, has begun to examine the state of decent labour standards in the garment global supply chain. The initiative has now resulted in an international Alliance, led by Asian organizations, in partnership with Global North partners.

## V. Asia Floor Wage: Minimum Living Wage for Garment Workers in Asia

The Asia Floor Wage Alliance comprises trade unions, labour and human rights organisations, development NGOs, women's rights groups and academics in over 15 countries across Asia, Europe and North America. The Asia Floor Wage campaign is a focused and credible demand for a minimum living wage for Asian garment workers, conceived through a collective process among Asian unions and grassroots organizations. Agreed after extensive discussion within the Asian labour movement, the Asia

Floor Wage formula accounts for differing economic and political environments in each participating country, and will support garment workers' demands for a living wage.

Garment workers in Asia, the majority of whom are women, currently earn around half of what they require to meet their own and their families' basic needs, such as for food, water, education and healthcare. However, efforts by workers to increase their wages often encourage garment brands and retailers to relocate production, which threatens workers' jobs. By uniting together and adopting a common Asia-wide bargaining strategy, garment workers and their representatives in Asia and in the North will campaign for improved pay and conditions without the fear of causing job losses.

Garment workers' wages in different countries across Asia are roughly the same when measured by their purchasing power. Furthermore, global sourcing companies pay approximately the same prices to their supplier factories in Asia: around 25% of the retail price. These similarities allowed for a common floor wage formula to be developed and applied across Asian countries. Because garment workers' wages make up a very small proportion of the final retail price for clothes – around 1% to 2% – substantial wage rises could be achieved without increasing retail prices.

The Asia Floor Wage is a practical implementation of the concept of a Minimum Living Wage. Although minimum living wage is an important qualitative concept, there exists no concrete quantitative definition. The Asia Floor Wage is a quantitative definition of Minimum Living Wage for garment workers in the global garment industry.

The AFW campaign seeks to define and assert the Right to a Minimum Living Wage for garment workers and set a precedent for assertion of the Right to a Minimum Living Wage.

The Asia Floor Wage campaign is the first campaign of its kind; the demand for an Asia Floor Wage in the global garment industry first began developing in 2006 through a collective consensus-building process among Asian labour organisations. It is an industrial collective bargaining strategy for a wage increase within the global supply chain.

The Asia Floor Wage campaign targets the garment industry and its multinational companies in order to ensure decent wages for workers in the industry. It is a collective bargaining strategy; the goal is to win Asia Floor Wage through negotiations between employers in the industry and workers' representative organizations, with the mediation of the governments, inter-governmental institutions, and social movement organizations.

Insofar as AFW is a collective bargaining strategy, the right to "effective recognition of collective bargaining" is essential, and efforts must be made to secure the necessary legal and institutional framework for the same. The ILO makes explicit the link between collective bargaining and wage setting in its Global Report on Wages 2008/09. It notes, "higher coverage of collective bargaining ensures that wages are more responsive to economic growth, and also contributes to lower wage inequality". Indeed, collective bargaining is not simply a means to various welfare related ends for workers, but a process by which they assert and realize their rights, and expand the scope of their rights and of justice in society. In that it includes an assertion of the right to equal participation in social life and in the project of human development, the AFW can be understood as an essential mechanism for ensuring the "the continuous improvement of living conditions" as envisioned in the Universal Declaration.

The campaign is spread across the global supply chain (also called global commodity chain). The global supply chain is the term that is used to describe the increasingly global production and consumption process – where a product or commodity is produced, assembled, and consumed across various countries, creating a global chain.

## VI. People's Tribunal Process in Asia: 2009-2012

The Asia Floor Wage campaign moved into the public phase of the campaign after the launch on October 7, 2009, the World Day of Decent Work. The AFW Alliance has developed strong arguments and a credible and legitimate formulation for a minimum living wage for one of the most sophisticated global industries, the garment industry. The AFW Alliance promotes a “wage-led growth” which provides a level ground for workers and opposes “corporate-led growth” that increases corporate freedom at the cost of increasing poverty.

The AFW Alliance partners ALARM in Sri Lanka and Committee for Asian Women organized the First People's Tribunal/Hearing in Colombo, Sri Lanka on March 27-30, 2011. This was in keeping with the AFW plan for holding national level tribunals leading up to an international tribunal. Women garment workers testified on the exploitative working conditions and various experts made the case for the need and feasibility for a living wage and the importance of moving away from poverty-level definitions of minimum wage. The judges gave a verdict on the various parties in the global supply chain and referred positively to the AFW's useful formulation for delivering the much-needed minimum living wage. Further tribunals in Cambodia, Indonesia and India are being planned in 2011 and 2012. The last national tribunal in India will be followed by a concluding international process that will give a verdict on the entire Asian tribunal process.

The goals are to

- Establish the State of Decent Labour Standards, specifically focusing on Women Workers, in the global garment industry including the issue of fair pricing for manufacturers
- Present the impact of gender as a factor in determining the political economy of the global supply chain
- Provide leverage for building worker collectivity with bargaining power within the global supply chain and contribute to strengthening grassroots mobilization
- Contribute to strengthening the conditions of workers, in particular women workers, in the garment global supply chain

Terms of Reference for the Hearing:

1. Determine the magnitude of workers, specifically women workers, in the Garment Global Supply Chain, working and living in conditions that fall far short of Decent Labour Standards
2. Establish whether the Global Supply Chain of garment industry is conducive for decent labour standards for workers, specifically women workers, using the ILO guidelines
3. Analyse the role of gender in determining the state of labour standards
4. Investigate the causes for the deficit:
  - a. Adequacy of national regulatory framework
  - b. Effectiveness of ILO's core conventions

- c. Purchasing practices of multinationals
  - d. International trade regulatory mechanisms
  - e. Political economy of the garment Global Supply Chain
  - f. Adequacy of workers' organizations, especially of women workers
5. Evaluate Proposals for establishing Decent Labour Standards and make Recommendations

The panels must be representative and internationally credible. Government, business and workers' representatives would be invited to testify, report, etc. The panelists would be prepared before the Tribunal with reports and briefings. At the Tribunal, itself, they will be briefed about the proceedings prior to the start of the Tribunal. There would be a de-brief session with the panelists right after the Tribunal to receive their input and recommendations.

Submissions will also be invited from

- National governments and inter-governmental bodies on poverty alleviation and development, the role of the garment industry, competition, investment and regulation.
- Manufacturers on purchasing practices, competition, and business priorities
- Industry representatives and experts on the political economy of the industry and the global supply chain, and adherence to decent labour standards

Specific case studies will be presented to illustrate certain aspects of the reports:

- Global Supply Chain of a targeted MNC, its supply chain, and the sub-contracting relationships
- Decent labour standards, focusing on women workers, in a particular MNC supply chain

Proposals will be presented from different perspectives with the goal of making the Global Supply Chain compliant with Decent Labour Standards.