Chapter IX

"Social Security" in Organized sector in Japan, Germany, China and Korea.

Social Security, in its modern systematized form is a recent concept, though its origin could be traced to ancient times. During the seventies there has been, in general, tremendous progress and growth in social security in nearly all the countries of the world. In developing countries where the economy is already more structured, the social security institutions have become very firmly established and occupy an extremely powerful; and influential position both politically and financially. Over the years, more and more categories of the population have been brought within the scope of social security. After the end of the Second World War, the number of countries operating social security programmes rose sharply.

Effective and sustainable social security system have emerged as a major concern all over the world developed countries, whether it is the United States , Japan and Korea are worried about the fiscal viability of the social security systems they had developed as part of welfare state approach. The socialist economies in transition, like Russia and China, are struggling to change their 'cardle to grave'. Hence this chapter attempts to review the existing statutory social security in China, Japan, Germany and Korea.

9.1 Introduction

Japan and Korea are industrialized countries though China and India are both fast-growing countries. Korea and Japan are trifling nations in terms of topographical and populace and have industrial structures from India and China. China under the Communist Party initiated its economic transformation in the late 1970s, while India, initiated its reform in the early 1990s after Independence. In 1948, the Republic of Korea was established under the control of autocratic governments with majority rule since the 1980s. At the same time, India and China emerged as two major power houses in the development of the Asian economy since the 1990s[556]. But both were heavily hit by the Asian financial crisis in 1997[557]. Together, India and China constituted over one-third of the world's population, while most live in the rural areas where a large proportion of the

[556] Khanna, T, " Billions of Entrepreneurs: How China and India are Reshaping their Future and Yours, Boston, MA: Harvard Business School Press (2002)

[557] Lee, W., and Lee, B, "Korean Industrial Relation in the Era of Globalization,"45, JIR 505-520 (2003) and also see Magoshi, E and Chang, E, " Diversity Management and the Effects on Employees' Organizational Commitmet: Evidence from Japan and Korea," 44 *JWB* 31-40 (2009)

poor are concentrated[558].Japan witness a population decline and is recorded highest in population among elderly in the world[559]. Yet the life expectancy of Japanese is high and the health expenditure per capita is low compared to other industrialized nations. It is noteworthy to mention that in certain sectors, India and China are key players: for example, IT industry in India and business process outsourcing and China's low cost manufacturing.

The right to work and social security is the basic right of the citizen. No matter what other form of protection had been organized, nearly every country had some type of employment injury scheme, in some cases in the form of social insurance, in others by lacing a legal liability on employers. Most countries have made provision for old age, invalidity and survivors, again in different ways through social insurance, social assistance, provident funds or general revenue-financed schemes for residents.

A brief review of the existing statutory social security schemes in Japan, Germany and Korea is given below.

9.2 Social Security in Japan:

Japan was the first Asian country to establish a comprehensive social insurance system. Health insurance for employees of large corporation was adopted in 1922, followed by national health insurance in 1938, seamen's Insurance in 1939 and Employees Pension Programme in 1941.

In 1959, with a view to establish universal medical care and a pension for the whole nation, the national health insurance programme was amended and a national pension programme was introduced to include those not covered by existing health or pension programmes.

Japan has two major programme for old age, survivor and disability insurance. The employees 'pension programme, which is contributory as well as non contributory. It covers regular wages and salary workers. Besides these, a number of pension programme also exist for special groups such as civil servant, seamen, private school teachers, agricultural workers.

[558] Roy, K., and Chai, J, " Economic Reforms, Public Transfers and Social Safety Nets for the Poor: A study of India and China", 26 *IJSE* 222-238 (1999)

[559] *available at* http://www.ipss.go.jp/s-info/e/ssj2014/PDF/ssj2014.pdf (last visited on 13/12/2014 at 9:46 P.M)

The Health Insurance Programme cover worker employed in manufacturing, mining and retail establishments with five or more employees. National health Insurance plan covers residents not insured as a result of their employment. It is designed to cover the oldest, poorest and the sickest segments of Japanese society.

Japan has had unemployment insurance since 1947. The law was amended in 1975 so that coverage is compulsory for all industrial and commercial firms with more than five employees. Voluntary coverage is available for employees of smaller firms and agricultural workers. The government pays 25 per cent of the benefit costs and the entire administrative cost. Employees pay 0.5 per cent of earning; employments pay 0.8 percent of payroll.

Kinds of benefits provided through these social security schemes are either in-kind or in-cash.[560]

9.3 Social Security in Germany

A comprehensive modern plan of social security was introduced originally in Germany. The German social insurance system was established as the first comprehensive legislative system for the protection of workers.

Wage earner comes under compulsory insurance through Wage Earner's Sickness Insurance Act, 1883, the Accident Insurance Act, 1884 and the Invalidity and Old Age Protection Act, 1889. Employers and workers were required to provide against certain contingencies by paying contribution.

The social security system in Germany is divided into a number of independent branches which together make up the social insurance programme. These branches of social insurance consist of sickness insurance[561], accident insurance[562], old age pension insurance for wage earners and salaried employees and unemployment insurance.

Under the Occupational Safety Act of 1974, employers are required to appoint industrial medical officers and occupational safety specialists[563]. There is also provision

[560] See http://www.ipss.go.jp/s-info/e/ssj2014/PDF/ssj2014.pdf

[561] The statutory sickness insurance system provides benefits in the form of early detection of disease, sickness benefits, hospital treatments, care in curative or special establishment, home care, maternity benefits, death grants and benefits for dependants.

[562] The purpose of accident insurance scheme is not limited to providing social cover for the victim of an accident and his dependants but also to prevent occupational accidents.

[563] Their duty is to assist the employer in their programmes of health care and prevention of accidents.

for payment of compensation by the Federal Government for a chosen list of occupational diseases. Occupational diseases are placed on the same footing as employment accidents.

The purpose of the statutory pension's insurance system is to maintain, improve and restore the insured person's earning capacity and to provide pension to insured person and to his survivors. The National Employments Service is responsible for occupational placement and vocational counseling. On October 1, 1974, a rehabilitation Benefits Alignment Act came into force to promote rehabilitation of the handicapped by extending certain benefit to them.

9.4 Social Security System in China

In order to promote economic development and social stability, and to gradually raise the living standards and social security benefits of the general public, the Chinese government has made every effort to establish a sound social security system that corresponds with the socialist market economy system. After years of exploration and practice, a social security system has been basically set up, consisting mainly of social insurance, social relief, social welfare, social mutual help and special care for disabled ex-servicemen and family members of revolutionary martyrs, and featuring the raising of funds through various channels and the gradual socialization of management and services.

Since the early 1980s, the Chinese government has carried out a sequence of reforms in its social security system with the goal of establishing a standardized social security system independent of enterprises and institutions, funded from various channels, and with socialized management and services - a system characterized mainly by basic security, wide coverage, multiple levels and steady unification. Under this mandatory state basic security, people's basic living needs will be met corresponding with China's economic development level, and the social security network will cover all citizens step by step. Besides basic security, the state will actively promote other types of social security so as to form a multi-level social security system. Through reform and development, a nationally unified social security system is put into practice step by step.

Reform of the old-age insurance system was initiated throughout China in 1984. In 1997, the Chinese government adopted a Decision on Establishing a Uniform Basic Old-Age Insurance System for Enterprise Employees, in light of which efforts were started along this line in urban areas nationwide.

A social security system that guarantees urbanites a minimum standard of living has been established across China. In 2001, the Chinese government began a pilot program in Liaoning Province, aimed at improving the existing social security system in cities.

In 1991, China began to try out the old-age insurance system in some of the rural areas. The basic principle for the rural old-age insurance system is that the premiums are to be paid mainly by the beneficiaries themselves, supplemented by collectively pooled subsidy and supported by government policies, the accumulation of funds taking the form of personal accounts.

In 1988, the Chinese government began to reform the free medicare system in government institutions and the labor protection medicare system in state-owned enterprises. In 1998, the government issued the Decision on Establishing the Basic Medical Insurance System for Urban Employees, enforcing a basic medical insurance system for urban employees throughout the country.

In the late 1980s, the Chinese government began its reform of insurance covering injuries suffered on the job. In 1996, the government issued the Trial Procedures for Industrial Injury Insurance for Enterprise Employees, to be followed by the establishment of relevant systems in some of the regions. In the same year, the Standards for Appraising Industrial Injuries and Disabilities Caused by Occupational Diseases was adopted by the government department concerned, providing the basis for such appraisal.

In the early years after the founding of the People's Republic of China, the government set up a social relief system for the urban and rural poor. In 1993, it began to reform the social relief system in cities, at the same time seeking to try out a minimum living standard security system. In 1999, this security system was established in all cities and organic county towns throughout the country. In the same year, the Chinese government officially promulgated the Regulations on Guaranteeing Urban Residents' Minimum Standard of Living to ensure the basic livelihood of all urban residents.

Over a decade the first major labour reform took place in china through the enactment of Labour Contract Act in 2007. Through this labour Contract employees enter into a contract with the employer in a terms and condition that help the workers to enforce their legal right at the workplace because local government put economic growth and business interest above worker well-being.

9.5 Collective Bargaining and Settlement of Industrial Disputes: A Comparative Study

Industrial relations have become one of the most delicate and complex problems of modern industrial society Industrial progress are impossible without the cooperation of labourers, and harmonious relationships. Therefore, it is in the interest of everyone concerned to create and maintain good relations between employees and employers. The relationships which arise in and out of the workplace generally include the relationships among individual workers, the relationships between workers and their employer, the relationships among employers the relationships among employers, the relationships employers and workers have with the organizations formed to promote their respective interests, and the relations among those organizations, at all levels.

Collective bargaining is one of the methods wherein the employer and the employees can settle their disputes. This method of settling disputes was adopted with the emergence and stabilization of the trade union Government. It was believed that the labour was at a great disadvantage in obtaining reasonable terms for contract of service from the employer. With the development of the trade unions in the country and the collective bargaining becoming the rule, it was equally found by the employers that instead of dealing with individual workmen, it is convenient and necessary to deal with the representatives of the workmen, not only for the making or modification of contracts, but also in the matter of taking disciplinary action against the workmen, and handling other disputes. So, collective bargaining has come to stay having regard to modern conditions of the society where capital and labour have organized themselves into groups for the purpose of settling their disputes.

However, the Trade Unions Act (1926) of India enables leadership to come from outside the industry, and in the process multiple unions have cropped up, often with the blessings of outsiders, neglecting the interests and aspirations of workers in an enterprise. This clause has been partially amended to avoid multiple trade unions in an establishment[564]. The amendment states that no trade union shall be registered unless it has a minimum membership of seven persons. These provisions allow formation of at least ten unions in an establishment with a size of 70 workers, and upwards of ten unions

[564] With the amendment, no trade union shall be registered in India unless at least ten percent or one hundred of the workmen, whichever is less, in an establishment of such trade union.

if the size exceeds 1100 workers. Existence of multiple trade unions in an establishment results in union rivalry, thereby affecting industrial harmony.

In the above context, analysis has also been undertaken to study the differences in trade union structure, orientation and collective bargaining capacity among China, Germany, Japan & Korea

The All China Federation of Trade Unions (ACFTU) in China is the main authority for collective bargaining. The regulations in relation to collective bargaining and industrial relations are established in accordance with the Labour Law of the People's Republic of China and the Trade Union Law of the People's Republic of China, and their purpose is to protect the legal rights and interests of the employees and the employing entity by regulating the acts of collective negotiation and of concluding collective contracts. These regulations are applicable to all enterprises and institutions within the territory of the People's Republic of China.

Collective agreement refers to a written agreement concluded through collective negotiation between the employer and its employees in conformity with the stipulations of the relevant laws, regulations and rules on the subjects of wage, hours of work, rests and holidays, labour safety and health, vocational training, insurance and welfare etc. The conclusion of collective contracts or subject-specific collective contracts between the employing entity and its employees, and the making of any decision on the relevant matters, should be done through collective negotiations. The principal form of collective negotiation is a negotiating conference. The labour protection administrations at the county level and above shall monitor the collective negotiation, conclusion, and performance of collective contracts between the employing entities and their employees within their respective jurisdiction. They shall also be responsible for reviewing the relevant collective contracts and subject-specific collective contracts. Also in China there is a monopoly of workers' representation by the official national centres of trade unions, the All China Federation of Trade Unions (ACFTU). The trial of labour dispute cases is done by the People's Court of China on issues such as: where an employee requires his employer to compensate him for losses, any dispute arising from the self restructuring of an enterprise, where an employer fails to obtain a business license, and when there are issues relating to payment of compensation, payment of pension etc.

In Germany, labour courts are the principal mechanism of conflict resolution, in individual as well as in collective labour disputes. The German labour court system is three tiered:

i. labour courts of first instance (Arbeitsgerichte)[565];
ii. higher labour courts (courts of appeal) in the second instance (Landesarbeitsgerichte); and,
iii. at the top, the Federal Labour Court (Bundesarbeitsgericht), which has the final say in labour law matters (only cases that are believed to infringe constitutional rights may be sent, on further appeal, to the Federal Constitutional Court).

These courts deal with private law disputes involving statutory rights - such as wrongful dismissal, infringement of works council procedures, disputes over wage payments and the interpretation of collective agreements.

In other words Labour courts in Germany have exclusive jurisdiction over all in matters involving civil legal disputes between employer and employee arising from an employment relationship. Any attorney admitted to practice in Germany can represent clients before any labour court of any instance. Social security cases are heard by separate courts. This is due to the fact that social security law in Germany is strictly separated from labour law, and is understood to be a part of public law. Therefore, disputes arising in the field of social security are not settled by labour courts (or administrative courts), but by special social security courts (Sozialgerichte). Civil law courts play a role mainly in two respects. First, all problems relating to the field of workers' representation on company supervisory boards are dealt with by the civil courts (this is because civil courts are responsible for the settlement of company law cases, and workers' representation is partly embedded within the traditional structures of company law). Second, civil courts decide disputes of rights referring to the internal structure of trade unions and employers' associations. For example, disputes concerning whether or not a union member can be excluded are decided by the ordinary civil courts.

[565] Representation by Counsel is optional in the court of First Instance. It is however required at the higher levels. The parties involved in the dispute must be represented either by an attorney, or by an employers' association , or by a trade union official.

Arbitration as an alternative means of resolving disputes exists in Germany. The procedure followed by an Arbitration Committee depends on whether the conflict involves a conflict of rights or a conflict of interests.[566] The agreements are legally binding in respect of trade union members and the members of the employers' organisations who sign them. German collective agreements regulate a wide range of issues. Apart from pay, agreements also deal with issues such as shift work payments or pay structures, working time, the treatment of part-timers and training. There is no system for setting a single national minimum wage, although, there are minimum rates which must be paid in some important industries.

9.6 Conditions of Employment: Contract: A Comparative Study.

Due to globalization, the employment structure across the globe has been undergoing changes. In order to effectively compete in a globalized market, one needs flexibility relating to labour, capital, or bureaucracy; this allows a producer to adapt to the fast-changing world and compete effectively. Stringent labour regulations not only put domestic producers at a disadvantage but also deter foreign direct investment and eventually impact adversely on investment, output and employment. Over the last two decades, a number of countries have attempted to liberalize their respective labour markets and have also amended their labour laws so as to make them more investment and employment friendly. Globalization has also created non- traditional employment structures including part time, casual and contract labour.

In India, contract labourers are protected by the Contract Labour (Regulation and Abolition Act), 1970[567]. A contract labourer is defined in the Act as one who is hired in connection with the work of an establishment by a principal employer (who is the firm owner or manager) or through a contractor.

Under the provisions of the Act, every principal employer to whom this Act applies should register his establishment in the prescribed manner for employing contract

[566] If the complaint involves a conflict of rights, the decision of the Arbitration Committee can only serve as a recommendation to the employer and Works Council on how the case should be settled. In a conflict of interests, the decision of the Arbitration Committee supersedes any agreement between employer and Works Council. Either of these two bodies may appeal to the labour court, however, arguing that the Arbitration Committee has exceeded its jurisdiction.

[567] The Act applies to any establishment in which 20 or more workmen are employed on a contract basis on any day of the last one year, and also to all contractors who employ or have employed 20 or more workmen on any day of the preceding 12 months. The Act however, does not apply to the establishments in which work is intermittent or casual in nature.

labour. The contractor to whom this provision applies also necessarily has to get license for his operations from a licensing officer. Further, a set of perennial or core activities are defined in terms of what a company had declared as main activities at the time of registration. According to a Study by V V Giri National Labour Institute, about 55 percent of the workforce in organized industry is on contract basis and they are not paid industry wise minimum wages. According to data collated by Labour Bureau in the year 2011-12, 3886 inspections have been conducted, and about 2451 prosecutions have been launched (about two-third of inspections) for violations, and 1528 persons have been convicted (about 40 percent of total inspections) under the Contract Labour Act.

Against this background, a comparison of legal provisions related to contract labour in various countries have been examined

The countries which do not prohibit fixed term contracts for permanent tasks include: China, India, Malaysia, Sri Lanka, Vietnam, Kenya, Uganda, Germany UK and USA. In countries such as Bangladesh, China, India, Malaysia, Philippines, Sri Lanka, Thailand, Kenya, Uganda and USA, there are no limit on the maximum length of fixed term contract. Although Indian regulations allow engagement of contract workers for permanent tasks, central and state governments can notify prohibition of contract workers in any industry or even in a single employment. In addition, inspection and administrative hurdles make the enterprises taking the course of informal employment. Besides, central or state governments can also impose ban on fresh recruitment of permanent workers where contract workers are engaged.

India needs to encourage contract employment, with adequate safeguard measures, including provision of social security measures; this would generate formal employment in the manufacturing sector. Contract employment with higher compensation package, than the normal employment, could also be encouraged to bring in talent. This has been the practice in developed nations, in several professional streams.

Contract law in Germany covers the Part Time employees and Fixed Term Employment. In the part time employment, the employees are entitled to reduce their working time, provided no agreement has been made with employers on the numbers of hours the employee would work. A reduction of working time is not allowed if “internal reasons” within the company are an obstacle to this request. These internal reasons have a

negative effect on the operations of the organization, safety or excessive costs. This is one of the reasons for the collective agreements.

If full-time jobs are available, part time workers who want to return to full-time work must be given preference by the employer; and Employers are obliged to inform employees about the alteration of working hours, vacancy in the full-time or part-time jobs within the company and opportunities to participate in training measures.[568]

9.7 Conditions of Work-Hours/ Leave: A Comparative Study

It is widely believed that the advent of industrial capitalism was accompanied by the emergence of the modern concept of time and increase in working hours. The dominant concept of working time in early industrialization was based on the perception that hours spent outside work were seen simply as 'lost' time. The logical result of this perspective was the extension of working hours, often to the physical maximum, and the policy concern was how to secure minimum hours of work to discipline workers and maintain production levels. The negative consequences of very long working hours on health and productivity have been slowly recognized, and the importance of guaranteeing free time or leisure for workers is gradually acknowledged.

As a result, working hours began to be progressively reduced from as early as the 1830s, notably through legal interventions. In the late nineteenth century, the idea for the eight-hour/ day gathered increasing support, and its positive impacts on productivity were reported in various pioneering experiments. All this eventually paved a way to the adoption of the first international labour convention in 1919, the Hours of Work (Industry) Convention, 1919 (No. 1), which stipulates the principle of 'eight hours a day and 48 hours a week'.

Taking this into consideration, in this chapter, an attempt has been made to compare the conditions of work hours and leave entitlement

[568] The new Act contains with regard to regulations on fixed-term contracts are In principle, employees with fixed-term employment contracts are to be treated equally with permanently employed workers With the exception of cases of employers taking on new labour, the duration of the employment contract or relationship must be set according to objective conditions such as reaching a specific date, completing a specific task, or the occurrence of a specific event; If an employee takes up a new job, the employment contract (or the maximum period of three renewals of a shorter contract) can be limited to two years, without special reasons being given; These restrictions do not apply to employees over the age of 58, in order to give them a chance to engage themselves; and Employers are obliged to inform employees with fixed term employment contracts about vacant permanent jobs, allow them to participate in training measures, and inform employee representatives about the proportion of fixed-term employment relationships within the company.

A comparison on working hours reveals that most of the countries follow ILO convention of eight hours a day[569].

In China, overtime limit during normal circumstances in a day is 1 hour and under exceptional circumstances is 3 hours, and for countries such as India (200 hours per year) and France (220 hours per year) overtime limit is based on hours per year. Usually overtime pay is provided to workers who work overtime and on a normal day it is generally a minimum of 50% (of hourly pay) over and above the normal pay and 100% when it is on a holiday. Also, overtime premium helps many workers with low base wages earn more money. In addition to the host of differences regarding overtime rules, there are a number of other important differences among these policies. There is a large consensus on weekly rest. India specifies a 30 minute rest every 5 hours of work.

Most countries around the world have labour laws that mandate employers provide a certain number of off-days with wages per year to workers. Public holidays, sick leaves and annual leaves were given for all the employees in all the countries considered for comparison; however, it differed from country to country

9.8 The role of legislation and policies in women's employment in India, China, Japan & Korea

There have been a growing number of cross- national comparative studies on women's employment since the 1990s. Most of them have focused on European and developed countries, in part encouraged by the European Union's gender main streaming strategy and the perceived need for countries to share good practices of welfare policy. There have been few studies that 'place the interrelations of welfare state policies and culture systematically in a theoretical framework'[570] for the comparative analysis of women's employment[571]. *Rubery, J., and Fagan* identified a set of institutional structures that is pertinent in the cross national comparative analysis of women's employment such as the organization and industrial structure of the production system, labour market conditions and regulations, the training and education system, and dominant social

[569] The ILO Convention sought not only to limit working hours but also to establish overtime work as an international standard. Under the Convention's specific terms, only industrial operations that operated on a 24-hour basis, or with union bargained contracts, and other rare exceptions, could require overtime work.
[570] Pfau- Effinger, B. , 'Culturw and Welfare State Policies: Reflections on a Complex Interrelation,' 34 *Journal of Social Policy 3 (2005)*
[571] *Ibid*

attitudes and values[572]. In addition, 'patriarchal values, international division of labour, and the effects of export-led industrialization'[573] have a role to play. It has been stated, 'regardless of women's qualification or the nature of labour demand, a myriad of cultural practices channel women into behaviors that either discourage labour force participation or encourage participation in only those jobs with the lowest income and prestige rewards'. Moreover, international division of labour as a result of heightened global competition has led to the growth of a large informal sector in many countries and the shift from the core to the peripheral employment system[574].

Given the paucity of comparative studies of women's employment in Asian countries, this study selected four major Asian economies for analysis: China, India, Japan and South Korea. These four countries are chosen for comparison because few, if any, of such studies have been conducted, despite the fact that they are among the politically and economically most important Asian countries in the world. The fact that conventional gender norms still prevail in these four countries makes it even more interesting and necessary to investigate the role of women workers in their economic development. While all four countries share considerable similarities in social cultural values, the differences in the stages of economic development, comparative strengths of industries, political power, the role of the trade unions, and socio-cultural also mean that the structural and institutional conditions for women's employment differ across the four countries

In China, the Chinese Communist Party kept on taking a gander at the protection of women's rights and interests in employment as an essential proportion of equivalent chance, at any rate on a fundamental level. In order to achieve women's participation in employment, the state has intervened, since the 1950s, through educational, administrative, economic and information mechanisms[575]. An undesirable venture was created in childcare facilities to highlight the burden of working mothers. This intercession has given impressive space to advance in the payment of wages and social justice to female workers. Therefore, China has accomplished more noteworthy gender

[572] O' Reilly, J., 'Part-time Prospects: An International Comparison of Part-time Work in Europe, North America and the Pacific Rim, Routledge, London(1998)
[573] Brinton, M., Lee, Y., and Parish, W. , 'Married Women's Employment in Rapidly Industrializing Societies: Examples from east Asia,' 100 *the American Journal of Sociology, 1099 (1995)*
[574] *Ibid*
[575] Fang Lee Cooke, "Equal opportunity? The role of legislation and public policies in women's employment in China"" MCB UP Ltd (2001)

equality from industrialized entrepreneur social orders[576]. However, the effect of these intercessions has not prompted genuine gender equality in China. While women have an extensive range of employment opportunities, their career prospects are still severely constrained. In fact, authorization of ineffectual equal opportunity legislation has been a common in China, India, Japan and Korea[577]. It is accounted for that in spite of the fact that the Equal Employment Opportunity Law (EEOL) Act was passed in 1986; Japan had a much lower ratio of women supervisors in government organizations than it did in its companies in the mid1990s[578]. The introduction of EEOL was debatable among lawmakers, employers and the state at the outset and had 'produced few gains in employment opportunities for women'[579]. There is a widespread consensus among scholars in Japan that the Government has endorsed EEOL more as antiphon to international pressure than recognition of Japan's changing social values[580]. EEOL has been reprimanded for its 'over-reliance on voluntary compliance' with 'little government enforcement power'. However, 'this prompted reestablished endeavors in case, increased awareness and activity among women, and amendments to the law, conceded in 1997'[581]. Additionally, the implementation of the constitutional rights of Indian women is unbalanced in light of fact that there is no uniform civil code in India'[582]. This lack of ineptness hampers the frail usage of social legislation in India, including the empowerment of women[583]. However, the Indian courts were pondered to play an significant role in defending women's rights 'in a context where government, employers and unions have been largely indifferent and nonchalant, either reluctant and ineffective in addressing gender issues'[584].

Korea's Gender-Equal Employment Act of 1987 provides that employers can be imprisoned for up to two years if they pay different wages for work for equal work in the

[576] Stockman et al. 1995
[577] e.g., Budhwar et al. 2005; Cooke 2005; Kang and Rowley 2005; Yuasa 2005; Magoshi and Chang 2009
[578] Patricia G. Steinhoff and Kazuko Tanaka, "women Mangers in Japan" Int. Studies of Mgt. & Org.; vol. 23, No.2, 25-48 (1993)
[579] Gelb, J, "the Equal Employment Opportunity Law: A decade of change for Japanese Women,'Law & Policy, (2000), p. 385
[580] *Ibid*
[581] *Ibid* p. 385; *also see* Broadben, k. , "Japan: women Workers and Autonomous Organizing', in Woman Organizing: Women and Union Activism in Asia, K. Broadbent and M. Ford, London: Routledge (2008) p. 156-171
[582] Ghosh, R and Roy, "the Changing status of Women in India: Impact of Urbanization and development,"24 *IJSE* 904 (1997), p. 904
[583] Saini, D, "law and Social development in India,'a study presented at an international workshop on law and social development organized by the Parliamentary Commision on Social Development of Mexico, Mexico City, 24-26 November 1999
[584] Venkata Ratnam, C.,and Jain, H, "Women in Trade Unions in India", 23 *IJM 281 (*2002).

same job; yet hardly any employers have gone to jail'[585]. By overlooking the prejudicial practices of employers, the state is in fact 'perpetuating gender norms and stereotypes that disadvantage women'[586].

Legislation went for giving an upgraded dimension of correspondence may turn out to be counterproductive, particularly in ineffectively application. For instance, India's labour's laws are most stringent laws that are available in the world that hinder the growth in the manufactured sector [587]. This discourages employers from creating employment of better quality in the formal sector and driving millions to continue to encircle poor jobs in the informal sector. Prevention of women from night shifts in India, an activity that is being lifted in some sectors, which has additionally reduced the scope of employment for women, 'despite the fact that there is significant potential to work in information technology-related areas involving call centre's, where working around the clock work is the norm'[588]. Mandatory maternity leave, requiring breast-feeding breaks and crèches in workplaces where the majority of workers are women are often superficial by employers as discourage them from hiring women[589].

In Korea, an amendment was made to the Labour Standards Law was passed in 1998 which enables employers to lawfully develop workers in the business restructuring process and 'employ workers who work under temporary agencies' with inferior employment packages classified as informal employment[590]. By both employers and the state as a noteworthy component to reduce job security of workers, labour rights, wage levels and a strong weapon to disassemble third-line labour movement for the sake of focused business advancement[591]. The passing of the labour law caused tension between the two groups of workers and weakened union power.

9.9 Conclusion

One of the most striking features of social security is its rapid progress ad improvement throughout the world. Social security as a mechanism for meeting human needs have achieved universal acceptance. Nation with widely different political,

[585] Van der Meulen Rodgers 1998, p. 746
[586] Seguino, s, "Accounting for Gender in Asian Economic Growth,' 6 *Feminist Economist* 34 (2000).
[587] World Bank, "India Country Overview 2006, the World Bank, Washington, DC p. 3 *available at* http://worldbank.org (last Visited on 29/10/2016)
[588] Venkata Ratnam, C.,and Jain, H, "Women in Trade Unions in India", 23 *IJM 279 (*2002).
[589] *Ibid*
[590] Chun, J., 'the Contested Politics of Gender and Employment: Revitalising the South Korean Labour Movement,' Draft Study for Global Workinh Class Project,D.Pillay, I.Lindberg, and A. Bieler eds. 2006, pp. 9 – 10
[591] *Ibid*

economic and social setting has made social security programmes available to their people. It is a rare nation which does not have atleast one social security programme in operation. The right to work and social security is the basic right of the citizen. The condition of the workers in Japan, German, korea and China is no different than that of the workers in India. No matter what other form of protection had been organized, nearly every country had some type of employment injury scheme, in some cases in the form of social insurance, in others by lacing a legal liability on employers. Most countries have made provision for old age, invalidity and survivors, again in different ways through social insurance, social assistance, provident funds or general revenue-financed schemes for residents.

However, there is no a comprehensive social security policy or law which coordinates different scheme and ensure that their various objectives are complementary. It is only the German Social insurance system was established as the first comprehensive legislative system for the protection of worker. The implementation of Labour Laws in China has historically been weak. But the enactment of Labour Contract Act in 2007 which is regarded as the first major labour reform over a decade through which the pressure is given to the employer to give a written contract that help the workers to enforce their legal right at the workplace because local government put economic growth and business interest above worker well-being. This reform is been popularized. In spite of certain drawbacks no doubt the policy maker and the Government are taking initiative to protect the interest of the worker nationwide. To ensure that the employees and their employer fall under one country's social security law India and Japan entered into an agreement to avoid double social security liability on 1st October 2016.