

Promoting Gender Equality - A Resource Kit for Trade Unions

Gender Promotion Programme
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Booklet 2 - Promoting gender equality through collective bargaining

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1. Gender equality bargaining

"We cannot rely on legislation to achieve and protect equality issues. Collective bargaining is a much more effective mechanism for ensuring that these rights exist.....Although there have been major achievements made in equality issues in the past, downsizing and reorganization are taking a toll, impacting on the lives of workers and women workers in particular. Therefore, it is essential that equality issues become central to collective bargaining objectives"⁽¹⁾

In many countries, the key means of action promoting gender equality in the world of work is through collective bargaining - as a process of negotiation between workers' representatives and employers. This process may result in a collective agreement which outlines the terms and conditions of employment or any other matter of mutual interest to the workers and employer.

The role of trade unions in promoting gender equality through collective bargaining is especially important in the context of the current inadequacies of equality legislation and its enforcement in many countries. ⁽²⁾ The role of trade unions is acknowledged in the Platform for Action of the Fourth World Conference on Women (Beijing, September 1995, paragraph 178h, p.106), which calls on governments and all social actors to recognize collective bargaining as a right and an important mechanism for the promotion of gender equality. This role is reaffirmed in both the Beijing+5 and the Copenhagen+5 final outcome documents [Introduction Booklet].

Unions should promote gender equality through collective bargaining because

- *Women are accounting for a growing proportion of the workforce, and unions should represent and defend the rights of all workers;*
- *Stereotypes and misconceptions persist about the role and contributions of women workers;*
- *The elimination of discrimination with respect to employment and occupation and equal pay for work of equal value are basic workers' rights -- and are therefore union issues;*
- *Collective bargaining is a critical means of improving the terms and conditions of employment and safe and healthy work environments for both women and men;*
- *Gender equality and women's issues have traditionally been neglected in collective bargaining;*
- *Women's concerns may be inadequately covered by labour legislation or inadequately enforced;*
- *Where there is equal employment opportunity legislation, unions can help to ensure that it is effectively implemented and monitored;*
- *Bargaining equality measures means that resolution for complaints can be accessed through the grievance procedure, a quicker and less costly process;*
- *Action on behalf of women workers would demonstrate the commitment of unions, and encourage women to join unions;*
- *Promoting gender equality through collective bargaining would show that unions are keeping up with the times and adapting and adjusting their goals and strategies to social concerns and the changing needs of workers.*

Collective bargaining can take place at different levels, from the individual workplace level to the company, sectoral or industry, national or international level. For example, where collective bargaining is centralized at the national or sectoral level, minimum standards relating to the promotion of gender equality could be established that cover a wide range of workers. But before embarking on collective bargaining for the promotion of gender equality at the national level, unions should be aware of and take into account other forms of social agreements that have been developed and adopted with the direct participation of union representatives. For example, there could be national tripartite agreements on the promotion of gender equality; such agreements in some cases can have a similar impact to national law and cover all workers in a country.

At the sectoral level, it should be noted that many International Trade Secretariats (ITs) have negotiated framework agreements with multinational companies concerning the international operations of the company. Such framework agreements are often based on ILO standards, including standards relating to the promotion of gender equality. The international nature of these framework agreements means that international trade unions must cooperate and have the capacity to effectively engage multinational companies in negotiations at the international level [Booklets 3 and 6].

At the company level, some companies have unilaterally adopted codes of conduct, often in response to negative publicity generated by reports of poor, exploitative or dangerous working conditions [Booklet 6].

These codes could be used by companies to avoid dealing with trade unions. In such cases, national or local trade unions should not accept the codes where they could otherwise negotiate collective agreements for the workers they represent. ⁽³⁾

Therefore, before beginning any bargaining process, trade unions should analyse the particular context where the bargaining is to take place - so as to be able to articulate appropriate action and to be more effective in achieving desired results.

For example, unions should not forget that agreements at company, national or international levels that cover gender issues can have considerable impact in terms of establishing minimum standards. Unions negotiating at the individual workplace or local level should then seek to improve on these minimum standards.

Relevant ILO Standards:

[Freedom of Association and Protection of the Right to Organize Convention, 1948 \(No.87\)](#);

[Right to Organize and to Bargain Collectively Convention, 1949 No. 98](#);

[Collective Bargaining Convention, 1981 \(No.154\)](#) and

[Recommendation, 1981 \(No.163\)](#).

ILO Right to Organize and to Bargain Collectively Convention, 1949 (No. 98)

Article 4

Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.

ILO Collective Bargaining Convention, 1981 (No.154)

Article 2

For the purpose of this Convention the term "collective bargaining" extends to all negotiations which take place between an employer, a group of employers or one or more employers' organizations, on the one hand, and one or more workers' organizations, on the other, for -

(a) determining working conditions and terms of employment; and/or

(b) regulating relations between employers and workers; and/or

(c) regulating relations between employers or their organizations and a workers' organization or workers' organizations.

Including gender issues in collective bargaining is a multi-phase process which requires careful planning and consideration to ensure that the efforts are fruitful and bring about desired changes in terms and conditions of employment and the more equal situation of women vis-a-vis men. Each phase corresponds to the strategies commonly used in collective bargaining, but in gender equality bargaining, the focus shifts to a more just and progressive way of representing the needs and concerns of the entire union membership. The three main phases are:

- 1) Preparing for negotiations;
- 2) The negotiations (the gender issues that could be raised at the bargaining table are discussed in Booklet 3); and
- 3) Follow-up after the negotiations.

"The responsiveness of collective bargaining to women's issues' reflects the degree to which women are integrated fully into union decision-making structures, programs and activities" ⁽⁴⁾

2. Preparing for negotiations

To prepare for gender equality bargaining, unions should:

- a) Ensure the active participation of women, seek their views and make sure their voices are heard;
- b) Promote awareness and appreciation of gender issues among the union membership and also among employers;
- c) Select the negotiating team;

- d) Develop the gender equality bargaining agenda;
- e) Be well prepared for negotiations: gather all relevant facts, draft the agenda for bargaining, develop a clear strategy.

Ensure the active participation of women, seek their views and make sure their voices are heard

As with preparation for any collective bargaining negotiation, the union must identify its constituents and their interests. First and foremost, this requires the involvement of informed, educated and active members. Without the significant involvement of women it is likely that unions will lack much of the information necessary or the motivation to persuade employers to provide fair working conditions for women and for all workers with family responsibilities.

The recruitment and mobilization of members, especially women, is covered in Booklet 1. Booklet 1 emphasizes that before unions can champion the cause of gender equality at the workplace, they have to ensure that their own internal structures and policies are gender-sensitive and women-friendly. The links between internal equality (the position of women in the union) and external equality (in the form of good collective agreements) have been emphasized in most action research ⁽⁵⁾.

It is especially important to raise the visibility and prominence of women's role in the union. For example, establishing a women's committee or equality committee enhances the visibility of women in the union and helps ensure that women's interests and perspectives are taken into account [§ Booklet 1].

Access to educational opportunities within the union is an area where women remain at a disadvantage. The female membership must be informed of their rights as members, the various roles and positions in which they can contribute their skills and unique perspectives within the organization, the steps for formally filing workplace grievances, and the methods they can use to make their workplace concerns known to their union representatives.

Since collective bargaining is aimed at the collective rights of workers, it is clearly important to obtain the views of all workers, women and men, and to ensure that their needs and concerns are properly identified and prioritized.

Women's concerns about work are often inseparable from their domestic lives. But they may not be aware of how to translate their day-to-day problems or difficulties on the job or in combining work and family responsibilities into remedial action that can be taken by their union. Unions must therefore educate their women members in order that they fully understand the role of unions in their lives and how practically they can get their concerns into the collective bargaining agenda.

To identify what women's constraints, needs and priorities are, both male and female union representatives must ask questions of them and listen attentively to their answers. Traditional union methods to ask members for their views may not always get results with women members. Unions should, therefore, be innovative in seeking the views of women. In preparing for negotiations, unions ought to:

Checklist:

- 1) Recruit women members and promote their active participation in all union structures and activities;

- 2) Ensure that all workers, especially women workers, understand and are able to make their concerns known to union representatives;
- 3) Educate members so that they are able to recognize different forms of discrimination that may be occurring in the workplace;
- 4) Widely publicize upcoming negotiations, for example, through sending out circulars to all workers, and provide ample time for workers to submit their views and demands;
- 5) Conduct research: Fund the women's unit or equality unit to enable it to research women's concerns, such as tracking promotions by sex, cataloging sexual discrimination cases, etc.;
- 6) Send out simple questionnaires to all workers, and allow them to fill out the questionnaire in the language of their choice;
- 7) Obtain information on what is happening at the various levels of social dialogue;
- 8) Examine what happened in earlier negotiations;
- 9) Hold consultation on issues for collective bargaining and, if draft policy available, circulate among all workers for comments and suggestions;
- 10) Provide specific opportunities for women workers to make their voices heard:
 - the gender equality or women's committee, department or unit should discuss with the executive committee the formulation of demands;
 - the gender equality or women's committee, department or unit should be able to formally submit demands for negotiations;
 - the union should call special meetings of women representatives from all departments or units;
- 11) Devise innovative ways of obtaining the views of those who are absent or silent at meetings, for example:
 - get women shop stewards and those close to the women workers to explain to them the collective bargaining process and to determine their views;
 - hold special women-only meetings, forums, study groups to give women who are less self-confident opportunities to express their views.

Making working women's voices heard: Ask a Working Woman Survey

At its 82nd. Meeting, the ICFTU Women's Committee was of the firm opinion that if the Millennium Review was to have real meaning and relevance, it was important that voices at the grassroots be heard. Towards this end, the Committee decided to conduct a survey similar to the AFL-CIO's "Ask A Working Woman" Survey. Although a pilot exercise, by February 2001 13,572 women had responded, of whom some 27.1 per cent were non-unionized. The regional distribution was as follows: Africa: 15.7 per cent, Americas 18.0 per cent, Asia/Pacific 19.6 per cent, Central and Eastern Europe 26.7 per cent, other Europe 20.1 per cent. Each respondent was asked to check 3 out of 15 issues of priority to them. Their list of priorities is indicated below:

1. Higher pay 52.2 per cent
2. Job security 37.1
3. Respect on the job 26.3
4. Retirement security 25.4
5. More control over work hours 23.8
6. Career development and training 23.7
7. Health and safety at workplace 22.1
8. Equal pay 22.0
9. Child care and after-school care 19.9
10. Promotions 16.5
11. Health insurance 14.1
12. Fair pay and benefits for part-time, etc. 13.9
13. Stronger programmes to end all forms of discrimination 8.8
14. Maternity leave 8.6
15. Elder care 7.1

When asked whether unions were addressing these issues, the responses were:

Frequently 35.0 per cent

Occasionally 34.1

All the time 14.5

Rarely 13.3

Never 3.0

The most important reasons given by non-unionized women for not joining unions were:

1. Do not understand how union can help me 71.7 per cent

2. Have no time because of family responsibilities 58.4

3. No one has approached me 57.6

4. Negative image of union 50.8

5. Union not sensitive to my needs 42.4

6. Union male dominated 38.0

These survey findings were mainly confirmed by the AFL-CIO surveys and the responses received on the ICFTU website.

Promote awareness and appreciation of gender issues

Success at gender collective bargaining hinges greatly on the mutual support and activism of both women and men. All workers, female and male, must be aware of why they should have a stake in bettering the lot of women workers. They must understand the language and meaning of the gender equality agenda for bargaining and what it means to them. It is therefore important that there is a strong educational component and advocacy materials to accompany the key bargaining proposals to help build support among the rank and file members. It is also important to promote gender awareness of employers.

Guidelines:

Ensure that union education and training materials incorporate gender issues:

The **União Geral de Trabalhadores of Portugal (UGT-P)** has held meetings and seminars for male and female trade unionists on a wide range of issues including new forms of work organization, social protection and women's rights. As a member of the "Equality Observatory", the UGT has applied the principle of mainstreaming to the analysis of collective agreements, with a view to raising awareness among negotiators on both sides, and encouraging innovative measures to promote equal opportunities.

Conduct special campaigns and motivational efforts prior to negotiations, so as to ensure that the membership buys into the gender equality bargaining proposals ;

Send out clear messages that both men and women workers have a stake in bettering the lot of women workers;

Help promote gender awareness of employers.

"Better for women, better for all"

Select the negotiating team

Choosing the best negotiating team is critical to ensuring success at the negotiating table. The people on the team should reflect union membership and the needs and interests of the membership. Team members should be good negotiators, with clear ideas of the interests of the workers. Strong and articulate women will always make an invaluable contribution in any negotiating team. Every organization has such women.

Many unions have adopted a specific policy of including women on the negotiating team: by establishing percentage or numerical quotas or by stipulating that certain office bearers (notably the head of the equality/women's committee, department or unit or a female executive member) on the negotiation team. Such a policy of ensuring that women are always represented on the team is more effective and equitable than one of including women only when there are issues to be raised in collective bargaining that are deemed to be of particular concern to women.

However, without properly educating the female representatives about the negotiating process and negotiation techniques, their presence on the teams becomes an act of tokenism. Unions must provide education and training for women delegates in negotiation techniques and the preparation and review of negotiation documents. Such education and training should convince the women that raising gender issues in collective bargaining is valid and important and also equip them with the information and arguments they need to be able to successfully raise gender issues in negotiations.

Guidelines:

Adopt a policy of including women on the negotiation team, so that they can play a key role in formulating demands and examining proposed clauses of the collective agreement for discrimination:

Remember: Women are used to negotiating and balancing the tight demands of family and work; Many people with disabilities, minorities, gays and lesbians are used to working as activists, fighting for their rights and could make good negotiators, used to not taking 'no' for an answer;

X Do not only include women on the negotiation team when there are issues deemed to concern women;

Educate and train women members effectively to participate in negotiations and to raise gender issues:

With the assistance of an international group of women trade unionists, **FRATIA** in Romania organized a seminar on the rights of working women for male and female members. Many participants already had experience in trade union organizing and negotiations. However, their very limited knowledge of gender issues related to collective bargaining and workplace issues was very evident. Some women did not see equality issues as a problem until topics such as job segregation were raised.

Ensure that male members of the negotiating team are also sensitive to gender equality concerns:

Remember: It could be highly effective to have a male negotiator present the case for a gender equality or women's issue.

Develop the gender equality bargaining agenda

Unions have to make serious choices in developing their collective bargaining agendas. They need to represent the interests of all their members and, importantly, to develop an agenda which best represents their bargaining goals and has the best chances of success.

Union members will prioritize all union proposals, including gender equality proposals, for collective bargaining. At this time, it will be necessary to ensure that gender demands are not subsumed under more general, but no doubt important, union demands. They must remember that women are often more than half the workforce with equal rights to have their issues on the collective bargaining agenda and, from this perspective, should not be treated as a special group with special demands. The negotiating team will carry out the priorities determined by the union members.

Sometimes, getting an item on the collective bargaining agenda may be more difficult than bargaining with the employer. The negotiating team members often have to juggle competing demands by different groups of workers, and are compelled to make difficult decisions. Female members of the union can use the same compelling arguments with the negotiating team as they expect the negotiating team to use with employers. Also, the presence of strong, vocal women on the negotiating team would help ensure that women's issues are not sidelined. Likewise, if women members know that their women representatives are 'looking out for their concerns' they are more likely to trust the team to represent adequately their interests and accept the final collective agreement package.

In prioritizing gender equality and women's demands on the bargaining agenda

Remember that :

- *Company policies that support women often help men too;*
- *Facilities that appear to most help women, for example, child care, benefit both mothers and fathers, children, families and communities;*
- *Proposals that benefit women have ripple effects that extend to families and communities;*
- *Many proposals that support the entire union membership can have direct positive benefits for women. Better pay, increased safety measures, better lighting, etc. are measures that benefit both women and men.*

The draft collective agreement should be circulated to all members for their approval and support. It is important to educate and inform all members of what the provisions for gender equality or women's concerns are and what these imply. Women members might have to lobby for the acceptance of these provisions.

Be well prepared for negotiations

Unions need to be well prepared if they are to be successful in gender equality bargaining.

Gender workplace issues and women's concerns are obviously a necessary component for promoting equality and social justice. However, for many business organizations concerned primarily with the financial "bottom line", this is not a convincing argument for change. Negotiators must, therefore, be ready to present data and evidence of the monetary and financial benefits of gender equality provisions. They should also carefully examine all clauses of the collective agreement to ensure that they are worded in gender-neutral language and they are not discriminatory, either explicitly or implicitly. It is also important to ensure that adequate resources are allocated and mechanisms specified within the collective agreement to allow for proper implementation and monitoring. Unions should:

Checklist:

Do their "homework", in particular gather all the facts and statistics on the relative position of women and men in the workplace. For example, if unions are to negotiate for equal pay, then they must have all the figures on the number of workers in different job categories and the pay differential between women and men. They should also collect information from other unions, workplaces, etc. for comparisons to substantiate their claims;

Ensure that the overall bargaining strategy includes alliance building with equality seeking groups [See Booklet 6]; Make use of national and international information networks to gather and exchange information to prepare negotiating positions. Make use of information communications technology, including the growing number of Internet Websites. For example,

<http://www.clc-ctc.ca/woman/bargaining6>

<http://www.aflcio.org/women/exec99.htm>

<http://www.icftu.org/focus.asp?Issue=equality&Language=EN>

<http://laborproject.berkeley.edu>

Be well versed with the existing gender equality provisions and women workers' rights under current government legislation, company policies and regulations, existing contracts, work rules, collective agreements, etc.:

*The ILO Gender Promotion Programme (GENPROM) has developed an **Information Base on Equal Employment Opportunities (EEO) for Women and Men**, which is available on Internet and CD-ROM. The EEO Information Base contains information on national legislation, national institutions, case law, corporate policies and collective agreements on a wide range of equality issues, including equal pay, elimination of discrimination against women, affirmative action, training, family friendly policies, sexual harassment.*

The website is <http://www.ilo.org/gems/eo>

Determine how collective bargaining can be used to ensure that existing rights are extended or secured. With reference to a number of areas of gender equality, a country's legislation may already provide particular rights, but these may not be applied or enforced. Unions should therefore consider how they could repeat the terms of the legislation in the collective agreements so as to help ensure more effective and accessible enforcement;

Have arguments to show employers and union members that promoting gender equality is not only the right thing but also the smart thing to do. The benefits of gender equality provisions in the collective agreement should be clearly explained, not merely in monetary terms, but also with regard to such organizational factors as [also box below]:

- a progressive and positive image for the company;
- more efficient use of human resources;
- increased productivity;
- higher staff morale and loyalty to the company;
- lower staff turnover;
- less absenteeism, etc.

Identify and prioritize the demands to be submitted for negotiation. This may require an assessment of the relative costs and benefits of particular demands or collective agreement clauses. Unions may find this a useful exercise since it is more likely that an employer can be convinced to accept a proposal if it can be shown that a certain benefit is relatively cheap compared to the large tangible organizational benefits that it may bring, such as increased productivity.

Remember: In difficult economic times, unions may decide to give higher priority to non-wage, low-cost equality benefits. They may decide to push for a general equal opportunities clause, non-discrimination against workers with family responsibilities in particular in respect of promotion or advancement or for paternity leave - which would have no or little cost implications or affect a small percentage of workers, while substantially enhancing the image of the company.

Employers can benefit from gender equality bargaining

Arguments to convince employers at the bargaining table that promoting gender equality at the workplace is both the right thing and the smart thing to do:

- *in terms of recruitment, equal opportunity policies would attract more qualified women to apply to work in the company;*
- *equitable hiring, promotion and training policies would enable a company to make the most of available human resources and increase productivity;*
- *flexible working time, family leave arrangements and other family friendly policies can reduce absenteeism and even staff turnover;*
- *provisions for safe work environments benefit both male and female workers, ensure a healthy and productive workforce and may reduce the costs of health insurance premiums as well as legal liability for accidents;*
- *gender equality benefits can increase an employee's organizational commitment and loyalty;*
- *in difficult economic times, gender equality bargaining may be easier to negotiate and less costly than other wage or monetary benefits;*
- *gender equality and non-discrimination provisions would enhance the positive and progressive image of the company - more and more companies today are proud to be able to label themselves equal opportunity employers;*
- *in today's global economy where consumers are more aware and sensitive to the labour conditions in which their products are produced, a company's public image would be enhanced by demonstrating a commitment to gender equality and workplace ethics.*

3. At the negotiation table

"Changes at work which matter to women will only happen if the union accepts women's priorities and does not drop them when discussing the overall collective agreement". (6)

To effectively introduce gender equality demands at the negotiation table requires the presence of active and informed negotiators, including women. The emphasis should be on their active participation. Unions should make efforts to establish with the management and with all the rank and file members the legitimacy of their female negotiators, as well as the validity of the gender equality demands presented.

There is a tendency to discount gender equality issues at the workplace as of low priority for collective bargaining. Since women negotiators serve as a crucial link between the women constituents of a union and their workplace, these negotiators should be assisted to adequately and effectively raise gender concerns in the negotiations. The union should organize surveys, open dialogue sessions, women-only meetings, etc. to enable the negotiators to become aware of the pertinent issues within their workplace, to compile solid evidence of the need for gender provisions within work contracts, as well as to establish the support of the union constituency for such demands. The access of the women negotiators to solidarity networks is also important - so that they have opportunities to acquire technical cooperation or assistance from other unions or equality groups, exchange information, compile data, etc.

The active support of the male leadership is also critical for establishing the legitimacy of the women negotiators. When entering a bargaining scenario, each negotiator, male and female, should be introduced to the management as equally qualified representatives of the union.

In the course of bargaining, it must be ensured that women negotiators are given an equal opportunity to speak and contribute to the proceedings. If a situation transpires in which this does not occur, female representatives should be directly asked for their views and encouraged to contribute their perspectives. When female negotiators do present a gender issue for bargaining, other male representatives should express their complete support for the demand. A divided bargaining team is a weak bargaining team. It would be even more impressive if the male representatives could be the ones to raise the gender equality demands - and this can very easily happen if all members have been well gender sensitized.

Guidelines:

To effectively include gender issues in collective bargaining, unions should:

Promote the active participation of women on the negotiation teams;

Establish the legitimacy of the female negotiators and strengthen their voice at the bargaining table by ensuring that:

- they have been properly trained not only in negotiation techniques and procedures but also in gender equality issues;
- they have been able through surveys, meetings, dialogue sessions, etc. to gather evidence of the concerns of the members and their support for gender issues;
- they have access to solidarity networks for exchanging information and data and gathering support;
- the support of the male leadership is evident to the female negotiators, the management and the rank and file membership;

Ensure that each negotiator, male and female, has equal status as a qualified representative at the

bargaining table;

Ensure that female negotiators are given ample opportunities to present their demands and make their views heard at the bargaining table;

Ensure that any gender equality demand presented is fully supported by all members, male and female, of the negotiating team.

Remember: *Divide and conquer is one of the oldest battle tactics. Do not fall for it;*

Examine collective agreements to ensure that there is no discrimination in the proposed clauses;

Use gender-aware language in the collective agreement;

Ensure that the negotiating team is equipped with the facts and arguments to convince the management of the benefits of gender equality in the collective agreement;

Specify in the collective agreement the resources and mechanisms for effective implementation and monitoring of the gender equality provisions;

X Do not succumb to the temptation to present gender equality concerns as subordinate to other employment issues. Gender equality bargaining can benefit both women and men alike at the workplace.

4. Follow-up after the negotiations

Promoting gender equality in employment does not end once the collective agreement is signed. Following up the collective bargaining process is essential, otherwise the gains for women workers might exist on paper only.

Firstly, unions and companies must ensure that employees' rights and privileges under the new agreement are widely publicized. Including gender issues in collective bargaining produces little change if workers are not aware. Such victories at the bargaining table may also be used by unions to further publicize their commitment to promoting the interests of their whole constituency, male and female. Additionally, they may be used by union organizers as a way of attracting new members.

It is essential to ensure that there are mechanisms for achieving and monitoring implementation of the agreement and for collecting and disseminating information on the impact and outcomes of the agreement in practice. Monitoring may be conducted through independent ad-hoc committees, joint ad-hoc committees, as a function of permanent equal opportunity committees, as a function of union women's committees, etc. Affiliated unions should report to the national centre on progress on equality bargaining. Unions are also recognizing the benefits of joint partnerships with other local human rights and non-governmental organizations in helping to monitor workplace practices based on collective agreements or self-stated corporate codes of conduct [Booklet 6].

The observations and statistics gathered from such monitoring committees could be used to analyse what workplace provisions need to be reviewed and revised to increase their effectiveness, as well as to identify the issues that may be of priority in the next round of negotiations.

A critical aspect is the setting up of a **dispute resolution procedure** which has the adequate resources and capacity to justly and efficiently address any breach of the collective agreement. The dispute resolution procedure (which may include conciliation, arbitration, reference to labour court, etc.) must

be able to deal with sensitive issues such as sexual harassment, discrimination, denials of family leave, unfair dismissals, etc. As such, formal statements ensuring the highest degree of confidentiality possible for the complainant is necessary. Without such assurances, many employees, especially women, making claims on gender provisions might be dissuaded from bringing their claims forward for fear of workplace isolation, ridicule, reprisals, etc. When informing employees of their rights under the collective agreement, they should simultaneously be informed of the proper methods of handling grievances and be assured that confidentiality will be a top priority.

Guidelines:

Make sure the negotiated policies, rights and benefits are communicated to all workers on a regular basis (including those with non-permanent or atypical status). Such information dissemination should be through various methods: posted at the workplace, made available in lay language through the newsletters, seminars, lunchtime meetings, role play, etc.;

Establish methods for regularly monitoring the proper implementation and the overall effects of the collectively bargained policies, rights and benefits. Ad-hoc monitoring/research committees, which include female union members could effectively work toward this end;

Establish grievance procedures to deal with any abrogation of the workplace contract, discrimination or sexual harassment;

Inform all workers of the proper methods of handling grievances and assure them that their complaints will be treated confidentially and fairly;

Increase the presence of women in the collective bargaining process through promoting their participation on monitoring committees and grievance boards. In addition, the presence of women may make it easier to bring claims related to discrimination or sexual harassment to the attention of the union and the company;

Regularly gather statistics. Keep a close eye on the number of women and men who are hired, promoted and dismissed, as well as the numbers in all job categories, salary levels and human resource development programmes. Keep a special eye on equal pay provisions by collecting wage data;

Always think ahead. Evaluate what workplace provisions need to be improved or reviewed to improve their effectiveness. Such issues could be introduced during the next round of collective bargaining;

Publicize the work done by the union on behalf of women - as an organizing strategy. It is important for unions to publicize their new bargaining objectives and the strategies they have used or intend to use to achieve them.

Monitoring implementation of gender equality agreements

In most cases, monitoring covers implementation of the entire collective bargaining agreement. However, in some cases, there is specific monitoring of the gender equality clauses, with reporting to an external or higher body. For example:

Belgium: there is an obligation to submit an annual report on equality measures to the Enterprise Council;

France: reporting to a Superior Council of Professional Equality;

Finland: the Central Organisation of Finnish Trade Unions (SAK), together with the other social partners, makes a joint report on the impact of the equality policy;

Ghana: the Ghana Trade Union Congress (GTUC) collects all collective bargaining agreements from national unions to study them and provide advice and also obtains verbal feedback from women members during quarterly meetings;

Israel: Histadrut conducts regular visits to workplaces to check implementation and to distribute information so that all negotiated policies, rights and benefits are communicated to all workers;

Kenya: the Women's Affairs Coordinator of the Kenya Railway Workers' Union monitors and reports to the Secretary-General on implementation of the collective agreement provisions;

Italy: the Office of Equal Opportunities of CGIL monitors progress in equality by following a mainstreaming policy of collecting information, informing and coordinating with other departments, unions, women's associations, etc.

Honduras: An independent monitoring team, composed of several local human rights groups, monitors working conditions in a clothing factory. The monitoring agreement was the product of negotiations after workers were unsuccessful in organizing. The agreement allows for unannounced factory visits by the monitoring team, which also holds monthly meetings with management and worker representatives;

NACTU: Requires affiliates to provide quarterly progress reports on equality bargaining and implementation.

Factors likely to influence the success of failure of gender equality bargaining

Research has identified a number of factors that are likely to encourage or discourage gender equality bargaining:

*Factors relating to **trade unions** include:*

- the extent to which women's voice is heard within the union, including women's proportion of the membership and their participation in the union;*
- the extent to which women have power within the union and the extent to which those in power (men or women) have a commitment to equality;*
- the importance attached to equality bargaining in the union;*
- the existence and nature of the policies and structures to give this effect.*

*Factors relating to **employers** (at the company level) include:*

- *labour market and competitive position;*
- *workforce composition (including proportion of women);*
- *actual or desired employer image;*
- *management style and culture;*
- *identity and role of key individuals within the organization, including matters of ownership and control.*

*Factors relating to the **nature and structure of collective bargaining** within an organization:*

- *the extent of recognition afforded to the union by the employer;*
- *the quality of the bargaining relationship;*
- *the nature, power and discretion of the negotiators;*
- *the way in which bargaining agendas are constructed;*
- *links between equality structures in employer or union organizations on the one hand and negotiation structures on the other, and the relationship between the different bargaining agents/units.*

Source: Bercusson, B. and L. Dickens. 1998. Equal Opportunities and Collective Bargaining in Europe Defining the Issues. Dublin: European Foundation for the Improvement of Living and Working Conditions, p.40.

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Endnotes

1. Canadian Labour Congress, 1998. CLC-Women Bargaining for Equality CLC Women's Symposium November 1-3, 1998. See CLC Website: <http://clc.ctc.ca/woman/bargain.html>
2. In Canada, for instance, a greater part of the collective bargaining agenda of unions seeks to strengthen and, wherever possible, expand upon legislative protections and norms of equality.
3. See N. Kearney and D.W. Justice, "The new codes of conduct - some questions and answers for trade unionists", <http://www2.icftu.org>.
4. Kumar, P. 1993. Collective bargaining and women's workplace concerns. In L. Briskin and P. McDermott (eds.), Women Challenging Unions. Toronto: University of Toronto Press. p.224.
5. See, for example, Bercusson, B. and L. Dickens. 1998. Equal Opportunities and Collective Bargaining in Europe Defining the Issues. Dublin: European Foundation for the Improvement of Living and Working Conditions.
6. IFBWW. 1997. Bargaining for Equality. Education Materials for Women at the Workplace. Geneva IFBWW. p. 20.

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For further information, please contact the Employment Sector
at Tel: +41.22.799.6853 or E-mail: edemp@ilo.org

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