

Women



men



in the Global Economy

An **ITGLWF**
Handbook for
Educators,
Campaigners
and Activists



Women in the Global Economy

The majority of workers in our sectors are women, and there can be no real trade union democracy without full and equal participation of women at all levels of the trade union movement.

Women workers are the key to the future of the trade union movement. But winning their active support requires that unions broaden their perspectives and look at new ways of organising and taking collective action.

This handbook starts by looking at the position of women in the global economy. It explores the international production process and explains how the global market has exploited the vulnerable position of women in industry and undermined their working conditions.

It then looks at how unions should be responding, by organising women into trade unions; by safeguarding their interests through effective collective bargaining and campaigning on issues that matter to women; and by adopting trade union structures which ensure the full integration of women at all levels.

Thirdly, it looks at international instruments that unions can use to improve the rights of women, including international standards, corporate codes of conduct, and the UN's Convention on the Elimination of Discrimination against Women.

Finally, it covers some key areas unions on which unions should be bargaining and campaigning, including equality of opportunity and treatment, maternity protection, sexual harassment, and protecting the rights of homeworkers.

The handbook is designed for use in training workshops. It can also be used as a guide for women's committee or the trade union Executive to provide guidance on making unions relevant to women.

Contents

I. Women in the Global Economy	3
II. Organising, Bargaining and Representation	11
III. International Standards	21
IV. Women's Rights at Work	27



BANGKOK: ITGLWF demonstrate for government ratification of ILO Convention 138 and 182



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in the Global Economy

I. Women in the Global Economy

Introduction

This chapter explores the global production process and explains how the global market has exploited the vulnerable position of women in industry and undermined their working conditions. It highlights the contribution of women to the world economy, and looks at the discrimination women face. The follow-up activities at the end of the chapter encourage participants to discuss the pressures they face in their own working lives.



THAILAND: Garment workers protest against IMF economic measures

Global Production

Globalisation in the textile, garment and leather sectors has been revolutionary. Today, distance or location are no barrier to trade. Goods can be, and are, sourced from just about anywhere. Today some of the exporting countries are just specks on the world map, such as some of the island nations in the Pacific.

Shopping for clothes can be a real lesson in geography. We only have to look at the labels stitched in the clothes and shoes for sale in our shops, particularly in developed countries, to understand that there are garment and footwear workers on every continent and in almost every country in the world. Many of these people, whether in the East or the West, the North or the South, now work for the same companies.

In today's global marketplace, it is not uncommon for a single garment to be a compilation of the efforts of workers on two or three continents who are not even aware of each other's existence.

While production is carried out worldwide, control of the production ultimately rests in the hands of a small number of retailers and merchandisers, such as Nike, Reebok, Adidas, the Gap, J.C. Penney, Wal-Mart, C&A, etc. In the United States, for instance, some 70 percent of the market is controlled by just 14 brand-name retailers. These multinationals

design the clothes and contract out their production to manufacturers around the world.

The fashion industry is big business, and the big winners are the multinational merchandisers and retailers who trawl the world for the cheapest sources of labour applying pressures, regardless of the damage done to the workers or the countries concerned. For instance, a study of the operations that go into producing in the Dominican Republic a sweatshirt that sells in the USA for 39US\$ revealed that the total labour costs amounted to only 9 US cents. The mark-up is enormous !

Such unprecedented corporate power operating globally has fostered intense competition, not only between companies, but also between countries keen to attract foreign investment. Most of these countries are desperate for jobs and foreign investment. As soon as a national government imposes restraints on their operations, or as soon as workers organise to improve their wages and working conditions, companies relocate their production to a neighbouring country.

In addition, because wages are so low in developing countries, most have little domestic market, and produce almost entirely for export. Today, there are perhaps 150 countries vying to produce for the export markets of maybe 30 countries.

The intense competition for limited export markets has driven down wages and working conditions, as manufacturing companies and governments chase each other in a race to the bottom. Many countries have adequate labour laws but do not enforce them for fear of driving away foreign investors. Consequently, globalisation is increasingly driving down wages and worsening working conditions, sometimes to levels that are inhuman.

In their efforts to cut labour costs, many multinational merchandisers and retailers exert pressures which result in the growing use of child labour, forced labour, compulsory unpaid overtime and other exploitative practices. Women are often the first affected.

Women in the Textile, Garment and Leather Industries

To meet the needs of globalisation, flexibility has become the order of the day in all parts of the world. In the industrialised world, jobs have been lost as production has shifted to developing countries, and those jobs that remain are increasingly insecure, and low-paid, with a growth in part-time or homework arrangements. In developing countries, the jobs that have been created are in the informal sector or in EPZs. Often, production has become a mere assembly operation, which can be switched away at a moment's notice. This is also true in transition economies which used to have a strong textile, garment and footwear sector.

Working hours are one of the biggest problems in our sectors. Workers in the textile, garment and leather sectors are often forced to work excessively long hours, either because they will lose their jobs if they refuse, or because they have to in order to survive on the low wages they earn. In the export industry, 12 to 15 hour days, seven days a week, are not uncommon, and during peak periods are sometimes forced to work around the clock.

Export Processing Zones

Millions of textile, clothing and leather workers around the world are employed in Free Trade Zones, special economic zones designed to attract foreign investment and promote export-led industrialisation. These zones offer a number of inducements to investors, such as various combinations of tax cuts, grants, low operating costs and immunity from certain labour laws. In some countries, this includes a ban on trade unions.

From Mexico to the Philippines, from South Korea to Lesotho, from Mauritius to Sri Lanka or Honduras, Export Processing Zones are present in



PHILIPPINES: campaigning against child labour

fifty countries, concentrated mainly in Central America and in South and South East Asia, and increasingly in Southern Africa. In Latin America, the term 'maquila' is often used to refer to the export sector. Originally the term was used for the Mexican assembly plants set up along the border with the USA in 1965. Today the term is applied to all assembly plants in the export processing zones of Latin America and the Caribbean.

Frequently surrounded by barbed wire or concrete walls, in some cases permanently guarded by the police or private security forces, export processing zones are characterised by a climate of repression.

On average, about 80% of the workforce in Export Processing Zones are women. To attract western investors, some Asian countries do not hesitate to boast in their publicity brochures of the "dexterity of the small hands of the oriental women and traditional attitude of submission". These women's earnings are often essential to their family's survival, and they face strong social pressure to remain unmarried for as long as possible so that

they can continue working to help their families.

In some cases, employers force women have to undergo a compulsory pregnancy tests before being hired, and pregnancy means immediate dismissal. In one factory, women were forced to bring in their soiled sanitary pads each month to show they were not pregnant.

Health and safety conditions are often deplorable. Workers and machines are crammed into poorly ventilated spaces where temperatures soar in summer, with inadequate drinking water, and filthy toilets.

Anti-union repression

As competition between countries has intensified, anti-union repression has become an integral part of "management by terror". Efforts by workers to organise and bargain collectively to improve wages and working conditions are often met with resistance or repression by employers and governments alike. Harassment, mass dismissals, intimidation, physical abuse and even murder of

workers and trade union activists are today commonplace and growing.

Take the case of Carmen Rosario, a small, frail teenager, working in the Dominican Republic's garment industry. She started work at 13 and endured some horrendous conditions until, together with colleagues, she could stand it no longer and began to organise a union. Her employers embarked on a campaign of intimidation and harassment, culminating in late 1997 in an attack by hired thugs, using baseball bats with nails driven through them. Carmen suffered multiple injuries, including a broken arm. Her co-worker, who was seven months pregnant, was beaten and punched and kicked in the stomach.

Sexual harassment

In this climate of repression, sexual harassment is rife. In some Free Trade Zones, the climate of subservience is so bad that young women who return home to the countryside after being employed in them can no longer find a husband.



INDIA

The informal sector and homeworking

Many workers are employed in what economists rather stuffily call the 'informal sector', which refers to small-scale economic activity. In many parts of the world, the informal sector has become the "employer of last resort" for workers, often women, unable to find stable jobs in the structured economy. The informal sector today employs half a billion people, or one quarter of the world's working population.

A form of employment in the informal sector is homeworking. Because it is one of the most flexible forms of employment, homeworking has emerged as a key component of the restructuring of the global economy.

In most countries, homeworkers are the most exploited of all workers, paid less than the minimum wage, without social security coverage, denied job security, and not even acknowledged as workers. Most do homework because they cannot find jobs outside or because of family responsibilities or the lack of child care facilities. They are almost always isolated and at the mercy of their employers. Most labour laws, which have been framed with the formal labour market in mind, do not apply to these workers, with the result that they are vulnerable to the worst forms of exploitation.

Homeworkers are easily exploited because they are in a weak bargaining position and because their employers often evade their responsibilities by hiding behind intermediaries. As a result there often isn't a clear-cut employer-employee relationship, even in spite of years of service.

There are no reliable statistics by which to accurately estimate how many homeworkers there are worldwide. There are some figures that give an idea of the extent of homeworking, however. In Japan, for example, nearly one million people work from home. In India, there are more than 7 million, and in the Philippines no less than 37 per cent of the workforce are homeworkers.



INDIA: Child labour

Women migrant workers

The issue of migration is an old one, and not one which is about to go away. Be it Chinese in the United States, Moroccans in Belgium, Haitians in the Dominican Republic, Brazilians in Argentina, Burmese in Thailand, Indonesians in Malaysia, Zimbabweans in South Africa, Senegalese in the Cote d'Ivoire - North or South, migration is all too often synonymous with discrimination and exploitation.

An increasing proportion of migrants today are women. Women migrants face double discrimination: because of their gender, and because of their migrant status. They are therefore particularly vulnerable to discrimination and abuse.

Discrimination against migrants in the workplace is widespread. It affects their access to jobs and training opportunities, work allocation and promotion within enterprises, and conditions of employment. Migrants are often given the most unrewarding or stressful tasks, with the oldest machinery. Because of the discrimination they face, to keep their jobs many migrant workers have to perform better than average under working conditions which are worse than average.

In the host countries the migrant workers are the perfect scapegoats, as was dramatically demonstrated by the Asian crisis which in 1998 led to hundreds of thousands of migrants abruptly being sent home like unwanted goods to their own country. Some of the most extreme cases of exploitation involve illegal migrants. Saipan in the Northern Mariana Islands, part of the United States Commonwealth, is a good example of the exploitation of migrant labour. As many as 50,000 young women workers, many of them migrants from China, the Philippines, Bangladesh and Thailand, are virtually imprisoned in compounds surrounded by barbed wire where they are crammed 20 to a room in accommodation infested with rats and vermin. They work up to 15 hours a day, seven days a week. There is no escape and many work for years just to pay off exorbitant recruitment fees imposed when first employed.

Gender Discrimination

Despite efforts made to promote equality between men and women, gender discrimination still exists in all countries. Discrimination often starts at school, where it affects the rest of a woman's life. In the world of work, women have fewer opportunities for climbing up the hierarchy and tend to be confined to a narrow range of 'women's' occupations, usually low paid, low status jobs. At the same time, women shoulder the double burden of professional and family responsibilities.

The wage gap

Women everywhere are still paid less than men. On average, most women still earn only 50 to 80 per cent of men's wages. In industrialised countries, the gap varies between 30 and just under 10 per cent, but in country like Japan, the gap may be as high as 40 per cent or more. In the developing countries, the gap can vary considerably. While Tanzania ranks first in the world for pay equality, with women earning 92 per cent of what men earn, in Bangladesh, women earn only 42 per cent of what men earn. In the countries of Central Europe, women often earn 30

per cent less than men. According to figures compiled by the United Nations Economic Commission for Latin America and the Caribbean, women in these regions only earn between 44 and 77 per cent of men's wages.

"Invisible" work

Although more and more women are joining the labour market, the essential contribution women make to the world economy remains largely hidden. In national accounts and employment statistics, their role is consistently underestimated. Millions of women carry out 'invisible' labour, unpaid but nonetheless vital work in the domestic, agricultural and informal sectors, which remains is unrecognised.

Yet, according to the ILO, if this invisible, unpaid work carried out by women in subsistence agriculture and family enterprises were to be included in labour statistics, the rate of female activity would increase by between 10 and 20 per cent. Household tasks, if considered as productive activity, would increase the value of world GDP by 24 to 30 per cent. The rate of women's participation would be equal to, if not higher, than men's.

By taking a broader definition of economic activity, including the informal sector and non-commercial activities, the rate of female activity rises spectacularly, increasing according to ILO estimates from 13 to 88 per cent in India and from 11 to 63 per cent in Bangladesh.

Family responsibilities

Women's inequality on the employment market is exacerbated by the unfair sharing of family responsibilities, which makes a woman's working day considerably longer. Because of their family responsibilities, women have less time to benefit from career opportunities or work overtime if necessary. Furthermore, aware of the burden that children represent, employers tend to be hesitant about hiring young women of child bearing age.

The absence or insufficiency of child care structures is one of the biggest problems, forcing some women to find extreme solutions. Some for example are obliged to leave their children alone at home or in the street. Others take their children to work with them.

According to United Nations figures, in most countries the time spent by women on unpaid tasks is approximately double that spent by men on the same tasks. Sometimes the difference is much greater, such as in Japan where women spend nine times more time than men on unpaid work. Men, for their part, spend the greater part of their time in paid employment.

In the developed regions, between two thirds and three quarters of household tasks are carried out by women. On average, women spend 30 hours or more on household tasks each week, as compared to 10 to 15 hours for men. Even when they have full-time jobs outside the home, women take care of most household tasks, particularly the preparation of meals, cleaning and child care.

The fact that most women workers also perform a range of tasks within the household and are often exclusively responsible for the care of the family, increases their work hours and has a direct influence on their paid jobs in the labour market.



LESOTHO: Women's study circle



ACTIVITIES

Task 1

- If your factory produces for export, what do you know about the chain of production? In particular, which retailers does your employer supply?

Task 2

- List the jobs that are mostly done by men and those that are mostly done by women in your workplace. Do women have equal access to promotion?
- When you compare the pay and conditions of men and women, do you think that they are fair? If not, why do you think that is the case?

Task 3

- Make a list of the overall number of children or older relatives who need care and attention in your family. Estimate the number of hours you devote each week to caring for dependents.
- List the tasks that you do in the home before you start work and after you finish.
- List the main problems you face in combining home and working responsibilities?

Organising,



BANGKOK: ITGLWF demonstrate for government ratification of ILO Convention 138 and 182

Bargaining and Representation

II. Organising, Bargaining and Representation

This chapter looks at three major elements in trade union activity: firstly, organising workers into trade unions; secondly, safeguarding the interests of workers through effective collective bargaining; and thirdly, encouraging workers to play an active role in their union.

For women, organising, bargaining and representation must be a process of empowerment, enabling them to analyse their own situation, decide priorities, develop solutions and take collective action.

Organising

When we look around the world today, particularly in our sector, unions are weak and in far too many cases divided. The outstanding priority for unions everywhere, in the industrialised world and the developing world, must therefore be to expand their membership base. Organising must be a core strategy for the future.

The rate at which women are joining unions is still far below their numbers in the workforce. This has serious implications for the survival and effectiveness of unions, particularly in our sector.

Unions often have difficulty recruiting women workers, who make up the majority of the workforce, because many of them are employed in Free Trade Zones or in the informal sector, such as homeworkers. In addition, unions remain male domains and are seen as such by women, and unions trying to organise these workers face the challenge of organising a female workforce often fearful and suspicious of unions.

Women workers are the key to the future of the trade union movement. Winning the active support of these women requires that unions broaden their perspectives and look at new ways of organising and taking collective action.

Launching an organising drive

Launching an organising drive first requires a commitment on the part of leadership, a vision of what the union can and should be. Making organising a priority requires hard choices; it means giving up other things to devote the necessary time and resources to organising.

Next, leadership must gain the support of the membership for pursuing an organising agenda.

Union organisers will have to be recruited and trained. The union will need to either find the resources to hire organisers, and/or train volunteer organisers from among its membership.

Careful planning is needed. Unions need to get to know the companies they are dealing with. Above all they need to know where control lies within those companies. And frequently control does not lie within those companies, but far outside. That's why our organising efforts need to be better coordinated and will have to increasingly in future be conducted across national boundaries.

Organising in a hostile environment

All too often, union organising efforts are managed rather like the "Charge of the Light Brigade", sending workers into a battle they can not possibly win. Workers form a union with only a handful of workers, and file their papers with the Labour Ministry. Inevitably, the process of legal registration is a protracted one, and in the meantime the company fires the union activists.

To succeed in organising in the face of intense employer resistance, unions need to adopt new approaches, and to organise from a position of strength. In the US, unions have developed an organising model which uses clandestine methods in order to build support without alerting the employer. This model is now being adapted by many unions in Central America trying to organise in Free Trade Zones.

Case study: Yoo Yang, Honduras

A local organising project funded by the ITGLWF with aid from the FNV in Holland targeted the Yoo Yang company in the Continental Free Trade Zone. About 90% of the workers at Yoo Yang are women.

The project was able to employ full-time organisers to work on the campaign, under the supervision of the local unions. The organisers started by collecting information on a number of potential targets in the area. The project conducted a survey of companies in the area, looking at the numbers of workers employed, at whether they had any pro-union contacts at those factories, at the strategic importance of each company to the unions, at

whether the unions or their international allies had strategic leverage with a particular company, at whether there were strong issues around which to organise, and at whether a collective agreement could be secured and the members serviced.

On the basis of that information, the local unions decided to target Yoo Yang. Initially, the organising drive was conducted clandestinely, in order to avoid alerting the employer before the workers were ready to withstand anti-union pressure.

The organisers drew up a plan to systematically contact each worker outside of the workplace, mainly through house calls. First, they contacted workers who they knew to be supportive. Initial contacts were centered on getting to know the workers, learning about their issues and concerns, and getting additional names of people who should be visited. In this way, the organisers were gradually able to identify potential union activists.

From the outset, the workers were encouraged to take an active role, by making commitments to carry out tasks such as providing a list of contacts, inviting friends to a meeting, finding out information about the company, etc. As well as providing important information, this allowed the organisers to make a realistic assessment of the strength of union support on the basis of whether workers had completed the tasks they agreed to undertake.

In order to record their progress, the organisers drew up a workplace chart, which they updated continuously, using codes to keep track of each worker's attitude towards the union. The chart was helpful in visualising strengths and weaknesses, in order to ensure that work areas and departments were not overlooked, to identify supervisors, etc. This provided them with a snapshot of union support at any given time, making it possible to focus attention where it was most needed and to decide at what point they had enough support to make the campaign public.

They kept records of the contacts they had made, in order to avoid duplicating each others efforts. They

were also careful to follow-up on the issues raised by the workers. Issues are the lifeblood of organising, and the organisers were able to identify winnable issues that helped build support in the workplace.

When the organisers and the workers felt they had majority support in the workplace, they made the campaign public by setting up an internal organising committee. The role of the committee was to act as a union for some weeks until the workers were ready to seek recognition. The committee provided leadership at the workplace, conducting actions around important issues, and acting as a watchdog to monitor what was happening inside the factory.

The organisers met regularly with the committee to help plan further contacts and to communicate effectively with their co-workers. The organisers helped them to prepare by employing role-playing techniques on key issues, such as what a union is and how it works. The committee members drew up a 'programme' of issues they wanted to discuss with their co-workers, and over the following weeks they would get everyone talking at the same time about a particular issue.

Once the campaign went public and the organising committee started operating openly, and fearing management would start intimidating workers, the committee went on a 'blitz', using all their volunteers to visit as many workers as possible outside the factory during a very short period of time before the employer could have a chance to intimidate the workers. The committee activists were able to withstand the employers' anti-union campaign by telling workers what to expect, by documenting threats and violations, by using new management actions as organising issues, by taking credit for any promises for improvements that management in making, and by staying on the offensive.

The committee made sure the union support was visible in the factory, by putting up signs on their machines, and regularly chanting pro-union chants. They also put the emphasis on organising "worker

to worker", getting existing members to involve their friends.

The union faced many obstacles in gaining recognition. It took months, but in the end recognition was granted by the Ministry of Labour.

Interestingly, unlike more traditional organising methods where the workers often elect union leaders - often male - because of their appearance of self-assurance, those who went on to take leadership of the Yoo Yang union were workers - mainly women - who had demonstrated leadership by their actions during the struggle.

Many unions cease their efforts once a union has been set up in a company, when in fact at that stage the real work is only just beginning. The Yoo Yang union decided that seeking their first collective agreement would be a good way to increase their membership, by involving workers in formulating demands, and explaining to them the link between a strong union and a good agreement.

Organising in the informal sector

As unemployment grows around the world, so does an already vast informal sector where workers, mainly women, are largely unorganised and have no rights or protection. This has weakened employment protection in all parts of the world, and has serious implications for the effectiveness of trade unions.

Case study: SEWA, India

One union has turned on its head the old idea that the informal sector is impossible to organise is ITGLWF Indian affiliate the Self-Employed Women's Association (SEWA).

SEWA has developed new and innovative methods of organising and protecting some of India's poorest women. SEWA says the key to its success is to see its members not just as exploited workers who need to be protected, but as active people who, if given the right support, can take the leadership in developing a fairer system.



INDIA: SEWA activities in Ahmedabad, 2000

SEWA was established nearly thirty years ago to fight for the rights of women in the informal sector who worked as head loaders, block printers, bidi rollers, hawkers and vendors, weavers, potters, garment makers, and the like. These workers are poor, illiterate and vulnerable.

As a union, SEWA has organised home-based workers to demand higher rates and better conditions. But the union soon found that getting laws passed was not enough. Getting the laws implemented usually involved long and bitter struggles which its members, because of their vulnerability and lack of bargaining power, could not sustain. So the union's emphasis shifted to the adoption of alternatives, such as cooperatives.

Chindi workers were the first to organise themselves into cooperatives in order to buy cloth and market their goods collectively. Chindi is a fabric sewn from waste cloth left over from the production of textiles in large mills. Traditionally, women received this cloth from traders and sewed it into pillow covers, quilts and blankets. They were paid piece rates for

this work. When some of the women began to organise to demand higher piece rates, the traders refused to give them any work at all. It was then that SEWA organised the women into a cooperative so that they could buy leftover cloth directly from the factories themselves. The traders had tried to convince the women that if they paid higher piece rates they would be forced out of business. The cooperative, however, paid higher rates from the start and still made a profit, thus demonstrating that fair wages and profitability are not mutually exclusive. As a result, private traders are now offering the same rates to their workers.

For these women, coming together in a cooperative marked the first time in their lives they had actually owned something of their own and had decision-making power over it.

Access to credit is a big issue for SEWA members. In the past they had to turn to the money lenders in times of crisis, often getting into life-long debt as a result. So the union set up its own bank, and even though most of the loans are unsecured,

encouraged all its members to own their own tools, maintain a savings account in their own name, and if possible to have their home registered in their own name. Today members call it 'the village well', a place to come together and talk with other women about their work.

Bargaining

Collective bargaining is the lifeblood of trade unionism and it is the main purpose for which workers form their organisations. Collective agreements between trade unions and employers are the best safeguards of workers' interests. It is by pitting the collective strength of organisers workers against the power of the employer in hard, patient and responsible negotiations that the greatest achievements of labour have been brought about.

A union should be strong at all times, but especially during negotiations. A union 's representative capacity determines its essential strength at the negotiating table.

Preparing proposals

To give full protection, the collective agreement must be thorough and comprehensive. Matters that can be regulated by a collective agreement can range from wages and bonuses to hours of work, annual leave and the limits on overtime to lighting and ventilation and the conditions of the toilets.

While most unions proclaim that equality issues are a top priority, only few unions have included on the bargaining agenda issues such a equal pay for work of equal value, equal opportunity, maternity protection, family-friendly policies, or sexual harassment policies.

Understanding negotiating techniques

There is no substitute for through preparation. But while some union leaders prepare their own case well, they often are totally unprepared for the

reality of the negotiating table. Understanding some basic negotiating techniques can help.

- Assert the union's representative authority. Union representatives should always insist they are answerable to their members, and that the union leaders have to carry the members with them if an agreement is to be concluded.
- Focus on interests, not on positions. Behind opposed positions lie some conflicting interests, as well as many shared and compatible ones. Be open, and look for mutually-advantageous solutions.
- Be hard on the problem, not on the people. Advocate strongly for the interests of your members, and do not be afraid of showing some honest emotion. Impress upon management the strength of feeling of your members.
- Never go into a meeting alone. There should never be less than two representatives present.
- Allow the other side to let off steam. An effective way to deal with people's anger and frustration is to let them release those feelings. Sometimes the best strategy while the other side lets off steam is to listen quietly without responding to their attacks.
- Always negotiate in good faith, but be prepared for dirty tricks. You should neither put up with dirty tricks, nor should you respond in kind. The best response is to recognise the tactic and raise it explicitly. This will often be enough to prevent a recurrence. Don't be intimidated by threats.

Reporting back

An agreement needs to be explained fully to the members before it can be ratified. This means telling members what has been achieved, explaining the difficulties, and stressing that the result was only achieved by the determined action of the union with the support of the members. Above all, never to leave it to management to inform your members.

Resolving a deadlock

If a deadlock is reached in the negotiations, the union should propose to consult its members. Members should be asked to give a clear 'yes' or 'no' on the employers' final offer. If the union members vote to reject the offer, propose to resume negotiations. If that fails, proceed according to arbitration procedures. Make sure your members understand these procedures.

Strike action is the ultimate weapon that unions possess to make collective bargaining work. It should be used only as a last resort. When a deadlock is reached, it is legitimate to warn management that strike action might be hard to resist.

While unions must hold firmly to the right to strike, we must also promote sound labour relations to prevent strikes occurring.

Representation

Ensuring the active participation of women in unions is not a luxury, it is essential for union survival. The participation of women in the labour force is increasing as overall union membership is declining. The message is clear: if unions are to reverse this decline by organising women and winning their active support, they must change their image and style and have a leadership that represents the membership base. Without women role models, and a culture that feels comfortable to potential women members, they will be more reluctant to join what feels like a foreign organisation where they are neither understood nor included.

The same barriers to women's equality in employment operate to prevent women participating and sharing power equally in unions.

Social and economic barriers

One of the major social barriers is stereotyping.

Women in almost every society are trained to play a subordinate role, to undervalue their abilities and themselves as people. Union activity, like politics, is seen as a male domain. The constraints on women arise from many sources such as cultural and religious custom, and take a variety of forms. These may be overtly hostile acts, such as verbal abuse or sexual harassment, or take more subtle forms like social isolation and the undermining of confidence that comes from not being taken seriously. Women have often internalised these barriers and lack the confidence to become involved and take up leadership roles. On the other hand, women who do get involved frequently feel they must over-achieve, thus setting themselves up for failure, disillusion and burn-out.

The concentration of women in low-paid jobs sets up not only economic barriers to participation, but also economic ones. For example, male workers are less likely to be in jobs where their every movement is timed and controlled, and are more likely to be able to move around the workplace.

Barriers within unions

Despite major changes in union attitudes and practice, unions remain very male domains, and are seen as such by women. The same prejudices and values that discriminate against women in society are found within the union movement and express themselves in a union's culture. The negative male image that women have of unions is made up of a number of factors, including:

- predominantly male leadership, many still in the old-style;
- apparent lack of concern with issues of importance to women;
- sexist language and behaviour which discourages women for attending training courses or assuming leadership;
- alienating union jargon, rules and procedures;
- the 'old boy network', ie the informal structures of support, power-broking and promotion that effectively exclude women from leadership positions and isolate them if they do get there;



THAILAND: Training workshop, 2000

- meetings in places like bars that are inhibiting and uncongenial for women and at times that make it difficult for women to attend.

Strategies for change

The process of change within traditional union structures has followed a similar pattern in both developed and developing countries:

- A group of women and their allies press for the adoption of an equality statement, usually including commitments on women's issues and representation, and a demand for special structures like a women's committee.
- The union adopts a formal policy statement and a programme for change. For policies to become reality they must be accompanied by action plans with targets, timetables, and report-back procedures.
- A women's committee is set up to advise and make recommendations to the decision-making body, and sometimes a women's officer is nominated. Such committees raise women's awareness of their potential and their rights, allow women to identify and discuss issues of importance, encourage participation and help train and provide skills. But women's committees and special structures must be integrated into the mainstream structures or agendas or they risk being marginalised.
- A list of 'women's issues' is incorporated into the union's work and the collective bargaining agenda, or delegated to women's committees and officers.
- There is a publicity campaign around some issues linked to a recruitment drive among women workers.
- Special training is provided for women and equality issues are linked to general courses. Training has a key role to play in changing attitudes and giving women the confidence and the skills to work actively on union issues and take up leadership roles. In the initial stages at least, women-only training is essential. Active learning methods and a comfortable, unthreatening environment help women benefit from training. Informal training such as 'mentoring' can also be very effective.
- There is a review of structures and procedures to identify barriers to representation. Sometimes positive action is taken, such as reserved seats at conferences, on committees and on decision-making bodies in order to achieve something approaching proportional representation. Positive action measures that aim to reverse previous discrimination are essential: removing discriminatory practices and providing equal opportunity by themselves are not enough.



ACTIVITIES

Task 1

Eight members of the group should conduct a role play around organising. Two members of the group should represent workers trying to form a union, and two should represent workers who are afraid or unwilling to join the union.

Following the role play, the educator should conduct a report-back, reviewing the arguments against the union, and the counter-arguments in support of organising.

Task 2

Working together in your group, develop a plan for an internal organising drive to increase membership in your workplace union. Consider the following:

- whose support will you need from within the union to pursue a dynamic organising agenda, and how will you achieve that support ?
- what information do you need to collect ?
- what are the different responsibilities that will need to be covered ?

Task 3

In your group, examine how actively members participate in your union:

- Where are the women and men in your industry?
- Are they all members of the union?
- How well are both men and women represented?
- Do young people come to meetings?
- Does the way your union do things possibly keep young women away?
- Do women speak up in meetings?
- How many are elected to positions?

Task 4

Six participants will conduct a mock bargaining session. Three will represent the union, three will represent management. The union representatives will have half an hour to prepare some proposals. They will then seek to negotiate those with management.

The remaining participants will observe carefully, and during the report-back will highlight the strengths and weaknesses of the union negotiators.





BANGKOK: ITGLWF demonstrate for government ratification of ILO Convention 138 and 182

International Standards

III. International Standards

This chapter introduces some international conventions setting down the basic rights of women workers. It also examines corporate codes of conduct.

International Labour Organisations

Trade unions recognised more than a 100 years ago that cross-border cooperation was needed to ensure that worker rights were protected. By the beginning of the 20th century unions were increasingly demanding the creation of international standards in a wide range of areas relating to employment. It was partly as a result of these demands that the International Labour Organisation was established in 1919 with a mandate to establish international standards concerning working conditions.

The ILO is a very diverse organisation representing countries with all manner of governance and all levels of political arrangements. On top of that, it is unique in the UN family in that it is tripartite, composed of representatives of governments, employer and worker organisations.

International labour standards

One of the key functions of the ILO is to adopt International Labour Conventions. These international standards play an invaluable role in

improving labour practices at national level, by providing guidance and inspiration to member states. The procedure of elaborating Conventions and Recommendations, by means of a tripartite two-year discussion procedure, culminating with a vote by all member states, helps to ensure their adaptability and hence their enduring validity. Among the many advantages of ILO standards is that they are accompanied by a body of case law. The meaning of ILO standards, and hence their credibility, is clear.

Once ratified by a Member State, an ILO Convention must be incorporated into national law and becomes legally binding. A Recommendation supplements a Convention, and sets down "good practice" in specific areas.

Freedom of association is the most important of the internationally-recognised worker rights. In the ILO, it is set above other labour standards: all Member States are bound by the ILO Constitution to respect freedom of association, whether or not they have ratified the relevant Conventions.

ILO Conventions relating to women

Conventions directly concerning women include:
C 100, Equal Remuneration Convention, 1951
C 111, Discrimination (Employment and Occupation) Convention, 1958
C 156, Workers with Family Responsibilities Convention, 1981
C 171, Night Work Convention, 1990
C 175, Part-Time Work Convention, 1994
C 177, Home Work Convention, 1996
C 183, Maternity Protection Convention, 2000

The full text of these Conventions can be found on the ILO website at www.ilo.org.

Ratification of ILO Conventions

According to the ILO's so-called 'submission procedure', governments are obliged to put newly-



PALESTINE: Workshop

adopted Conventions before Parliament within a year of their adoption, or in exceptional circumstances, within 18 months. In so doing, the government is entirely free to propose whatever course of action it considers appropriate. For instance, if nothing stands in the way of ratification, a government might recommend that the Convention be ratified; or it might propose the enactment of legislation or amendments to existing legislation in order to give full effect to the instruments with a view to ratification; on the other hand, it might recommend deferring ratification, or might recommend that the Convention not be ratified. The government must then communicate the decision to the ILO.

Trade unions can, and should, have input in the submission procedure. This process can have a positive effect on national attitudes and policies.

Once ratified by Member States, ILO standards bring into effect ILO procedures for supervision and implementation and follow-up, involving tripartite participation in monitoring of compliance. ILO technical cooperation and assistance is available.

Linking trade and worker rights

Although the ILO has a mandate to set international standards on working conditions, it doesn't have the means to enforce them. As a result, the ILO has

largely been side lined while globalisation has accelerated, bringing with it many abuses of worker rights. So other mechanisms are needed to strengthen the ILO.

One such measure is the linkage of trade and worker rights. The trade union proposal is to incorporate into the World Trade Organisation a clause requiring all member states to respect the ILO Conventions covering the right to organise and bargain collectively, the non-use of child or forced labour, and non-discrimination.

Corporate codes of conduct

The process of globalisation has been accompanied by an increase in violations of worker rights. But fortunately, it has also been accompanied by a revolution in communications, with abuses which in the past might never have come to light now being reported in the news soon after they occur. Multinationals are very vulnerable, and reports of abuses can destroy in one stroke the image they have spent millions to promote.

Such bad publicity has forced many multinationals to adopt codes of conduct, essentially statements that they will respect domestic labour legislation and some



INDIA: SEWA activities workshop, Ahmedabad,, 2000

international labour standards, both in their own operations and in those of their suppliers. Hundreds of such codes are now in existence in our sectors.

The proliferation of corporate codes of conduct is a reflection of the failure of governments to implement effective labour legislation and of institutions such as the ILO to enforce internationally agreed basic minimum labour standards around the world.

Many companies have unilaterally adopted their own codes which contain standards below what is demanded by national law and international labour standards. Needless to say, such codes are not worth the paper they are written on.

A credible code has five key elements

The first is content. It must be based on the core Conventions of the ILO and provide for freedom of association and the right to organise. It must prohibit child labour, forced labour and discrimination. It must provide for the payment of a living wage. It must set limitations on the hours of work, it must ensure that there is adequate health and safety provision and it must provide job security for those it covers.

The second key element in a good code of conduct is a procedure for implementation. Codes are worthless if not implemented throughout the chain of production. It is also necessary to ensure that companies don't cut and run when confronted with abuses at their production centres, but work to remedy the deficiencies.

The third key element of a code of conduct is the process for its monitoring by the company adopting it. Monitoring is the responsibility of those companies adopting the code. It is not the job of trade unions or NGOs.

The fourth key element is independent verification. A code will only be credible if it is accompanied by a system of independent verification. While it is not the role of trade unions or NGOs to carry out the verification process, there is a major role for both to play in that process. They should be actively involved in briefing the verifiers, in monitoring their work and in raising complaints which have not been resolved through normal industrial relations' practice.

The final key element is impact analysis. It is not enough for a company to create, adopt and put a code into operation. It is also necessary to assess what impact the code is having.

Codes of conduct that contain those five key elements can be important tools to help workers organise and bargain collectively. But it must be stressed that corporate codes of conduct are no substitute for national legislation enacted and effectively implemented by governments or for international labour standards enforced around the world. Neither can they be a substitute for the right of workers to organise and to bargain collectively with their employers. Nor are they shortcuts to more equitable wages and better working conditions. Only workers themselves through trade union organisation can protect their own interests.

Framework agreements

Framework agreements between global companies and global labour provide an effective instrument for promoting good corporate behaviour. A framework agreement is an agreement negotiated between a multinational company and the relevant international trade union organisation concerning the international activities of that company. The main purpose of a framework agreement is to establish an ongoing relationship between the multinational company and the international union which can solve problems and work in the interest of both parties.

The United Nations' Convention on the elimination of discrimination against women

The Convention on the Elimination of Discrimination against Women (CEDAW), adopted by the United Nations General Assembly in 1979, is the main international Human Rights instrument for women. Article 11 of the Convention sets down the rights of women workers. It says women have the right to:

- Choose any profession or type of work and to experience fair selection procedures for work.

- Equal pay for work of equal value, that is not just the same pay as a man doing the same job but the right to fair pay for typical women's work in comparison with typical male work.
- Equal benefits, conditions of work and access to promotion and training.
- Protection from dismissal because of marriage or maternity.
- Maternity leave with pay and the right to return to work without loss of employment or seniority.

The 21-year old instrument has been ratified by 166 States, and is one of the most widely ratified international human rights' treaties in existence. Unfortunately however, the lack of precise procedures and mechanisms to implement it and to monitor its application, as well as the reservations expressed by many signatory states, have seriously limited its impact. Hence the need for a complaints procedure, which has been added through what is known as an 'Optional Protocol', which establishes procedures for monitoring the application of UN instruments. CEDAW's Optional Protocol, which came into effect in December 2000, contains a 'communication procedure' and an 'inquiry procedure':

- The communication procedure gives women the right to present complaints on the violation of the rights contained in the Convention to the Committee which monitors its implementation;
- The enquiry procedure allows the Committee to investigate serious and systematic abuses of Human Rights of women in all states that have ratified the Convention and the protocol.

Countries who have signed the Convention must report regularly to UN on their progress towards equality. Trade unions can have input into these reports, and have a right to make their own independent reports to the United Nations Commission on Women.



ACTIVITIES

Task 1

Working together in your group, research the answers to the following questions:

- Is your country a member state of the International Labour Organisation (ILO) ?
- Has your government ratified any of the Conventions relating to women listed in this chapter?
- Has your union or national trade union centre ever approached your government to press for the ratification of an ILO convention ?
- Has your union seen the last report your government made to the ILO on its application of conventions? Did it participate in the drafting of additional comments ?
- Has a complaint concerning your government ever been taken to the ILO ? If so, what was it about and what was the outcome ?

Women's Rights at Work



INDIA: SEWA activities workshop, Ahmedabad,, 2000

IV. Women's Rights at Work

Introduction

If unions are to recruit women and ensure their active participation, they must bargain and campaign around issues that are important to women. This chapter looks at some of those issues, in particular equality of opportunity and treatment, maternity protection, sexual harassment, and homework.

Equality of Opportunity and Treatment

The concept of equality of opportunity and treatment is considered by the ILO as a fundamental human right. The two relevant conventions relating to non-discrimination and equality of remuneration have been designated by the ILO as 'core' conventions, ie ones that embody fundamental principles and rights.

Equal opportunity

Equal opportunity means having an equal chance to apply for a particular job, to be employed, to attend educational or training courses, to be eligible to attain certain qualifications, and to be considered as a worker or for promotion in all occupations and positions, including those dominated by one sex or the other.

The ILO non-discrimination Convention addresses the right to equal treatment. It says that national policies should be designed to promote equality of opportunity and treatment in employment and occupation, with a view to eliminating any direct or indirect discrimination based on sex. It says that



THAILAND: Training workshop, 2000

both men and women must enjoy equality of treatment in:

- Access to vocational guidance.
- Access to training and employment (including technical jobs).
- Career advancement.
- Job security.
- Pay for work of equal value.
- Working conditions including working hours, holidays, occupational safety and health measures, social security, welfare facilities and other benefits.

Equal treatment

Equal treatment refers to entitlements in pay, working conditions, security of employment, and so on.

The notion of equal pay for work of equal value is enshrined in the ILO Constitution of 1919. But although this is a fundamental right, one widely acknowledged and implemented in national legal systems, on average worldwide women's income per hour is about 75 per cent of men's.

There are several reasons for this difference in earnings. Women are highly concentrated 'flexible' work such as part-time, piece-rate or temporary work, which is poorly paid. The pay gap also reflects discriminatory attitudes toward women and the jobs they have traditionally held. In some countries, it is partly a result of deliberate policies of the past, when wage laws set women's base salaries lower than that of men, who were seen as the breadwinners of the family. Although attitudes toward women and women's roles have changed dramatically, their work continues to be undervalued.

In the clothing, shoe and leather industries, men and women rarely perform the same jobs. Lower values are generally placed on female-dominated jobs, which is often exacerbated by the fact that women's skills, such as sewing, are in abundant supply. Thus, for instance, a male presser may earn considerably more than a skilled seamstress.

Unlike the notion of equal pay for equal work, where comparisons can only be made between jobs that are identical or largely similar, the much broader notion of equal pay for work of equal value means that jobs that appear to be different can still be compared. The value of work is calculated using job evaluations which award points for skill, responsibility and effort required by the job, as well as working conditions of workers.

The following example is a comparison of two hospital jobs, that of a male technician and a female nutritionist. According to the evaluation scheme, the technician receives 125 points for skill, 55 for responsibility, 50 for effort and 20 for working conditions. His job is worth a total of 250 points. A nutritionist working in the same hospital gets 145 points for skill, 65 for responsibility, 30 for effort and 10 for working conditions. Her job gets fewer points for effort and working conditions and more for skill and responsibility. Overall, however, it also scores 250. She should therefore be paid the same amount as the technician.

Equal Remuneration Convention

Convention No. 100 requires men and women to earn equal pay for work of equal value. This can be enforced by either law or by collective agreement, and through job appraisals.

Maternity Protection

According to the ILO, in ten years 70% of women of childbearing age around the world will be working. In many households their earnings already represent either the main source of income or a considerable portion of the family income.

These women face discrimination in all parts of the world, whether they are in fact pregnant or not. It is not unusual for employers to ask women intrusive questions in interviews about whether they plan to have children, or to ask about sexual activity or their use of birth control. In some countries, pregnancy testing is a condition of employment.

One company even required women workers to bring in their soiled sanitary pads each month to show they aren't pregnant.

Women who do become pregnant are often summarily dismissed. Those that aren't often face risks to themselves and their babies due to inadequate health and safety protection. After childbirth, many are forced to return to work early because even if they were allowed to take time off they couldn't survive if they did.

Protection is needed to ensure safe motherhood for working women, including the growing number of women in the informal sector who currently have no protection.

Women should have the right to take adequate leave to regain their health, which also means a reasonable level of income support must be provided. Because breastfeeding provides enormous health benefits, women should be entitled to paid nursing breaks so they can continue nursing after they return to work. And finally, pregnant women and nursing mothers be protected from discrimination.

Because an increasing number of women work during pregnancy and return to work while they are still nursing, securing adequate maternity protection is imperative not only for the woman herself but for the well-being of her children, her family, and indeed for the country as a whole. Women benefit because they are able to retain or regain their health and bond with their baby. Employers benefit because they are able to retain experienced and skilled female workers. Governments benefit because healthy babies are less likely to be a burden on the health care system later in life, and because women can continue to contribute to the economic growth of the country. In short, society as a whole will benefit if women are allowed to carry out their unique biological role of having children, while maintaining their productive roles as workers. Maternity protection should be seen as an investment in the future.

Maternity Protection Convention

The ILO Maternity Protection Convention is critical for women workers, setting as it does the international standard on maternity protection for millions of women.

The Convention was one of the first ever adopted by the ILO. It was first revised in 1952 and again in 2000. The last revision was prompted by the employers, who consider it to be inflexible and out of date. However, thanks to a vigorous trade union campaign, the revised Maternity Protection Convention that emerged maintains most of the acquired rights set down in the 1952 Convention, and improves on many aspects.

The Convention provides the flexibility demanded by governments in order to make the text 'ratifiable', while at the same time containing the fundamental provisions for protecting the rights and welfare of women and their children. A major gain is the broadening of the scope of the Convention to include women in 'atypical dependent work'. Other significant gains are the inclusion of an article on health and safety in the Convention; the increase in the period of maternity protection from 12 to 14 weeks; the right for women who are breastfeeding to take one or more daily nursing breaks which are counted as working time and paid accordingly; the provision of cash benefits at a rate not less than two-thirds of previous earnings; as well as protection from discrimination, in all aspects of employment.

Of course, as is often the case with instruments negotiated internationally by governments, employers, and worker representatives, the new Convention does not meet all the expectations of the trade union movement. In particular, Convention No. 183 allows exclusions to fundamental rights if a government and the respective social partners agree them. But it must be remembered that the ILO Constitution establishes that ILO Conventions set down minimum labour standards, and can absolutely not be used to weaken existing provisions in national legislation or collective bargaining agreements.

Unions in our sector now have a special interest and responsibility in translating and ensuring the widespread ratification and application of the Convention.

Sexual Harassment

Sexual harassment as a problem that is frequently encountered in our sectors of industry and is difficult to deal with. Therefore it appears to be an issue that affiliates need to address.

Unions need to deal with complaints when they arise, but also to watch for instances of harassment and confront the source. The goal must be to make union members sensitive to the problem and to create a climate to discourage sexual harassment as well as one where victims will feel comfortable turning to the union for assistance. It is vital that women – the main victims of sexual harassment – feel confident that their union will take the matter seriously and deal with it effectively.

Unfortunately, sexual harassment also exists as a problem within the trade union movement itself because in many unions, position of power and leadership are held by men. Unions at all levels must take appropriate measures to eliminate this behaviour from the trade union environment.

What is sexual harassment ?

Sexual harassment is unwanted behaviour of a sexual nature when you feel that if you don't submit to this behaviour your job or working conditions will be threatened; or when it creates a hostile, intimidating and humiliating working environment.

Sexual harassment can involve unwanted physical contact, lewd comments or jokes, the display of pornography, unnecessary or unwanted comments about your appearance, or demands for sexual favours.

It is the unwanted and unreciprocated nature of sexual harassment that distinguishes it from friendly

or flirtatious relations which are freely and mutually entered into. If you make it clear to another person that their advances are unwelcome, your wishes must be respected.

Harassment is not a joke. It is an expression of perceived power and superiority over another person, and it can have devastating effects. Victims often experience decreased self-esteem. In some countries victims can also suffer loss of face and social ostracism, leading to family hardship and even break-up.

Who are the victims of sexual harassment ?

It is a myth that the victims of sexual harassment are usually young and attractive, and that they should feel 'complimented' by the fact they are considered desirable and attractive. Victims who believe this have tried unsuccessfully to stop the harassment by making their appearance as unattractive as possible, and otherwise behaving in a way to discourage the harassment.

Harassment has nothing to do with attraction or affection. It is an expression of perceived power and superiority over another person. The victims are usually vulnerable, for instance because they are young or have little or no job security, or because they find themselves in poorly paid, low-skilled jobs, while positions of authority are occupied by men.

Sexual harassment can affect all women, regardless of their age, marital status, physical appearance, background or professional status. Millions of women, in all parts of the world, are suffering sexual harassment. The problem is that any figures that are available are usually just the tip of the iceberg, because the majority of cases go unreported given the personal and sensitive nature of the problem.

In an overwhelming number of cases the victims are women, but there are also cases of men being harassed by women and of same-sex sexual harassment.



PHILIPPINES: Garments factory

Who are the perpetrators ?

Sexual harassment at the workplace is usually perpetrated by immediate supervisors or management. It can also be perpetrated by co-workers, who can also be union members. But even when the harasser is a union member, it is always management's responsibility to deal with the problem.

Sexual harassment also exists as a problem within the trade union movement itself because in many unions, position of power and leadership are held by men.

Tackling sexual harassment

Ten years ago, few countries had any explicit legislation on sexual harassment. Since the early nineties, though, there has been enormous progress in this area. Some 36 countries now have legislation making harassment illegal. In addition, many countries have very broad health and safety legislation that could be extended to cover sexual harassment as a danger to a worker's mental and physical health.

But legal protection is not enough. Nor is it enough

to leave it to management to assume responsibility on the issue. The role of unions is crucial in combatting harassment, and unions at all levels must take appropriate measures to eliminate this behaviour from the workplace and from trade union environment.

All union members have a stake in stopping sexual harassment. When we show management that we will insist on basic respect for all, we are that much stronger in dealing with other issues as well. The trade union movement must stand by its basic principle of justice where *'an injury to one is an injury to all'*.

What can unions do to eliminate sexual harassment?

Here's what your union can do:

- Establish an anti-sexual harassment policy, which defines the problem and outlines the suggested procedure for dealing with it. This can be done through resolutions, etc.
- Educate the members about the issue and make sure they know what to do if they are sexually harassed. This can include distributing fact sheets

and tips on how to deal with harassment, producing posters, dealing with the issue in training programmes, etc. It should be made clear to all members that sexual harassment is considered to be a trade union issue which must be taken seriously and handled in a similar way to other grievances.

- Train union representatives in dealing with sexual harassment cases. Not all union representatives are comfortable handling sexual harassment problems. Therefore the union may want to consider designating specific people (usually women, because of the sensitive nature of the complaints) to handle such cases. The union should provide them with additional training, and let the members know they are available. Many cases of sexual harassment go unreported, because of the sensitive nature of the problem. It can be helpful to determine the extent of the problem in the workplace by conducting a survey. This will also send a message to the membership that sexual harassment is being taken seriously.
- Make sure the employer has an anti-sexual harassment policy that is effectively communicated to all workers. If no formal policy exists, the union should bring up the issue and get management to adopt a strong statement.
- Negotiate anti-sexual harassment language in collective bargaining agreements.
- Negotiate a procedure to deal with violations. Grievances can be handled through the normal grievance procedure, though unions may want to negotiate special procedures to guarantee confidentiality and promptness. The procedure must protect the victim from dismissal or further victimisation during the investigation. Any resolution of a harassment complaint must reflect the serious nature of such acts, and send a clear signal that they will not be tolerated. Disciplinary action can include apology, reprimand, transfer, suspension, and dismissal. A procedure allowing for appeal of the investigation decision may also be established.

- Take steps to eliminate harassment from the trade union environment. This could include writing a statement of principle on sexual harassment into the union constitution; ensuring that participants at trade union events are made aware of that policy; developing a complaints/investigation procedure applicable to all members and workers; treating all complaints in a rapid, thorough and confidential manner; and developing a clear disciplinary procedure in cases of proven sexual harassment.

Homework

Homework is universal. It covers most countries and a wide range of sectors, from labour intensive manufacturing to services. It is particularly prevalent in our sectors of industry.

In most countries, homeworkers are the most exploited of all workers, paid less than the minimum wage, without social security coverage, denied job security, and not even acknowledged as workers. Most do homework because they cannot find jobs outside or because of family responsibilities or the lack of child care facilities. They are almost always isolated and at the mercy of their employers. Most labour laws, which have been framed with the formal labour market in mind, do not apply to these workers, with the result that they are vulnerable to the worst forms of exploitation.

Here's what your union can do:

- run a campaign to organise homeworkers, to make them visible, to alert them to their rights, to bring them within the scope of collective bargaining and to negotiate agreements with retailers to promote respect for their rights;
- campaign for the ratification and implementation of the ILO Homework Convention No.177, and put pressure on your government to translate the provisions of ILO Convention No. 177 into national laws, by providing to homeworkers equal rights with workers in the workplace, by bringing

homeworkers into the mainstream, by extending health and safety laws to homeworkers, as well as by bringing intermediaries into the open.

- exert pressure on your government to adopt long-term solutions to eliminate the hardship that makes it necessary for people to work at home, including the provision of affordable and available child care and care for the elderly and infirm, possibilities for parental leave and higher pensions;
- work with NGOs working with homeworkers in your country that share your objectives.

The Homework Convention

The ILO Homework Convention is a Convention with a difference, in that it sets labour standards in the informal sector. It provides basic protection to homeworkers, while being flexible enough to be adapted by each country to suit its own particular conditions.

The Convention covers both industrial homeworkers and teleworkers, regardless of their employee status. However, a person with employee status doesn't become a homeworker in the meaning of this Convention simply by occasionally performing work at home rather than at the usual place of work of that same employer. This provision rules out workers who occasionally take work home in the evening or on the weekend. The definition has been designed so as to exclude genuinely independent freelancers or contractors, but to include 'fake' independent workers who are in a disguised employment relationship which makes them appear to be independent workers. It therefore avoids any conditions that could unfairly classify homeworkers as independent workers (for instance, the question of who provides the equipment or materials should not be a decisive factor, otherwise a very large proportion of genuine homeworkers would be excluded from the definition).

Because employers often evade their responsibilities by hiding behind intermediaries, the definition also includes homeworkers who receive work through an

intermediary (again, this would otherwise exclude a large proportion of homeworkers).

The main focus of the Convention is the obligation of member States to adopt a national policy on homework aimed at improving the situation of homeworkers. The policy must be aimed at promoting equality of treatment between homeworkers and other wage-earners. The term 'equality of treatment' does not mean identical treatment, but rather the same level of protection.

The Convention requires governments to adopt appropriate measures to elaborate labour statistics on homework. This addresses a very major problem which is the invisibility of homeworkers.

It says that national legislation on health and safety at work must apply to homework, and that governments should set conditions for certain types of work that should be prohibited in homework for reasons of health and safety. The aim is to cover situations where work might be safe in a factory, subject to factory regulation, but could be dangerous not only to the homeworker but also to his or her family and neighbours if done in the home (such as would be the case, for instance, with explosives or the use of certain chemicals).

Where intermediaries exist, governments must regulate the respective responsibilities of employers and intermediaries, and the conditions under which the employer may use. This provision addresses the problem of the abusive use of intermediaries which often allows employers to evade their responsibilities. Often there can be a whole network of subcontractors and intermediaries, legal or illegal, between the homeworker and the employer, and in many cases the homeworker does not know who the real employer is.

The Convention requires governments ratifying the Convention to have a system of inspection consistent with national law and practice, to ensure compliance with the laws and regulations applicable to homework, and says that adequate remedies, including penalties, for violations shall be provided for and effectively applied.



Your Notes

