

## ENABLING WORKER REPRESENTATION

# Enabling women's representation

This guidance aims to raise awareness of the critical role Freedom of Association plays in enabling gender equality in the world of work. This briefing complements the ETI Base Code Guidance on Gender Equality.

### Introduction

Incorporating a gender equality perspective in the world at work means creating an environment where both men and women can enjoy equal freedoms and opportunities at work. It requires a change in attitudes, a long-term approach, and active collaboration with other stakeholders to bring about change.

The core labour standards that underpin the ETI base code consist of four standards, laid out in eight conventions – one of which deals specifically with discrimination in respect of employment and occupation. They are:

1. Freedom of association and the effective recognition of the right to collective bargaining (Convention No. 87 & No. 98)
2. The elimination of all forms of forced and compulsory labour (Convention No. 29 & No. 105)
3. The effective abolition of child labour (Convention No. 138 & No. 182)
4. The elimination of discrimination in respect of employment and occupation (Convention No. 100 & No. 111)

In basic terms, Freedom of Association gives women the right to associate with whom she decides to and Collective Bargaining gives the rights and protections for women to raise and address concerns in a formal way.

In the workplace, women are typically the disadvantaged group because of discriminatory cultural norms and attitudes that result in women having less access to education and resources, more limited awareness of rights and weaker social networks. This increases their vulnerability and holds them back in lower paid jobs without adequate protections.

For example:

- <sup>1</sup>Globally, women represent less than 40% of total employment, but make up 5% of those working on a part-time basis.
- They are paid systematically less for equal work. In developing countries, this has created a gender wage gap equivalent to US\$2 trillion in women's earnings, or as much as the worth of India's entire economy<sup>2</sup>.
- Women are also more vulnerable to harassment and violence in the workplace. The ILO estimates 35% of women globally have experienced direct violence at the workplace. Of these between 40 and 50% were subjected to unwanted sexual advances, physical contact or other forms of sexual harassment<sup>3</sup>.

### Quick Steps

Confirm if ILO gender equality conventions have been ratified by the sourcing country government.

Map how the conventions are translated in local law and regulation: including:

- weaknesses in the enforcement of the laws;
- Level of labour inspection, adjudication of complaints, or even access to legal processes.

- Build awareness with suppliers of women workers' rights and protections
- Include women worker representation in codes of practice
- On site visits and audit interviews encourage women representation and participation
- Invest in capacity building of women worker representatives and/or dedicated committees

*Unlocking the rights and protections of women workers in your supply chains ensures they too can access their rights and participate fully in the long-term sustainability of the organisation and indeed wider society.*

## Unlocking gender equality through worker representation for women

The right to freely associate and bargain collectively, through elected trade union or independently elected representatives is central to achieving gender equality and a voice in the workplace. However, the reality is that women workers face additional barriers to participating in worker representation or taking on leadership positions. These include:

- The idea that women do not make good leaders, which discourages them from aspiring to leadership positions, or to support other women who do.
- Restrictions on mobility, access to public spaces and interactions with others, particularly men, which inhibits their ability to attend meetings regularly and to take prominent leadership roles.
- Domestic responsibilities make it particularly difficult to find the time, energy and alternative caring arrangements for engaging in local worker representative work.
- Lack of awareness about the benefits and incentives of participation<sup>4</sup>.

## Enabling women's representation in the workplace

Corporate members who want to meet their objectives on gender equality in the workplace, can do so more effectively by promoting freedom of association for women and collective bargaining activities. This can include the following:

- Review supplier company policies and initiatives on collective bargaining for engagement with women workers with their elected representatives or trades union. Do the policies, for example, clearly state a position on women's equality and role of trade unions in advancing gender sensitive solutions to work related issues.
- Support women who begin organising and forge links with the trade union movement through awareness raising on the benefits of this engagement.

- Promote an environment through policy, codes of conduct, business relationships, awareness raising and education initiatives, where women are free to:
  - Raise concerns, without fear of retribution, affecting their working lives,
  - Gather freely to discuss collective concerns and ideas,
  - Participate in and formulate their own programmes and
  - negotiating for an agenda that reflects their needs.
- Invest in capacity building programmes, at worker, supervisor and management level, to strengthen women's roles and voice within their union and workplace.
- Build awareness and capacity of suppliers on the role of elected workplace representatives - both men and women - to better understand and deal with gender issues in the workplace.
 

For example:

  - equal pay for equal work and harmonisation of work type (pay related to the work not the gender),
  - maternity leave and workplace considerations for pregnant women (shift arrangements or type of work, heavy lifting or long periods of standing),
  - "return to work" policies and workplace arrangements - either after pregnancy or older women coming back to work after an absence,
  - Development and promotion opportunities for women,
  - Are any special reproductive health concerns of women and men such as work-related issues relating to fertility, menstruation (including providing female sanitary hygiene disposal facilities), menopause, breast cancer or hysterectomy adequately and sensitively addressed?
  - Sexual harassment and violence against women in the workplace; and unpaid care work and domestic responsibilities.
- Encourage women-only spaces such as a women's committee within a mixed gender trade union, or a gender committee in the workplace, so that women can discuss the issues which affect them.

## Women's representation

Where there is a trades union or an independently elected worker representation group who are specifically informed and trained on workplace gender related issues, they can play a role in communicating, educating and solving issues on the ground. They will also be able to collect information on systematic problems, such as sexual harassment or chemical safety, affecting a group of women. As elected representatives they could participate in the design of confidential survey of workers health and safety concerns, communicate directly with workers, raise awareness of new initiatives and campaigns and talk about issues.

## Gender Occupational Safety and Health (GOSH)

Workplace safety – personal protective equipment and machinery are typically designed and sized for men. Gender Occupational Safety and Health (GOSH) with elected representatives or the workplace trade union, provides opportunities to educate, promote and advance gender specific collective work<sup>5</sup>. This could include:

- Establish if there is a trade union or elected representative health and safety consultative structure in the workplace that covers all worker needs including part time, contracted and temporary workers.
- If there is, are priorities or concern to women regularly identified and discussed at this consultative forum?
- Do safety, health and well-being risk assessments take account of sex and gender differences? For example, gender differences affecting men's and women's health and safety at work that range from manual handling to chemical safety.
- Work stations, equipment and personal protective equipment should also be assessed through a gender lens.
- The overall well-being of women workers should be included in consultative forums where elected representatives raise awareness of and negotiate for new or improved facilities relating to expectant, new and nursing mothers (and the unborn or breastfeeding child).

- Are risks of violence assessed, including concerns about working alone on site or away, or late into the evening, and access to safe parking or transport home?
- Does the supplier recognise that domestic violence can become an issue at the workplace and treat the matter as a safety, health and welfare issue which needs to be dealt with sympathetically and practically?

Unilever global agreement: in 2017, Unilever with two global union federations (IUF and IndustriALL), produced a booklet called 'No Place for Sexual Harassment at Unilever'. Global implementation of the agreement included:

- reviewing existing policies
- contacting the local trade union, carrying out an awareness programme, and implementing the joint commitment
- Jointly produced posters in various languages have been made available to every site and a range of local awareness initiatives introduced.

<https://www.unilever.com/sustainable-living/enhancing-livelihoods/fairness-in-the-workplace/advancing-human-rights-in-our-own-operations/working-with-others-on-human-rights/>

## Gender equality, decent work and the sustainable development goals

In the context of decent work, gender equality refers to the women having equality of opportunity and treatment; equality of remuneration and access to safe and healthy working environments; equality in association and collective bargaining; equality in obtaining meaningful career development; maternity protection, and a balance between work and home life that is fair to both men and women. Gender equality is a matter of human rights and social justice.



### Freedom of Association & Collective Bargaining

- Equal remuneration
- Discrimination (Employment & Occupation)
- Workers with Family Responsibilities
- Maternity protection

## Universal legal rights and protections

The right to freedom of association enables all workers - men and women to form and join trade unions, groups and associations, to protect and further their interests.

The two overarching conventions of the ILO that protect the freedom of association are Convention No. 87 on the Freedom of Association and Protection of the Right to Organize (1948) and Convention No. 98 on the Right to Organize and Collective Bargaining (1949).

The conventions enshrine the right for all categories of workers regardless of their gender, to form and join organisations of their own choice. For women who predominate in worker categories like temporary, seasonal, contract, part-time, migrant, self-employed and homeworkers, means additional efforts are needed to ensure these groups can exercise their freedom of association and collective bargaining rights.

## Universal rights and protections with a gender equality dimension:

- **ILO Convention No. 100 on Equal Remuneration (1951):** Promotes the principle of equal pay for men and women workers for work of equal value. It applies to basic wages and all other payments, both direct and indirect.
- **ILO Convention No.111 on Discrimination (Employment and Occupation) (1958):** Requires states to adopt national policies to eliminate discrimination in access to employment, training and working conditions, on grounds of race, colour, sex, religion, political opinion, national extraction, social origin and to promote equality of opportunity and treatment in employment or occupation.
- **ILO Convention No. 156 on Workers with Family Responsibilities (1981):** Recognises the need for workers to balance employment and family responsibilities with the objective of promoting equal treatment and opportunity for men and women in employment. Non-discrimination against women cannot be guaranteed unless their right to combine motherhood with employment is ensured.

- **ILO Convention No. 183 on Maternity Protection (2000):** Entitles pregnant workers to maternity leave of a minimum of 14 weeks of which at least six weeks shall be after the birth of a child. Convention No. 183 prohibits dismissal of workers on maternity leave. It entitles women workers to medical benefits and cash payments during maternity leave and nursing breaks during work.

1. Women at work trends (2016) [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_457317.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_457317.pdf)
2. Action Aid (2015), 'Close the gap! The cost of inequality in women's work', Action Aid, London: [www.actionaid.org.uk/sites/default/files/publications/womens\\_rights\\_on-line\\_version\\_2.1.pdf](http://www.actionaid.org.uk/sites/default/files/publications/womens_rights_on-line_version_2.1.pdf)
3. European Economic and Social Committee, 2015, para 2.4.1, cited in ILO/FPW Resource Kit [gbv.itcilo.org/index.php/briefing/show\\_paragraph/id/63.html](http://gbv.itcilo.org/index.php/briefing/show_paragraph/id/63.html)
4. Smith, S. et al, (2015), 'Equal Harvest: Removing the Barriers to Women's Participation in Smallholder Agriculture', Fairtrade Foundation, London
5. TUC guide on gender H&S / checklist Gender checklist on occupational safety and health

The Ethical Trading Initiative (ETI) is a leading alliance of companies, trade unions and NGOs that promotes respect for workers' rights around the globe. Our vision is a world where all workers are free from exploitation and discrimination, and enjoy conditions of freedom, security and equity.

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