

# Advancing Gender Equality

## in the context of Decent Work



Organization of  
American States



Canadian International  
Development Agency





# **Advancing gender equality in the context of decent work**

Inter-American Commission of Women

Organization of American States

September 2011

**The Organization of American States (OAS)** brings together the nations of the Western hemisphere to promote democracy, strengthen human rights, foster peace, security and cooperation and advance common interests. The origins of the Organization date back to 1890 when nations of the region formed the Pan American Union to forge closer hemispheric relations. This union later evolved into the OAS and in 1948, 21 nations signed its governing charter. Since then, the OAS has expanded to include the nations of the English-speaking Caribbean and Canada, and today all of the independent nations of North, Central and South America and the Caribbean make up its 35 member states.

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*Advancing gender equality in the context of decent work*

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The Permanent Secretariat of the Inter-American Commission of Women is solely responsible for the opinions expressed in this document.

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# Acronyms

ASTRADOMES	Association of Costa Rican Domestic Workers
CEDAW	Convention on the Elimination of All Forms of Violence against Women
CIDA	Canadian International Development Agency
CIM	Inter-American Commission of Women
IACML	Inter-American Conference of Ministers of Labor
CEN-CINAI	National Centers for Education and Nutrition – Comprehensive Children's Care Centers (Costa Rica)
DSDE/OAS	Department of Social Development and Employment (OAS)
ECLAC	Economic Commission for Latin America and the Caribbean
GSUs	Gender specialized units
GLPs	Good labor practices
IDB	Inter-American Development Bank
ILO	International Labor Organization
INAMU	National Institute for Women (Costa Rica)
ISDEMU	Salvadoran Institute for the Advancement of Women
NMAWs	National mechanisms for the advancement of women
NUDE	National Union of Domestic Employees (Trinidad and Tobago)
OAS	Organization of American States
OMIL	Municipal Labor Information Offices (Chile)
PGAs	Participatory gender audits
IAP	Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality
PIEG	National Policy for Gender Equality and Equity (Costa Rica)
PRECAPI	Special Program for the Protection of Domestic Employees (Guatemala)
RIAL	Inter-American Network for Labor Administration (OAS)
SENCE	National Training and Employment Service (Chile)
SERNAM	National Women's Service (Chile)
SISEG	System of Certification of Management with Gender Equality and Equity (Costa Rica)
SNE	National Employment Service (Mexico)
SPM	Special Secretariat on Policies for Women (Brazil)
UNDP	United Nations Development Program
UN-INSTRAW	United Nations International Research and Training Institute for the Advancement of Women



## Foreword

During the last World Economic Forum, held from January 26th to 29th 2011, the direct correlation between gender equality gaps and the competitiveness of the region's economies was firmly established. This conclusion was reaffirmed by the World Bank in their recently-published World Development Report 2012 on Gender Equality and Development (WDR 2012).

Countries with greater equality between women and men are more productive, have higher levels of economic growth, more representative institutions and better development outcomes for future generations. The message is simple: gender equality – beyond being a human right and development goal in and of itself – is smart economics.

Women's participation in the labor force in Latin America and the Caribbean has increased from 36% in 1980 to 52% in 2009 (WDR 2012), which has allowed for an increase in women's economic autonomy. However, women – particularly poor women – enter the labor market in conditions of inequality and lack of protection that are marked by under-employment, instability, lack of coverage by social security and low incomes.

Women earn between 60% and 90% of men's average income. At the same time, the percentage of women heads of households grew from 22% in 1990 to 31% in 2008 (United Nations, 2010). Women dedicate a greater share of time than men to unremunerated activities that are characteristic of their traditional roles – 86% in Guatemala, 81% in Costa Rica and 74% in Mexico and Uruguay (WDR 2012). For many women, this burden of unremunerated work is an obstacle to their entry into the formal labor market. This is of particular relevance to poor women who have no access to education or to reproductive autonomy.

Decent work demands the elimination of these gender inequalities and the creation of conditions in which all women can fully exercise their economic citizenship. This in turn requires the incorporation of measures and the creation of opportunities for women in labor and employment policies and plans.

The role of the Ministries of Labor and the National Mechanisms for the Advancement of Women in the region is of fundamental importance to building more just working conditions for women and men. The commitments adopted by these countries at the international and inter-American levels, both on women's rights and on labor rights, provide a solid base for the formulation of labor policies that allow women to participate in the world of work in conditions of equality and full citizenship.

On the occasion of the XVII Inter-American Conference of Ministers of Labor (IACML), this study, prepared for the Member States by the OAS' Inter-American Commission of Women, will undoubtedly provide food for thought and additional inputs to the work and the achievements of these Conferences, in terms of the formulation of policies and plans that seek to generate gender equality and decent work in the Hemisphere.

A handwritten signature in black ink, enclosed within a thin, hand-drawn oval border. The signature is stylized and appears to read 'J. Insulza'.

José Miguel Insulza  
Secretary General  
Organization of American States



## Introduction

This study is presented on the occasion of the Seventeenth Inter-American Conference of Ministers of Labor (XVII IACML) of the Organization of American States (OAS), as a means of taking stock of efforts already underway, as well as to introduce new proposals for promoting equality between men and women in the world of work.

The ministers of labor of the region, gathered at the Twelfth Meeting of the IACML in Ottawa, Canada (2001), adopted for the first time a Hemisphere-wide commitment to mainstreaming the gender perspective into the design and implementation of labor policies in order to promote equality between men and women in the work sphere. This commitment was initially spurred in 2000, with the OAS General Assembly's approval of the Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality (IAP), prepared with the support of the Inter-American Commission of Women (CIM).

This commitment gained additional traction in 2007, when labor authorities at the Fifteenth Meeting of the IACML in Port-of-Spain, Trinidad and Tobago, approved a set of Strategic Guidelines, calling for a series of actions in the areas of training, analysis, and cooperation for the purpose of strengthening the capacity of the ministries of labor to effectively mainstream gender into their operations, policies, and programs. Implementation of these Guidelines has begun at the OAS, in coordination with the International Labour Organization (ILO), and using the mechanisms of hemispheric cooperation developed by the Inter-American Network for Labor Administration (RIAL).

The Seventeenth Meeting of the IACML, which will be held in San Salvador in late October 2011, will mark a historic milestone with the first dialogue at the hemispheric level between the ministers of labor and their counterparts in the national machineries for the advancement of women (NMAWs). This dialogue will serve as a forum not only for reflection and the sharing of experiences and perspectives, but also for adopting commitments at the highest level to advance on more just and equitable conditions in the world of work.

In addition to following up on activities carried out in compliance with commitments assumed at the ministerial level, this study takes a fresh look at the situation of women and work in the Americas during the financial crisis, and focuses attention on the different impacts of the crisis in terms of women and men in the labor market. Accordingly, and contrary to projections based on traditional behaviors during crisis situations, the overall figures show that there has actually been a slight narrowing in the gaps concerning rates of labor participation, unemployment, and employment between men and women. However, sector analyses show that this result is not solely due to the implementation of gender policies deliberately designed to abate the effects of the crisis on the female labor force, but that this crisis has taken a larger toll on those economic sectors with high concentrations of male workers. This time, the gendered segmentation of the labor market, resulting in high concentrations of women workers in specific economic sectors and that have stood as barriers to job quality in the past, have resulted in some benefit to the female labor force.

Other issues addressed concern the massive and sustained entry of women into the job market throughout the region since the 1980s, and the lack of progress in terms of reconciling the responsibilities of work and family life. The sustained presence of women in the job market, demographic changes (e.g., increased life expectancy), and the lesser degree of government involvement in care-giving activities are all factors influencing the greater demand for care, although the possibility of getting such care is now less likely. In view of the foregoing, it is necessary to take a fresh look at employment policies in the context of reconciling workplace and family responsibilities. In this regard, the study presents some positive experiences carried out in the countries of the region.

Finally, in light of the changes that have occurred and the progress made since the adoption of the Strategic Guidelines in 2007, the study offers some proposals for action in order to continue advancing on the objectives put forward.

It is also very important to note that the efforts carried out thus far would not have been possible without the commitment of the Ministries of Labor. Also in this regard, it is important to underscore the participation of the NMAWs, and the important financial support received from the Canadian government from two sources: the Canadian Labor Program, through funding provided to the RIAL that made it possible to carry out studies, a hemispheric workshop, and bilateral cooperation activities; and the Canadian International Development Agency (CIDA), which, following up on the aforementioned Strategic Guidelines, has provided co-financing for a CIM/OAS hemispheric project to strengthen the capacity of the region's labor ministries for purposes of incorporating the gender equality perspective within their operations, policies, and programs in order to advance decent work with gender equality. This study is likewise a product of that collaboration.



# 2.

## **Framework of commitments for decent work and gender equality**

Since 1999, the OAS has incorporated the ILO's "decent work" concept into its efforts to promote more and better jobs. Accordingly, the OAS believes that decent work necessarily means that all types of discrimination must be eliminated, especially gender-based discrimination. This alignment with the concept of decent work is expressed in State accession to ILO Conventions on labor rights, such as the Equal Remuneration Convention (No. 100) of 1951, which stipulates that women have the right to earn the same salaries as men for work of equal value; the Discrimination (Employment and Occupation) Convention (No. 111) of 1958, adopted by the ILO member states based on the belief that it is impossible to efficiently address salary discrimination without ensuring more generalized protection against employment and occupation discrimination, stipulating that no person can be discriminated against in his/her employment or occupation on the basis of race, color, sex, religious beliefs, or social condition. The Workers with Family Responsibilities Convention (Convention No. 156) of 1981 reaffirms the right to special protection and non-discrimination in employment and occupation on these grounds. The Maternity Protection Convention (No. 183) of 2000 revised and updated the Maternity Protection Convention (No. 103) of 1952, in order to continue promoting, in no uncertain terms, the equality of all women in the workforce as well as the health and security of mothers and their children.

With respect to the inter-American system, these commitments are derived from various agreements:

## **a** | **Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality (IAP)**

The IAP was prepared by the Inter-American Commission of Women and adopted in 2000 by the OAS General Assembly.<sup>1</sup> The IAP represents political consensus among the member states regarding the situation of discrimination and violence against women as well as recognition of the need to promote action to advance their rights, combat all forms of discrimination, and promote gender equity and equality between women and men.

Since the adoption of the IAP, each year within the framework of the OAS General Assembly, the member states have reaffirmed their commitment to the program—most recently during the forty-first regular session of the General Assembly held in El Salvador (June 2011). Likewise, in the Summits of the Americas,<sup>2</sup> the IAP has received the support of the Heads of State and Government. The perspective of gender and gender equality was incorporated, for the first time in the history of the Summit process, in the Plan of Action of the Third Summit of the Americas (Quebec City, 2000). The Fourth Summit (Mar del Plata, 2005) focused on labor issues, the creation of decent work, and the strengthening of democratic governance, thus reaffirming its commitment to combat gender discrimination in the world of work.

Included among the IAP's objectives in the labor arena designed to empower women and facilitate their economic autonomy are the program's emphasis on the full and equal access of women to employment and productive resources through the formulation of public policies that incorporate a gender perspective; the review and realignment of domestic legislation in order to comply with the international commitments assumed by the countries on gender equality and the human rights of women; the promotion of policies to ensure that women and men receive equal pay for work of equal value; and recognition of the economic value of unpaid work.

The IAP's objectives and lines of action are in keeping with the mandates of CIM's Strategic Plan, its Biennial Work Program, and the Plans of Action of the Summits of the Americas. Moreover, the Follow-up Meeting to the Inter-American Program: Gender and Labor, has provided recommendations to ministerial meetings as well as support and technical assistance.

Currently, CIM's Strategic Plan 2011-2016 seeks, inter alia, to operationalize the IAP with regard to the challenges and transformations facing the region. This involves a greater degree of coordination and harmonization between CIM and OAS activities, and to institutionalize a rights-based gender perspective in the main forums and programs and in the institutional planning of the OAS.<sup>3</sup>

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1 AG/RES. 1732 (XXX-O/00), Adoption and Implementation of the IAP.

2 AG/RES. 1741 (XXX-O/00), Integrating a Gender Perspective in the Summits of the Americas.

3 CIM Strategic Plan 2011-2016, Washington, D.C., April 2011.

The Plan incorporates a rights-based and gender equality approach as a means of restoring the specificity of the human rights of women. In other words, it is framed in the conceptual definition of human rights as they are to be applied to the policies of development, which are viewed as an obligation of the states to ensure full civil, political, social, and cultural rights. The rights-based approach entails the recognition that all people have rights and thereby implies restoring the “enforceability and justiciability of those rights” (CIM/OAS 2011). This approach breaks with the traditional logic of policy formulation, inasmuch as it considers people as subjects with the right to demand specific services or benefits. Consequently, it means addressing—throughout the entire analysis, evaluation, and monitoring process—the specific problems within the prevailing conditions for the exercise of women’s human rights from the dimension of gender inequalities.

In terms of the labor arena, after nearly a decade of joint collaboration between CIM and the OAS Department of Social Development and Employment (the latter in its role as IACML technical secretariat), activities in recent years have focused on follow-up action to the Fifteenth IACML’s “Strategic Guidelines for Advancing Gender Equality and Nondiscrimination within a Decent Work Framework,” designed to strengthen the capacity of the ministries of labor and NMAWs in the member states, with a view to the successful gender mainstreaming of their policies and programs for decent work.

In addition to this internal OAS partnership between CIM and DSDE, the OAS also partners with the ILO in the framework for hemispheric cooperation developed by the RIAL.

## **b | Inter-American Conferences of Ministers of Labor (IACML)**

The IACML is the main forum in the Hemisphere for discussion and decision-making regarding policy priorities and actions on labor issues. In fact, the labor ministers of the Hemisphere have been meeting regularly through the IACML since 1963.

The IACML has assumed important commitments aimed at advancing women’s equality and non-discrimination in the world of work—commitments that have been promoted and formalized with the approval of the IAP. Beginning with its twelfth meeting (Ottawa, 2001) the IACML assumed among its priorities the mainstreaming of gender in the formulation and implementation of labor policies, promoting a balance between family and work life, protecting the rights of women workers, and implementing actions designed to eliminate gender gaps in the labor arena. The IACML has also adopted the decent work principle as a condition for sustainable employment and hemispheric economic integration, as defined by the ILO (OAS, 2007).

The recognition of decent work as a vehicle for overcoming poverty and consolidating democratic governance has been echoed in the conclusions of the Inter-American Conferences of Ministers of Labor, especially beginning with the Twelfth IACML, where the decent work principle was adopted “as a requisite of sustainable development and as a component element of hemispheric economic integration, as defined by the ILO.”

This commitment was reaffirmed at subsequent IACML meetings (XIII, Salvador de Bahía, 2003; XIV, Mexico City, 2005; XV, Port-of-Spain, 2007; and XVI, Buenos Aires, 2009) as well as in the Summits of the Americas, which affirm that promoting decent work is a strategy that can lead to greater inclusion, the strengthening of democracy, and overcoming poverty and inequality.

During the Sixteenth American Regional Meeting (Brasília, 2006), a report entitled “Decent Work in the Americas: An Agenda for the Hemisphere, 2006-2015, was presented by the ILO Director-General, recommending general and specific policies to advance the promotion of decent work in the region. The proposed regional agenda comprises three basic elements adjusting the strategic objectives of the ILO to the challenges observed in the region with respect to decent work: (a) general policies in four areas (labor standards, employment and income opportunities, social protection, and tripartism and social dialogue) the implementation of which, in accordance with national particularities and specificity, would enable significant progress to be made towards achieving the strategic and crosscutting objectives underlying the ILO’s decent work strategy; (b) policies in specific intervention areas, which support the policies proposed in the four general areas; and (c) mechanisms for implementing these policies (ILO, 2006).

Observing that gender inequalities constitute one of the main obstacles to achieving decent work, the Heads of State and Government, at inter-American forums, have committed to increasing women’s access to employment by combating gender discrimination in the workplace, promoting equality of opportunities, eliminating gender gaps in the world of work, and mainstreaming the gender perspective into labor and employment policies.

The labor policy recommendations of the Sixteenth IACML (Buenos Aires, 2009) reaffirmed the forum’s commitment to decent work and incorporating the gender approach, and serve as a frame of reference for regional exchange and cooperation actions. The Declaration of Buenos Aires, “Facing the Crisis with Development, Decent Work, and Social Protection,” embodies the ministers’ decision to continue promoting the centrality of employment and decent work in debates and decision-making to address the crisis, laying the ground for a democratic development strategy and within the framework of new global cooperation. At the same time, the ministers committed themselves to closing gender gaps in the world of work, strengthening gender mainstreaming in employment policies, and promoting initiatives aimed at achieving equity in the workplace that would make it possible to achieve a better balance between family and work responsibilities.

The Sixteenth IACML reaffirmed the ministers’ commitment to the ILO Global Jobs Pact,<sup>4</sup> which provides a set of guidelines, concepts, and policies aimed at obtaining results that will lead to the achievement of sustainable development with social justice. These include respect for fundamental principles and rights at work, the promotion of gender equality, the right to a “social protection floor,” environmental sustainability, encouragement of participation and social dialogue, and the promotion of enterprise and of sustainable enterprises as key factors of recovery and development.

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4 Adopted by the ILO’s tripartite mandates of the 98th Meeting of the International Labor Conference (June 2009).

The IACML approved resolutions forming two working groups to carry out in-depth analyses on priority issues of the Conference, promote the necessary information and studies, and follow up on hemispheric initiatives. The first of these working groups took up the topic “Decent work to face the global economic crisis with social justice for a fair globalization,” whose secondary topics included mainstreaming gender in labor and employment policies. The second working group was tasked with the topic “Strengthening of the Ministries of Labor to promote decent work,” in the context of which it analyzed, inter alia, strengthening the capacity of the labor ministries, as well as the development and monitoring of national programs of decent work and social dialogue.

## **C** | **Regional Conferences on Women in Latin America and the Caribbean**

Ministers of women’s issues and representatives of the national mechanisms for the advancement of women (NMAWs) in Latin America and the Caribbean meet periodically at the Regional Conference on Women in Latin America and the Caribbean to discuss the progress and challenges related to achieving gender equality. In recent years, the Regional Conference on Women has focused on assuming commitments to achieve women’s empowerment and economic autonomy within the context of decent work.

The Tenth Regional Conference on Women in Latin America and the Caribbean (Quito, 2007) approved the Quito Consensus, recognizing the social and economic value of women’s unpaid domestic work and care-giving as a public matter of interest to countries, local governments, organizations, businesses, and families; as well as the need to promote the equitable sharing of household responsibilities between women and men.

Accordingly, the governments committed to recognizing unpaid work in national accounts; to developing measures of co-responsibility that apply equally to women and men; to formulating policies for providing quality employment, social security, and economic incentives designed to guarantee decent paid work to women who have no income of their own, on equal conditions with men, and labor rights.

The commitments assumed in the Brasília Consensus, adopted by the Eleventh Regional Conference on Women in Latin America and the Caribbean (Brasília, July 2010), include a series of actions to bring about women’s greater economic autonomy and equality in the labor sphere. Moreover, following in the wake of the Quito Consensus, it reaffirms the need to establish national accounts for the unpaid domestic and care-giving work performed by women; to encourage and strengthen, among the public and private sectors, the adoption of systems to oversee and promote non-discrimination of women in employment; the reconciliation of professional, private, and family life; and the prevention and elimination of all forms of gender violence in the workplace.

The Convention on the Elimination of All Forms of Violence against Women (CEDAW) is the main international legal instrument safeguarding the exercise of women’s human rights. With respect to employment, the

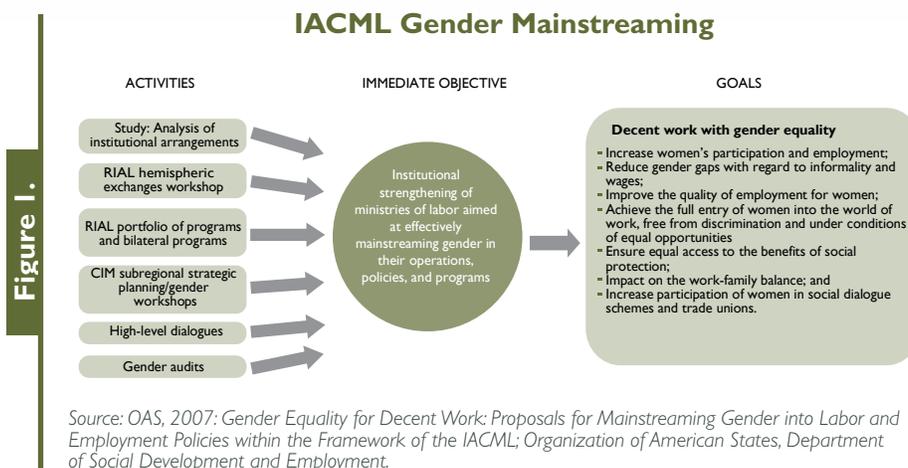
Convention establishes, in general terms, the need to adopt measures to safeguard women's right to work, to equal employment opportunities, to freely choose her profession and employment, as well as to training and promotion opportunities, equal pay for work of equal value, and the right to social security.

Finally, the Millennium Development Goals (MDGs) set productive and decent work as a core priority for promoting an equality-based development agenda. MDG No. 3 explicitly promotes gender equality and the empowerment of women, emphasizing that its achieving cannot be possible unless the quality and pay of women's employment is on an equal footing with that of men.

# 3.

## Follow-up actions on the Strategic Guidelines for Advancing Gender Equality and Non-discrimination with a Decent Work Framework

The “Strategic Guidelines for Advancing Gender Equality and Non-discrimination with a Decent Work Framework,” approved at the Fifteenth IACML, are designed to guide the Conference’s actions for “incorporating the gender perspective in the operation, policies, and programs of the Ministries of Labor, so as to promote decent work with gender equality” (OAS, 2007a). The objective of the Guidelines is to strengthen the labor ministries so as to effectively institutionalize the gender perspective in their structures and organization, as well as the mainstreaming of this approach in their projects, policies, and programs.



Activities undertaken in this regard seek to address the most urgent issues, in which the impact of ministerial action on the areas of employment and social protection will be the greatest. Accordingly, CIM has been working in partnership with DSDE/ OAS and the ILO, in the framework of RIAL cooperation mechanisms.

As indicated in the study entitled “The Institutionalization of a Gender Approach in the Ministries of Labor of the Americas,” coordinated by DSDE/OAS and launched during the Sixteenth IACML in Buenos Aires, a considerable number of the region’s ministries of labor include gender specialized units (GSUs) with differing characteristics and scopes of activity, which can be observed both in terms of the way they fit into the ministry’s organizational hierarchy and the resources they marshal. Both necessarily have an impact on the magnitude and characteristics of what they can achieve in the medium term.

In addition to its assessment, the study recommended a capacity-building program designed to strengthen these units or offices, to be included in the training plan for the institutional strengthening of gender specialized units of the labor ministries, which was developed in the aftermath of the RIAL Workshop on Gender Mainstreaming in the Ministries of Labor of the Americas (Buenos Aires, July 2009), and which served to define training priorities. This workshop, the aforementioned study, and similar past efforts have all been carried out by DSDE/OAS in close collaboration with CIM and the ILO.

Following up on the commitment adopted in 2010, CIM, together with the DSDE/OAS, the RIAL, and with support from the Canadian government (CIDA),<sup>5</sup> embarked on a capacity-building project encompassing four sub-regional workshops on “Participatory gender-responsive strategic planning,” which addressed the specific needs indentified in the above-cited study. These workshops were organized by staff of the GSUs or relevant authorities of the labor ministries, as well as their counterparts in the NMAWs. The sub-regional workshops were as follows:

<b>Workshop. Participatory gender-responsive strategic planning</b>	
<b>Caribbean</b>	Georgetown, Guyana, April 12-14, 2010, in coordination with the Ministry of Labour, Human Services and Social Security of Guyana.
<b>Central America, Mexico and the Dominican Republic</b>	San Salvador, El Salvador, May 4-6, 2010, in coordination with the Ministry of Labor and Social Welfare, and the Salvadoran Institute for the Development of Women (ISDEMU)
<b>Southern Cone</b>	Asunción, Paraguay, September 15-17, 2010, in coordination with the Ministry of Labor and Justice, and the Women’s Secretariat of the Presidency of the Republic of Paraguay.
<b>Andean Countries</b>	Quito, Ecuador, October 12-14, 2010, in coordination with the Ministry of Labor Relations, and the Transitional Commission for the National Council of Women and Gender Equality of Ecuador.

<sup>5</sup> These activities are part of CIM/OAS regional project “Advancing Gender Equality in a Decent Work Framework,” sponsored by CIDA.

As a result, these workshops, in addition to having provided training to participants in the use of gender-responsive strategic planning as a tool for mainstreaming this approach, also provided the countries with the workshop methodology. One very significant outcome of the workshops has been their ability to establish inter-sectoral relationships—in some cases the first of their kind—between the labor ministries and NMAWs. The interaction with peer institutions of the sub-regions proved to be a source of exchanging information and learning for most of their representatives. The fact that an informal network of exchange took shape between both sectors is proof of the workshops' effectiveness. Moreover, inter-institutional cooperation between the OAS (CIM and DSDE) and the ILO was strengthened through the workshop process.

Although these workshops were held quite recently, CIM and DSDE/OAS have already initiated follow-up activities on the impact of the workshops on the labor ministries and NMAWs that participated in this activity. For many of the representatives of these units, the training has proven to be a driving force in the search for new partnerships within these institutions. For others, the workshops have provided a new sense of perspective on gender mainstreaming within different areas of their institutions, thus representing short-term advances that have been documented in the follow up activities to the workshops

One of the most notable effects involves the immediate actions that have begun to take shape within the ministries of the countries that participated in the workshops. Prior to the workshop, very few labor ministries of the Caribbean countries included any type of GSU (gender specialized unit). During the workshop, participants indicated that owing to the relatively small number of staff at their institutions, the creation of a GSU could not be justified. For that reason, they have instead opted to establish gender focal points. Accordingly, several of the participants have begun decisive steps to that end.

While only a few countries in Latin America had not participated in workshops facilitated by GSU staff prior to this workshop series, a number of these countries have already taken the first steps toward establishing such units with a view to mainstreaming gender within their respective institutions. Others have championed informal agreements within their institutions and are well on their way. In the medium term, these efforts are expected to gain momentum and go on to establish GSUs. Once established, these units work to safeguard gender mainstreaming in public policies and continually strengthen their place within the ministry structure.

With respect to gender mainstreaming in the region's labor ministries, one of the most frequently recurring obstacles identified by staff in charge of gender affairs is fragile political will on the part of ministerial authorities to promote or mainstream the gender equality approach.

**In Barbados, since the workshop on Participatory gender-responsive strategic planning, the Ministry of Labor and Office of Gender Affairs have engaged in an ongoing dialogue to explore the best approach for gender mainstreaming within the Ministry. They agreed that one of the first initiatives should be an evaluation of gender within the legislative framework of the Ministry, and, consequently, terms of reference have already been prepared for the evaluation.**

Source: Responses to follow-up questionnaires subsequent to the Participatory Strategic Planning with a Gender Focus workshop series (CIM/OAS, 2011).

In El Salvador, the workshop on Participatory gender-responsive strategic planning provided an opportunity to train a significant number of staff, several of whom went on to form part of an institutional liaison committee established in the Ministry of Labor shortly thereafter.

This committee, comprised of representatives of the ministries main agencies, received training on gender mainstreaming and decent work, and these persons are now responsible for incorporating gender equality in each of the country's departments. This process, supported by the ILO, has culminated with a Ministerial Agreement establishing the Office of Gender Equity, a dependency of the Office of the Minister responsible for carrying out gender mainstreaming functions.

This point takes on significant importance in view of the fact that, despite ministry efforts aimed at creating GSUs for the purpose of mainstreaming the gender perspective, the mere existence of such units does not guarantee that the ministries have the capacity to mainstream the gender perspective into their policies and programs. The ability to make substantial headway in this direction requires an appropriate institutional framework, budgetary resources, and recognition as the entity responsible for promoting equal opportunities and gender equity in labor and employment policies.

Consequently, commitments adopted by the highest authorities in the areas of labor and gender will strengthen the political will embodied in IACML commitments to promote gender equality in labor and employment policies; a requisite for decent work. Moreover, such commitments would serve to strengthen coordination with the NMAWs, with a view to mainstreaming the gender approach in labor policies. A dialogue of this nature would definitely facilitate the incorporation of gender equality and rights in the world of work, bring about the inter-sectoral actions to make it a reality, and encourage ongoing and frank communication between these institutions, which may lead to ongoing exchanges of information, recommendations, and technical expertise.

There is no doubt that the new measures put forward in the "Training Plan for the Institutional Strengthening of Gender Specialized Units" will facilitate the exploration of the long-term potential of the region's labor ministries in terms of the institutionalization and mainstreaming

of the gender perspective. This is a process that is already underway, and it is hoped that the resulting progress can be shared with a growing number of institutions.

One of the proposals put forward in the Training Plan is the idea of holding participatory gender audits (PGAs) within the region's labor ministries.

The idea of including this tool in the "Training Plan for the Institutional Strengthening of Gender Specialized Units" of the labor ministries of the Americas was first suggested in the RIAL Workshop on Gender Mainstreaming in the Ministries of Labor of the Americas (Buenos Aires, 2009), as a joint ILO-OAS initiative.

PGAs are implemented according to a methodology developed by the ILO, and facilitate an in-depth analysis of the progress made in mainstreaming the gender perspective. PGAs also identify activities aimed at strengthening the institutional capacity of the audited institution, with a view to incorporating the gender

dimension into its policies, programs, and internal management. All PGAs include a plan of action developed collectively with stakeholders.

In an effort to boost the institutional capacity of the region's labor ministries, the ILO and OAS have agreed to perform joint gender audits within the ministries of labor of those countries that voluntarily agree to this initiative.

This exercise is in the early implementation phase. The ILO has carried out "train the trainer" exercises to ensure the transfer of its PGA methodology, and provided resources and an experienced work team to perform each audit. For its part, the DSDE/OAS/OAS will play a significant role in the selection, development, and monitoring of each audit, receiving support to that end from the Canadian government's Department of Human Resources and Skills Development. CIM will provide ongoing support throughout the entire process.

In Peru, the Directorate of Fundamental Labor Rights and Occupational Health and Safety, the Ministry of Labor and Employment Promotion (MINTRA), and the Ministry of Women and Social Development (MIMDES) have begun coordination to promote equal opportunities and nondiscrimination. These include:

- Training activities within MINTRA on the institutionality and mainstreaming of the gender focus, as well as policies to promote equal opportunities among women and men;
- MINTRA will oversee an intersectoral commission in its sector to monitor and evaluate implementation of policies to promote equal opportunities among women and men, known as the National Plan for Equality (Law No. 28983, Law on the Equality of Opportunities among Women and Men, the National Plan for Equality, and Executive Decree No. 027-PCM, the Second Policy on Equality among Women and Men);
- MINTRA will strengthen its existing GSU;
- MINTRA, in coordination with MIMDES, will draft a legislative proposal to reconcile workplace and family responsibilities.

In order to implement these activities, it will be essential to strengthen intersectoral cooperation with the NMAWs so as to consolidate mainstreaming of the gender equality approach within the labor ministries. In addition, the inter-institutional partnership between the OAS (CIM and DSDE) and the ILO is vital for coordinating and carrying out activities, technical assistance, and for the formulation, implementation, and monitoring of labor and employment policies, plans, and programs incorporating a gender perspective.



# 4.

## The situation of women in the labor market of the Americas

In recent decades, Latin America and the Caribbean have witnessed a massive incursion of women into the labor market. In contrast to other such incursions of women during crisis situations, it can be said that this sustained increase in women's participation is irreversible because the flows feeding it do not necessarily reflect anti-cyclical behavior in terms of the economic future, as has been observed in past decades.

At the macro-economic level, this is a positive phenomenon in terms of its impact for the economies of the region of having use of a significant part of the labor force (up to now considered secondary), but this is also positive at the micro-economic level, owing to the new income women earn from paid work in the home. However, the massive entry of women into the labor market has not met expectations in terms of economic development at the country level or the ensuing benefits at the level of households. With regard to women, their expectations have also not been fully met, since their incursion into the labor market has not guaranteed them quality jobs.

This situation is important to bear in mind upon examining the impact of economic processes on both men and women, inasmuch as their characteristics and magnitude will vary in accordance with their participation in work and employment, whether due to type of economic activity, level of representation in different sectors of the economy, type of occupation, as well as the institutional context associated with social security, social protection, labor laws, and degree of implementation. It is precisely due to such characteristics that the effects of the crisis will have different impacts on men and women, as well as among women (Espino and Sanchís, 2011).

**a****The economic crisis and its gender implications**

Following five years of sustained economic growth, the global crisis finally began to impact the economies of Latin America and the Caribbean in the last months of 2008. Labor markets began to feel the crunch of the crisis in the form of decreased demand for labor and rising unemployment. Nevertheless, the negative effects of the global economic and financial crises on Latin America and the Caribbean have been much less severe than initially feared.

The duration of the crisis in Latin America and the Caribbean was relatively brief in comparison to other regions, owing to the economic performance of most countries of the Americas, especially with regard to macro-economic and fiscal policies in place prior to the impact of the crisis. In this regard, studies confirm that from the standpoint of public labor policies, the economic performance of the region's economies between 2009 and 2010 was based on the implementation of best practices, especially as regards the active and passive labor market policies implemented, which worked in synch to support macro-economic policy; the necessary complementarity of the set of public social policies; and labor policies that protected workers, especially the most vulnerable (ILO, 2010).

Accordingly, between 2009 and 2010, the employment rate increased from 54.3% to 55.1%, revealing an improvement in employment opportunities for women and men in the countries of the region. Simultaneously, the region's poverty rate only increased one tenth of a percent—from 33.0 to 33.1%—according to estimates of the United Nations' Economic Commission for Latin America and the Caribbean (ECLAC, 2010).

Despite the critical situation of the global economy, employment rates in most countries of Latin America and the Caribbean have witnessed a recovery. However, with few exceptions, this rally has not meant greater employment stability or quality. The explanation for this can be found in that, according to disaggregated data, a significant percentage of the jobs created were precarious, low-productivity and own-account jobs, with only a modest increase in salaried jobs.

According to various studies (Bárcena, 2009; Antonopoulos, 2009; Espino, 2009), the crisis has impacted women and men differently, confirming that one dimension of economic and social inequality in the region concerns gender. In fact, structural problems such as social exclusion, inequity, poverty, and gender inequality become much more pronounced in times of economic crisis.

To a greater or lesser extent, the governments of Latin America and the Caribbean have approached the crisis using a wide and diverse range of policies, with marked differences between the countries of South America, which had greater reserves and a series of financial reforms in place owing to earlier crises, while the countries of Central America and the Caribbean had far less in the way of available reserves with which to confront the economic crisis. Nevertheless, in practically all the countries a consensus was reached as to the need for government to implement anti-cyclical spending and investment packages.

The gender impact in the sub-regions has also varied owing to the nature of women's incorporation into the labor market and the different channels of transmission through which the crisis came to affect the countries. In some countries of Central America, the economic growth of the past 20 years has depended on revenues from tourism, remittances from abroad, and the maquiladoras, sectors representing 65% of all exports and 19% of GDP in 2007, and which include a high percentage of women workers. As of mid-2001, maquiladoras accounted for 585,138 direct jobs in Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua. Of this number, between 56% and 87% were jobs held by women (Reddock & Foster, 2009).

In Mexico and the countries of Central America, where the maquiladora industry is significant and disproportionately geared to the employment of women, the crisis led to heavy layoffs of these workers. At the beginning of 2008, maquiladoras in Central America accounted for 411,502 jobs. By the end of that same year, 51,538 of those jobs had dried up - an average job loss of 13.5% - of which 65% were women's jobs (Maquilas, 2009).

Moreover, the impact of the crisis on the developed countries has resulted in a drop in remittances sent home by migrant workers from Latin America and the Caribbean, reflecting the dampening of employment opportunities in destination countries.

In the Caribbean, women migrant workers have been one of the groups most affected by the crisis in developed countries; many have lost their jobs and some have had to return to their countries of origin. In this sub-region, women account for a very significant number of jobs in the tourism, offshore banking, and manufacturing sectors—jobs that have been hit hard by the crisis, causing a high percentage of women to be laid off from their jobs.

The Women's Ministry of Curaçao has published a report on the impact of the economic crisis to date. It intends to present the report to the government of the island so as to call attention to the costs and complexity of the problem and to urge authorities to take action. Moreover, the Women's Ministry has also confirmed the gender impact of the crisis as well as the inadequate protection accorded to women with regard to prior actions. Nevertheless, few in the Caribbean sub-region are aware of the economic crisis' gender impact (Reddock and Foster, 2009).

Owing to the state of gender relations, women constitute a more vulnerable population segment in terms of the economic crisis. Accordingly, gender analyses are needed to determine the different impacts of economic recovery policies on both men and women, with a view to developing policies that incorporate gender dimensions in both policy design and evaluation in order to both prevent further exacerbating existing inequalities and to enhance gender equality.

Women's participation in the job market, characterized by under-employment, instability, the lack of social security coverage, and low wages, as well as their greater overall work burden, are but a few of the inequalities women face in this regard and this situation makes them vulnerable. It is therefore ethically imperative that

governments and the international organizations recognize this fact. Moreover, addressing gender equity can enhance effectiveness and efficiency in achieving the objectives of the policies put forward. Finally, the essential nature of social and gender equality to our economies, in terms of ensuring our citizens are stronger, more productive, and can exercise their rights cannot be emphasized enough.

Despite the fact that the Committee on the Elimination of Discrimination against Women (CEDAW) has specifically called attention to the impacts of the economic crisis on the human rights of women and girls around the world, no specific concern over the potential gender impacts of the economic crisis has been observed. The Committee has identified some potential impacts of the crisis on women and girls, including increased unemployment, a greater share of responsibilities in both the workplace and the home, reduced wages, and the possibility of increased social and domestic violence against women (United Nations, 2009).

It is clear that the region's governments have given little thought to promoting gender equality among the objectives of the policies they have pursued in addressing the crisis. Some advances in women's employment have been observed owing to general policies aimed at protecting the wages of vulnerable groups of workers. This has indirectly benefited women as they account for significant numbers of such groups. Many policy proposals of this kind (primarily benefits oriented) are designed to help the most vulnerable groups, including women, particularly female heads of household and young people.

Other programs implemented in various countries of the region are geared toward data collection and job placement services that have likely benefited women more, as the female population becomes increasingly less willing to accept work from informal sources, opting instead for access to formal sector jobs and job market information systems.

**Chile.** In 2009, Chile's National Training and Employment Service (SENCE) implemented measures to strengthen its employment information and labor intermediation system, through the country's municipal labor information offices (OMILs). The OMIL's countrywide network is viewed as a gateway of access to a variety of social programs of the Chilean government. The OMIL network offers access to a variety of public social programs, including unemployment programs for both dependent and independent workers, publicly funded training courses, and job recruitment and placement services, as well as linking beneficiaries to the Unemployment Solidarity Fund. The objectives of SENCE include fostering the development of job placement incentive systems designed to incorporate different groups into the labor force, including young people from 18 to 25 years of age, women heads of household, long-term unemployed workers (workers who have been jobless for more than four months), beneficiaries of the Unemployment Solidarity Fund, unemployed workers over 40 years of age and beneficiaries of the Chile Solidario system. It is hoped that the OMIL network will serve as a liaison between job supply and demand for those segments of the population most vulnerable to job loss.

**Argentina.** Because workers over 45 years of age, and particularly women in that age group, experience greater difficulty finding employment, special measures were adopted to encourage the hiring of such workers. These measures include a 50% increase in the monthly benefit and supplement, starting in the fourth month after hiring, for women covered under the Training and Employment Insurance scheme who are hired by employers in the private sector through the dependent employment promotion component of the employment program. After the seventh month of employment, there is a 100% increase in the monthly cash benefit and the income supplement that is paid during the first month that the employment contract is in effect.

**Mexico.** Mexico adopted a program to strengthen its National Employment Service (SNE) by mainstreaming gender into labor intermediation services. This program forms part of a set of anti-crisis measures adopted under the National Pact to Protect the Family Economy and Employment. These measures include the launching of a pilot program to train SNE counselors to assist women, gender mainstreaming training programs, and the preparation of gender-sensitive data. The aim of these measures is to bring about a change in counselors' attitudes and perceptions in order to ensure better services and job placement for female job-seekers.

Source: ECLAC/LO Bulletin. The Employment Situation in Latin America and the Caribbean, June 2010, No. 3.

Statistics show that women continue to face extensive gender equality gaps with respect to labor participation, unemployment, income, informal employment, and unequal distribution of labor between men and women in the care of family members and household responsibilities. Some of these gaps have actually grown wider owing to gender-neutral economic, labor and employment policies implemented over the last decade, revealing a greater degree of vulnerability. In this context, if we are to continue making headway in the area of decent work, the governments of Latin America and the Caribbean will need to incorporate the necessary measures to eliminate gender gaps in their plans and policies.

## **b** | Main employment-related gender gaps

### **i. Women continue to be disproportionately affected by poverty**

In Latin America and the Caribbean, there are currently 189 million people living in poverty, or 34.1% the total population (ECLAC, 2010). Moreover, the incidence of poverty in the English-speaking countries of the Caribbean is high. In fact, 80% of the Caribbean's total poverty is concentrated in the countries of Guyana, Jamaica, Saint Lucia, Suriname, and Trinidad and Tobago (ECLAC 2010), and is even more prevalent in rural areas.

Upon examining the poverty rates in Latin America over the last 30 years, there have been significant reductions in both poverty and indigence rates.

Table 1.	Latin America: Poverty and indigence rates. 1980-2008							
	Años							
	1980	1990	1997	1999	2002	2006	2007	2008
<b>Nonindigent Poor</b>	40.5	48.3	43.5	43.8	44.0	36.3	34.1	33.0
<b>Indigents</b>	18.6	22.5	19.0	18.5	19.4	13.3	12.6	12.9

Source: ECLAC. *Social Panorama of Latin America 2009*

Poverty undoubtedly impacts both men and women in the region. However, upon examining the impact of poverty by sex, it becomes clear that the situation of poverty is different in terms of men and women, including the types of things they lack, and the obstacles to exit poverty. Furthermore, poverty is much more complex than simply insufficient income, as its impact is also felt in other dimensions, such as a lack of opportunities, work, time, and access to social networks. All these factors must be taken into consideration in the design of policies aimed at overcoming poverty.

Both in terms of measuring poverty and policies to overcome it, households constitute the unit of analysis and target beneficiaries. The household unit, however, conceals a series of power-related inequalities and gender gaps,

making it difficult to determine the real levels of female poverty. Nevertheless, women's risk of being exposed to, as well as for slipping into and remaining in poverty is much higher than for men in all countries of the region. The most significant gender gaps are observed in Argentina, the Bolivarian Republic of Venezuela, Chile, Costa Rica, the Dominican Republic, Panama, and Uruguay. In addition, gender gaps have been exacerbated in some countries, such as Chile and Uruguay (ECLAC, 2009).

There are a series of factors inherent in female poverty, rooted in the sexual division of labor, which assigns women almost exclusive responsibility for domestic work and care-giving. This constitutes a powerful obstacle to women's entry into the world of work.

For poor women, entering the labor market is a more difficult endeavor. Beyond having fewer job training opportunities, women face difficulties delegating responsibilities for domestic chores and the care of children and dependent persons. This situation is evidenced in labor participation rates by condition of poverty (Table 2), which reveals the labor participation gap between poor and non-poor women.

Country	Poverty condition		Gap (%)
	Poor	Non-poor	
Argentina	40.3	51.6	11.3
Bolivia (Plurinational State of)	49.2	58.4	9.2
Brazil	47.3	59.4	12.1
Chile	32.4	47.2	14.8
Colombia	...	...	...
Costa Rica	32.3	52.5	20.2
Dominican Republic	42.1	58.9	16.8
Ecuador	...	...	...
El Salvador	46.3	59.1	12.8
Guatemala	38.9	54.7	15.8
Honduras	37.0	52.1	15.1
Mexico	45.1	55.5	10.4
Nicaragua	30.5	54.3	23.8
Panama	50.0	62.6	12.6
Paraguay	60.0	61.7	1.7
Dominican Republic	42.8	58.9	16.1
Uruguay	52.4	55.0	26.0
Venezuela (Bolivarian Republic of)	34.1	55.7	21.6

Source: ECLAC, 2008 Series. Includes household surveys administered by the countries of the region in 2008, with the exception of Argentina, Chile, El Salvador, and Guatemala (administered in 2006); Bolivia (Plurinational State of), Colombia, and Honduras (2007); Nicaragua (2005).

For many households, the entry of women into the labor market is generally seen as essential to ensuring that the household does not slip into poverty, or has the ability to emerge from it, and is critical in the case of women heads of household. In two-parent households, women's income is clearly identifiable (Table 3). Accordingly, an increase in the rates of women's labor force participation would have an enormous impact on combating poverty, especially among households with greater poverty.

Table 3.	Extent of poverty among 2-Parent urban/rural households and with spousal contribution to family income, 2007 (percentages)					
	Urbana			Rural		
	W/ contribution	W/o contribution	Gap	W/ contribution	W/o contribution	Gap...
<b>Argentina</b>	22.5	13.3	9.2	...	...	3.8
<b>Bolivia (Plurinational State of)</b>	55.6	39.9	15.7	81.0	77.2	12.0
<b>Brazil</b>	35.0	21.8	13.2	55.1	43.1	7.9
<b>Chile</b>	19.0	10.1	8.9	18.0	10.1	...
<b>Colombia</b>	...	...	...	...	...	5.2
<b>Costa Rica</b>	19.8	14.1	5.6	22.4	17.2	10.6
<b>Dominican Republic</b>	44.6	32.4	12.1	55.3	44.6	...
<b>Ecuador</b>	...	...	...	...	...	10.0
<b>El Salvador</b>	54.9	36.9	18.0	72.5	62.5	6.2
<b>Guatemala</b>	65.7	52.7	13.0	84.4	78.2	19.9
<b>Honduras</b>	43.4	22.4	21.1	53.9	34.0	4.5
<b>Mexico</b>	20.6	13.1	7.5	41.2	36.6	8.3
<b>Panama</b>	62.0	49.5	12.5	68.6	60.4	11.9
<b>Paraguay</b>	45.2	32.6	12.6	53.2	41.2	15.2
<b>Uruguay</b>	33.6	11.6	21.9	25.0	9.7	...
<b>Venezuela (Bolivarian Republic of)</b>	39.1	25.0	14.1	...	...	...

ECLAC: Economic Commission for Latin America and the Caribbean: 2007 Series: Includes household surveys administered by the countries of the region in 2007, with the exception of Argentina, Chile, El Salvador, Guatemala and Mexico (administered in 2006); Nicaragua (2005).

This data shows the significant contribution women make to the economic situation of their households when they are employed. However, that contribution would be much higher if women's labor market participation did not conceal the precarious nature of a significant percentage of unprotected jobs women perform in some of the most low-prestige, low-paying sectors of the economy. Moreover, efforts to eliminate the notable gap between what men and women earn for equal or similar work would also allow women to better provide for their families.

The absence of income is tantamount to a lack of economic autonomy, whether because a person is not participating in the labor market or is instead performing unremunerated work. At the same time, a lack of opportunities to earn an income hinders women's ability to achieve economic autonomy and get out of poverty, besides constituting one of the main pillars for achieving physical and decision-making autonomy—basic requirements for gender equality and citizenship.

The percentage of the population without an own source of income is still high: 31.8% of women and 12.6% of men (ECLAC, Gender Equality Observatory for Latin America and the Caribbean).

## **ii. Women bear a greater overall workload**

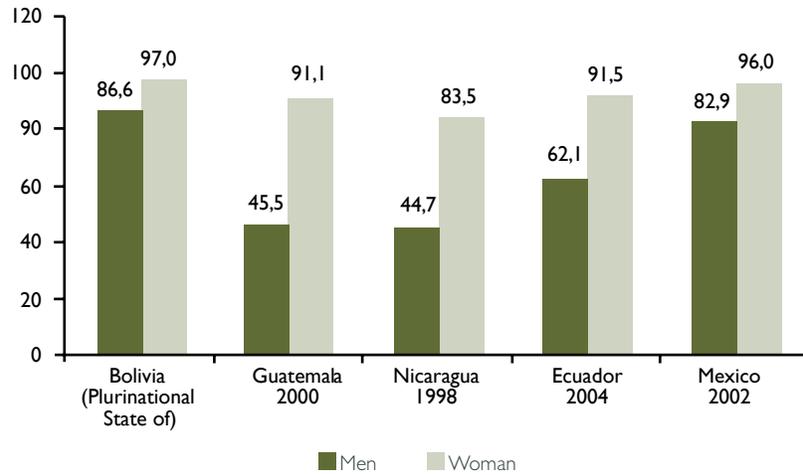
Data on the number of hours spent on both paid and unpaid work reveals that women have a longer workday than men. Time-use surveys currently administered in the region are facilitating data that, only 20 years ago, was based purely on women's routine perceptions. Now, unpaid work can be represented statistically, and there is now data available from a significant number of countries showing that women have a longer workday than men. Consequently, women's traditional responsibilities as caregivers and for unpaid work in the home are taken into account in addition to their paid work.

As a result, in little more than a decade the countries of the region have adopted binding and non-binding commitments recognizing the important contribution of unpaid work and the need for public policies to address the issue.

An analysis of surveys conducted in five countries of the region (Figure 2) on men and women's participation in household chores clearly shows, with the exception of Nicaragua, that more than 90% of the female population aged 15 years and older perform such chores. The percentages of men that take part in these activities are smaller in all the countries, with a difference of nearly 10 percentage points in Bolivia and Mexico, but in countries such as Guatemala and Nicaragua men's participation accounts for less than half that of women.

Figure 2.

**Percentage of the population 15 years and older that participates in household chores**

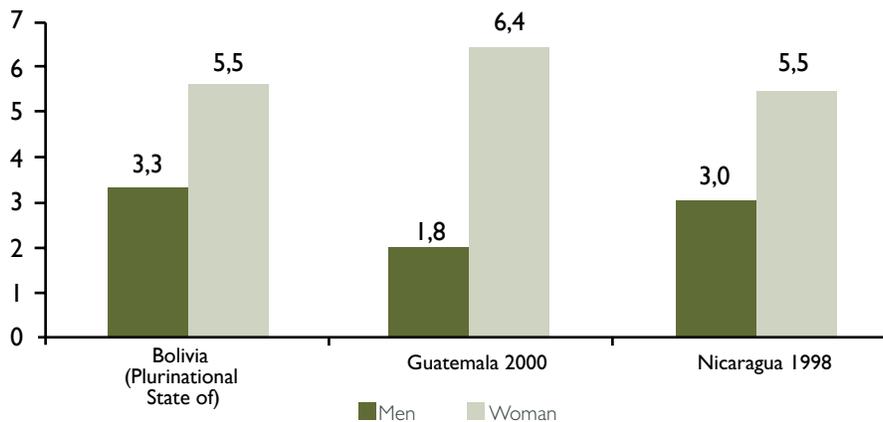


Source: Plurinational State of Bolivia, 2001 Survey of Households; Ecuador, 2004 Time-use Survey; INE, Mexico, INEGI National Time-use Survey 2002; Guatemala, Living Conditions Survey (2001); Nicaragua, Household Survey on Living Conditions (1998) INEC, ECLAC, 2010.

Another gap between men and women is seen in the amount of time spent on household chores (Figure 3). Accordingly, the percentage of men that assume responsibility for unpaid activities in the home is less than women, and men who perform this work do significantly less of it than women.

Figure 3.

**Number of hours/day the population 15 years and older spends on household chores**



Source: Plurinational State of Bolivia, 2001 Survey of Households; Ecuador, 2004 Time-use Survey; INE, Mexico, INEGI National Time-use Survey 2002; Guatemala, Living Conditions Survey (2001); Nicaragua, Household Survey on Living Conditions (1998) INEC, ECLAC, 2010.

Most unpaid work is done by women, regardless of the type of job they perform. For the women who are economically “inactive” or not paid for their work, it is precisely such work that often prevents them from joining the workforce. Consequently, these women lack their own income to meet their needs and those of their households. For others, this means taking paying jobs that allow them to also meet their family obligations. These jobs are generally more precarious, unstable, unprotected, and pay inferior wages. For yet another segment of women, combining family and work responsibilities subjects them to ongoing pressures to meet the needs of both spheres, which takes a toll on their health and quality of life.

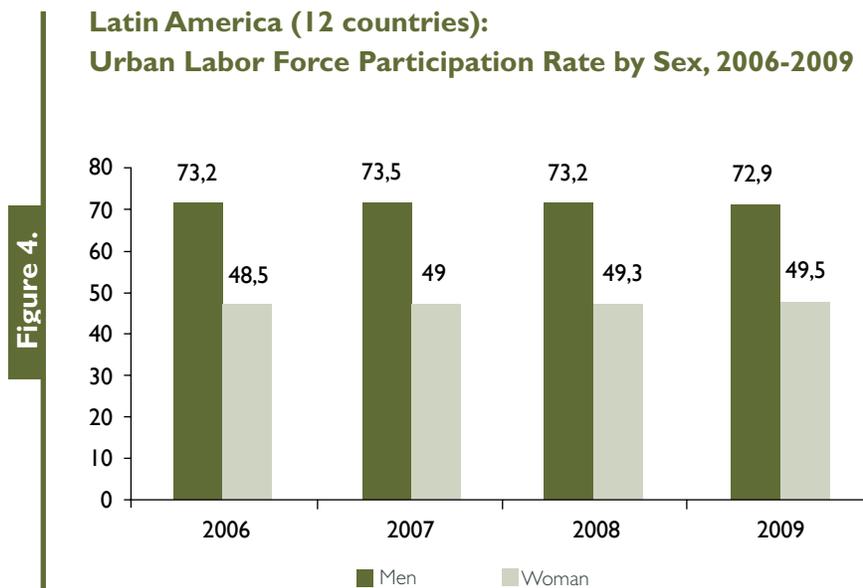
*“Due to demographic (increased life expectancy), educational (women receive more education than men), economic (growth of the labor market), and social (two incomes are necessary to emerge from poverty) factors, the care-giving responsibilities assigned to women by means of culture have entered into crisis, inasmuch as the time women have is not flexible and men are not yet willing to share in family responsibilities. Add to that the lack of public policies promoting co-responsibility.”*

*(D’arcy de Oliveira, 2003)*

Efforts by society in terms of organizing care-giving responsibilities, such as making child/dependent care facilities available to men and women, enacting legislation to promote men’s participation in family responsibilities via different types of paternity leave, and extending the obligation to provide child care infrastructure for working fathers and mothers, all represent measures aimed at balancing the demands of family and work life, and will make it possible for women to enter the workforce with dignity, thereby diminishing poverty levels and allowing women to use their full potential—up to now under-utilized—for development.

### iii. Persistent gap remains in women's labor force participation, despite improvement in recent years

This phenomenon is attributable to sustained growth in women's labor force participation and a slight decrease in that of men. According to data for the 2006-2009 term (Figure 4), women's labor force participation increased from 48.5% to 49.5%, whereas the participation gap decreased by 1.3%.



Source: ILO, based on official household survey data (Argentina, Brazil, Colombia, Costa Rica, Chile, Dominican Republic, Ecuador, Mexico, Panama, Peru, Uruguay, and Venezuela (Bolivarian Republic of)).

However, the available data on women's labor force participation in the region reveals persistent and clear differences by sex and in labor force participation, employment, and unemployment rates (Table 4).

Table 4.	Latin America and the Caribbean (17 countries): Rates of unemployment, participation, and employment by sex, Jan.-Oct. 2010 (percentages)					
	Unemployment rate		Participation rate		Employment rate	
	Men	Women	Men	Women	Men	Women
<b>Total countries</b>	6.5	9.1	71.1	49.9	60.5	41.4
Argentina / <sup>a</sup>	6.8	9.7	72.2	47.3	67.3	42.9
Bolivia Est.Pl. de / <sup>b/</sup>	5.5	7.6	63.6	50.6	60.4	47.4
Brazil	5.4	8.8	66.4	49.0	62.8	44.7
Chile	7.5	10.0	72.0	44.9	66.6	40.4
Colombia / <sup>a</sup>	9.4	16.0	74.0	51.5	67.1	43.3
Costa Rica / <sup>c/</sup>	6.0	9.5	75.9	43.5	71.4	39.4
Ecuador / <sup>a</sup>	6.7	10.0	68.6	47.5	64.0	42.8
Honduras / <sup>d</sup>	<b>Total 6.4</b>		<b>Total 53.7</b>		<b>Total 50.3</b>	
Mexico	5.5	5.4	77.1	42.2	72.9	39.9
Panamá / <sup>e/</sup>	5.3	8.5	80.4	47.5	76.1	43.5
Peru / <sup>a</sup>	6.7	9.8	79.1	61.9	73.7	55.8
Dominican Rep.	9.7	21.9	68.0	42.0	61.3	32.8
Uruguay	5.0	9.0	73.4	54.0	69.7	49.2
Venezuela B. R. of	8.4	9.5	79.2	50.5	72.6	45.7
Caribbean						
Barbados / <sup>f</sup>	10.5	10.7	70.4	55.0	63.5	45.9
Jamaica / <sup>g</sup>	9.9	16.7				
Trinidad & Tobago / <sup>f</sup>	<b>Total 6.7</b>		<b>Total 62.0</b>		<b>Total 57.8</b>	

Fuente: OIT, Panorama Laboral 2010

a/ Data from July-Sept;  
b/ first quarter;  
c/ data through July;  
d/ data through May;

e/ data through August;  
f/ first quarter;  
g/ average Jan.-April.

#### iv. Women's unemployment rates consistently higher than men's

Oftentimes, this gap is the result of discrimination against women in hiring, attributable to, inter alia, employer bias against women as mothers, viewing them as more costly in terms of potential pregnancies<sup>6</sup> and as requiring more time off work to meet their care-giving responsibilities to family members. Another influencing

<sup>6</sup> Regarding the myth that hiring women is more "expensive," the ILO conducted a study in Chile which found that the direct monetary costs to an employer associated with hiring women workers is quite small, representing less than 2% of women's gross earnings. Abramo, L.; Todaro, R. 2002, Cuestionando un mito: costos laborales de hombres y mujeres in América Latina ["Questioning a Myth: Labor Costs of Men and Women in Latin America"], (ILO, Lima).

factor is the fewer number of occupations available to women, due to horizontal segregation of the labor market, resulting in “feminized” labor market sectors that employ the majority of women workers.

During the financial crisis, the unemployment rate in most countries increased for men and women alike; however, the crisis had a greater impact on men, inasmuch as the crisis had a more apparent impact on sectors of the economy employing greater numbers of men, such as manufacturing and construction. Even so, female unemployment continues to be 1.4 times higher than that of men.

According to ILO data in its 2010 Labour Overview, the unemployment rate in Latin America and the Caribbean decreased 0.9%, from 8.5% in 2000 to 7.7% in 2010. However, since 2000, a clear improvement has been observed in the region in terms of employment opportunities. The employment-to-population ratio has increased 2.6% in the current decade (compared to 1.7% in the 1990s), despite a slowdown caused by increased employment in 2009. The increase in the employment-to-population ratio is due primarily to the improvement in women’s employment opportunities. The significant gap in this ratio between men and women in the region, a bit over 27% in 2010, has narrowed by approximately 5% since the decade began.

The average weighted unemployment rate among men increased from 6.3% to 7.5% during the first three quarters of 2008 and 2009, respectively, while the corresponding rate among women rose from 9.3% to 10.1%. However, according to the ILO, this greater increase in the employment-to-population ratio “does not necessarily represent progress in terms of employment quality since available information for the group of countries<sup>7</sup> indicates that women’s employment in the informal sector expanded more than that of men, in a comparison of the second quarters of 2010 and 2009 (ILO, 2010).”

#### **v. Women are more likely to be employed in the informal economy**

Women are overrepresented in the informal economy and this trend is growing (Table 5). Between 2008 and 2010, men’s employment in the informal economy rose slightly from 50.1 to 50.9%, whereas the corresponding increase for women was more significant, from 56.8 to 57.6%, which shows that the gender gap in informal work has also increased from 6.7 to 7.6% in two years (ILO, 2010).

Furthermore, the same gender gaps observed in formal employment also hold true in the informal labor market. With respect to informal sector employment, there are almost three times as many male employers (2.9%) as female employers (1.1%). Data on family workers reveals the opposite trend: in 2010 only 2% of men were classified in this category, whereas the corresponding figure for women reached 4.9% (ILO, 2010). Thus, in the informal sector, women’s labor-market insertion is even more precarious than for their male counterparts.

Women often seek informal jobs that make it possible for them to balance their household and care-giving responsibilities. These jobs often involve part-time work, which is reflected in their paychecks.

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<sup>7</sup> Argentina, Barbados, Brazil, Colombia, Costa Rica, Dominican Republic, Ecuador, Honduras, Jamaica, Mexico, Panama, Peru, Trinidad and Tobago, Uruguay, and Venezuela (Bolivarian Republic of).

Table 5.	Latin America (5 countries a/): Percentage change in non-farm employment by sex, sector and occupational category (second quarter 2010)		
	Sex, sector, and occupational category	2008	2009
<b>TOTAL</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>Formal sector enterprises</b>	57.7	56.8	56.0
With formal employment	45.1	44.5	44.5
With informal employment	12.6	12.3	11.5
<b>Informal sector enterprises</b>	37.9	38.7	39.7
With formal employment	1.3	1.3	1.2
With informal employment	36.5	37.4	38.4
Own-account	23.3	24.0	24.7
Employers	2.0	2.1	2.2
Family workers	3.1	3.2	3.2
Wage earners	8.1	8.0	8.4
<b>Households</b>	4.4	4.5	4.4
With formal employment	0.5	0.5	0.5
With informal employment	3.9	4.0	3.8
<b>TOTAL INFORMAL EMPLOYMENT</b>	<b>53.0</b>	<b>53.6</b>	<b>53.8</b>
<b>MEN</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>Formal sector enterprises</b>	60.9	59.9	59.5
With formal employment	48.3	47.4	47.7
With informal employment	12.6	12.4	11.8
<b>Informal sector enterprises</b>	38.6	39.6	39.9
With formal employment	1.5	1.4	1.3
With informal employment	33.1	38.2	38.7
Own-account	22.1	22.9	23.3
Employers	2.7	2.9	2.9
Family workers	2.0	2.0	2.0
Wage earners	10.3	10.4	10.5
<b>Households</b>	0.5	0.5	0.5
With formal employment	0.1	0.1	0.1
With informal employment	0.4	0.4	0.4
<b>TOTAL INFORMAL EMPLOYMENT</b>	<b>50.1</b>	<b>51.0</b>	<b>50.9</b>
<b>WOMEN</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>Formal sector enterprises</b>	53.5	52.7	51.3
With formal employment	40.9	40.6	40.2
With informal employment	12.5	12.1	11.1
<b>Informal sector enterprises</b>	36.9	37.5	39.3
With formal employment	1.2	1.2	1.2
With informal employment	35.8	36.3	38.1

Own-account	24.9	25.6	26.4
Employers	1.1	1.1	1.2
Family workers	4.7	4.8	4.9
Wage earners	5.1	4.9	5.6
<b>Households</b>	9.6	9.8	9.4
<b>With formal employment</b>	1.1	1.1	1.1
<b>With informal employment</b>	8.5	8.7	8.3
<b>TOTAL INFORMAL EMPLOYMENT</b>	<b>56.8</b>	<b>57.1</b>	<b>57.6</b>

Source: ILO, 2010 Labour Overview

<sup>a/</sup> Selected countries: Colombia, Ecuador, Mexico, Panama, and Peru.

Data shows that although the region's economic recovery has reactivated salaried employment, the corresponding increase has not been enough to absorb the growing workforce, thus resulting in a trend of own-account work and, generally, employment in the informal economy.

Women's labor-market insertion is more precarious with respect to own-account activities, such as family and domestic workers—occupations that provide less protection and pay. In 2010, 53.8% of workers were employed in the informal sector; of which 50.9% were men and 57.6% women.

#### **vi. Women have less access to social security coverage**

A large part of the female workforce works in own-account, low-productivity activities, or domestic work, where 9 out of 10 women lack access to social security (ILO, 2009). In Latin America and the Caribbean, 44% of the employed urban population and 37% of the total employed population are registered with and contribute to social security systems, a figure that has remained practically unchanged since 2002, with significant differences between countries and among men and women. Only 15% of women and 25% of men between the ages of 15 and 65 years have social security coverage (ECLAC, 2008).

In addition to having less access to social security, women's employment tends to be intermittent, whether because their labor-market insertion is more precarious and unstable or because the care of their children make it necessary for them to temporarily be absent from work or to quit work altogether; or make it necessary to work a reduced schedule, with the corresponding loss of income and social benefits. All these factors result in lower social welfare benefits and less social protection, despite the fact that women's life expectancy is higher than men's, which increases their chances of falling into poverty late in life.

#### **vii. Women over-represented in economic sectors with lower productivity, status, and income**

Persistent gender segregation in certain types of economic activities and occupations results in disproportionate concentrations of women, e.g., in commerce, financial services, and the manufacturing industry (especially textiles production and the maquiladoras).

Segregation works in a number of different ways. Vertical segregation of the market occurs when the jobs occupied by women are predominately low-status. Horizontal segregation occurs when the female workforce is concentrated in a limited number of sectors and professions. This type of segregation is, to a large extent, conditioned on the types of choices made in the education system and professional training, which in turn are influenced by gender stereotypes and biases—both from within and outside the labor market—regarding alleged abilities, preferences, and the various characteristics of those jobs that are “appropriate” for women as well as for men.

One example of segregation in the labor market is reflected in the data on women employed in the urban sector in the Central American Isthmus, where women workers are primarily concentrated in the social, community, and personal services sector (32%), in the retail sector (28.5%), and in the manufacturing sector (13.2%) (Espino, 2009).

### **viii. Paid domestic work accounts for a significant portion of the female workforce**

The ranks of female domestic workers have increased to more than 100 million worldwide, 16 million of which are Latin American women. The ILO estimates that domestic work accounts for 15.8% of the female workforce (Valenzuela, M. E. and Mora, C., 2009). This type of work is done almost entirely by women, particularly women migrants, indigenous women, and women of African descent with low levels of schooling. Domestic work is considered a “typically female” job, inasmuch as it consists of activities such as washing, ironing, cleaning, and taking care of others in the household, and as such is seen as under-valued and unrecognized (ILO, 2011a). Domestic work involves long workdays, low pay, scant social security coverage, and a high degree of noncompliance with labor regulations (ILO, 2011b).

Women domestic workers are often discriminated against in legislation, inasmuch as most Labor Codes have a special system applicable to domestic work, which generally provides for longer workdays, less time for rest, and salaries lower than those of other occupations.

In the past decade, special attention was paid to regulating this occupation to help overcome the situation of inequality of women who perform this work and make progress in this area toward decent work.

One of the most notable recent developments at the last International Labour Conference (June, 2011) was the ILO’s adoption of Convention No. 189, “Decent Work for Domestic Workers,” and Recommendation No. 201 on decent work for domestic workers. The Convention is a binding international instrument for the member states that ratify it, while the aforementioned Recommendation offers a more in-depth set of guidelines on how the Convention can be implemented in practice.<sup>8</sup>

**Recent legal reforms governing paid domestic work in Latin America  
(since 2000)**

<b>Country</b>	<b>Legal Instrument</b>	
Argentina	Decree No. 485 (2000)	Implementing regulations for the special social security system for domestic workers. The Decree establishes mandatory employer premiums and contributions for their domestic workers who work six or more hours per week.
Bolivia	Law on Female Domestic Workers (2003)	Regulates paid work in the home and stipulates the rights and obligations of both employees and employers.
Brazil	Law No. 11,324 (2006)	Stipulates the right to 30 days of vacation, job stability for pregnant women, civil and religious holidays, and prohibits payment in kind. The program established by law provides tax incentives to encourage job regularization for domestic workers.
Chile	Law on the Minimum Wage	Provides for a progressive increase in the minimum wage for female domestic workers until they reach full parity with the minimum salary in 2011. The law recognizes the right of workers to take leave on all legally established holidays.
Costa Rica	Law No. 8,726 (2009)	Establishes a maximum workweek of 48 hours; that the minimum salary established for this category of work by the National Salary Council [Consejo Nacional de Salarios] is to be paid in currency; and that the minimum age for persons working in this occupation is to be age 15.
Ecuador	Law on the Minimum Wage	Beginning in 2010 raises the minimum salary of female domestic workers to achieve parity with other salaried workers.
Paraguay	Decree of the Social Welfare Institute (2009)	Extends the right to health insurance coverage for all female domestic workers throughout the country.
Peru	Law No. 27,986 (2003)	Regulates salaried work in the home and stipulates the rights and obligations of employees and employers.
Uruguay	Law 18.065 (2006)	Aligns the rights of female domestic workers with those of other salaried employees. In August 2008, domestic workers began participating in collective bargaining.

Source: ILO Briefing Note No. 1. *Paid Domestic Work in Latin America and the Caribbean*.

8 Convention No. 189, "Decent Work for Domestic Workers," ILO, Geneva, June 2011.

A significant number of countries in the region have carried out initiatives to expand protection for domestic workers. In 2009, Paraguay's Social Security Institute extended its health insurance coverage to all domestic workers. Guatemala established the Special Program for Protection of Domestic Employees (PRECAPI), which made it possible for domestic workers in Guatemala City to join the social security system.

In Argentina and Brazil, there were tax benefits and campaigns to increase coverage of domestic workers. Accordingly, in 2005, Argentina increased the number of these workers from some 70,000 to around 418,000 in a period of three years. In Brazil, between 2006 and 2009, approximately 700,000 employers were able to take tax deductions in exchange for regularizing the employment situation of their domestic workers.

The Peruvian Ministry of Labor and Employment Promotion's Office on Basic Rights is working on that country's National Plan on Decent Work, with a view to safeguarding compliance with the rights of domestic workers. The plan includes guidelines to protect domestic workers from having to perform work that puts their health and lives at high risk.

Similarly, a number of countries have carried out awareness-raising campaigns on the rights of domestic workers. For example, in 2005, Uruguay's Banco de Previsión Social carried out a media campaign to raise awareness on new rights for workers, which has brought about a 50% increase in social security contributions over the last six years.

Trinidad and Tobago's National Union of Domestic Employees (NUDE), with support of the ILO Office for the Caribbean and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), are working to develop a strategic plan for the period 2011-2015, as well as the corresponding plan of action for the first two years of said plan. Its established objectives include promoting the protection of the rights of domestic workers and the elimination of gender inequalities through awareness-raising programs, and establishing a network of organizations to promote the enactment of legislation and policies based on the principle of decent work to protect domestic workers in the Caribbean.

In Costa Rica, as in most countries, domestic workers regularly work 12 hours per day, and may work four hours of overtime, with only one hour of rest for lunch. Instead of paying these workers for holidays, they were given a half-day off. In terms of the work week, these workers were given a half day off and a half day off on Sunday twice per month.

In 1994 the country's Association of Domestic Workers (ASTRADOMES) filed a suit challenging the constitutionality of Article 104(c), (d), and (e) of Costa Rica's Labor Code, in addition to the country's non-compliance with some of the international agreements to which it is party (e.g., CEDAW and ILO Convention No. 111). On that occasion, the country's Constitutional Court ruled that the Labor Code applicable to domestic workers was not unconstitutional.

In 2007,ASTRADOMES refiled its suit challenging the Labor Code's constitutionality and on this occasion the Constitutional Court declared unconstitutional the aforementioned subparagraph (d), providing only a half day of rest for domestic workers on any day of the week, and subparagraph (e), establishing a half day of pay for domestic workers on paid holidays, while the Labor Code in fact provided a full paid holiday for all other workers. In their ruling, the judges found said provisions were "discriminatory with no objective justification whatsoever," as there is no way to justify why the work regimen applicable to domestic workers should include such an exception. Nevertheless, the majority vote found that the workday applicable to domestic workers was not unconstitutional because "On the one hand, the Code provides for a 'maximum regular workday' of 12 hours, but should also recognize that, in fact, workers do not always work the maximum hours stipulated. On the other hand, the existence of a shorter workday—also regular—does not affect the minimum salary established for that category of workers. Finally, the specific conditions of domestic work make it reasonable, in this specific case, that the Code indicate a maximum workday, with no possibility of extending it to a special workday [...]."

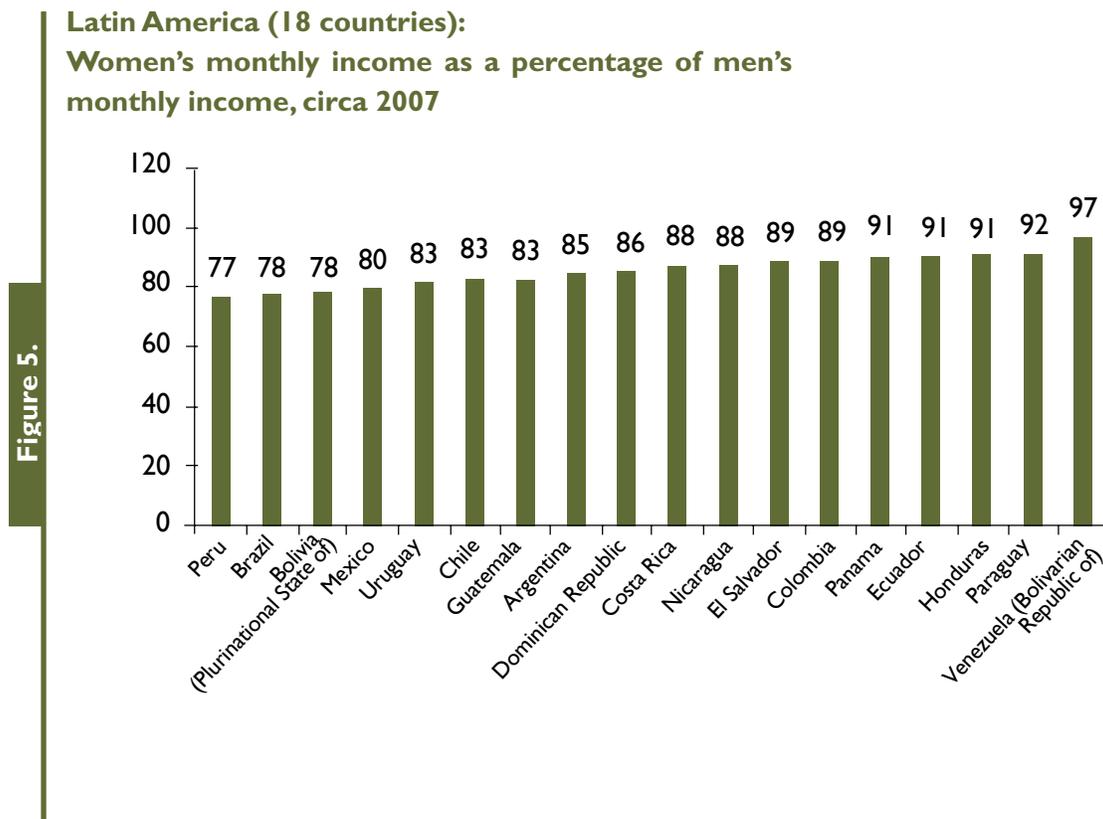
The following year,ASTRADOMES filed a new lawsuit challenging the final provision of the Labor Code the Constitutional Court left in place, regarding the workday. Nevertheless, the majority of judges ruled again that it was not unconstitutional.

In 2009, Costa Rica's Legislative Assembly approved a law reforming Chapter 8, Title II, of the Labor Code, regarding the Law on Paid Domestic Work. The amended law establishes a regular 8-hour workday and a 6-hour nighttime workday, which finally put domestic workers on equal footing with the rest of the country's workers.

Source: ILO. Comparative Law and Jurisprudence on Women's Labor Rights: Central America and the Dominican Republic. San José, Costa Rica, 2011.

## ix. Persistent salary discrimination against women

Currently, women's earnings account for between 60% and 90% of the average earnings of men. On the one hand, this situation is indicative of gender discrimination in the labor market. On the other hand, however, this represents significant progress. In recent years, employers in a number of countries in the region have been required by law not to discriminate on the basis of sex and to respect the principle of equal pay for men and women that perform the same work. In the countries of the region, these measures have been incorporated into their legislation, constitutions, and labor codes. For example, Chile's Law No. 20,348, establishing equal pay for men and women in both private and public sector jobs;<sup>9</sup> Colombia's Substantive Labor Code and regulatory decrees containing provisions that, inter alia, ban differences in salaries on the basis of sex.



Source: ECLAC. *Statistical Yearbook for Latin America and the Caribbean 2008*

<sup>9</sup> Government of Chile, Office of Employment, "Law on Equal Pay for Men and Women In Force in Chile," December 21, 2009, online labor study <http://www.dt.gob.cl/1601/w3-article-97404.htm>.

In a study on income gaps in Barbados and Jamaica, it was observed that in both countries, as in most countries of the region, that women have achieved higher levels of education than men. Nevertheless, men earn more than their women peers. A comparison of the income of men and women of the same age and education level reveals that men earn an average of 25% more than women in Barbados, while the corresponding percentage for Jamaica is 12% more.

Gender Earnings Gaps in the Caribbean:  
Evidence from Barbados and Jamaica  
Annelle Bellony, Alejandro Hoyos, Hugo  
Ñopo. IADB, 2010.

In terms of the 11 countries for which the ILO has income gap data (Figure 5) on the total employed population, it can be observed that between 2003 and 2007, women's earnings improved with respect to that of men in five of the 11 countries studied, i.e., Argentina, Brazil, Chile, Ecuador, and Venezuela (the Bolivarian Republic of), while women's earnings remained the same in the Plurinational State of Bolivia, but lost ground in another five countries—Cost Rica, Dominican Republic, Mexico, Panama, and Paraguay.

Despite these advances, the disparity between the labor incomes of women and men in the region continues to be very irregular, ranging between 61% and 83% in 2003, and between 64% and 81% in 2007.

#### **x. Sustained increase observed in households headed by women**

The percentage of households headed by women increased from 22% in 1990 to 31% in 2008 (United Nations, 2010). The high percentage of households headed by women in the region and the fact that these households generally have only one income to meet

all their needs, which tends to be lower due to wage discrimination against women, contributes to the levels of poverty among such female-headed households. Simultaneously, women heads of household may have difficulties balancing their roles as providers and care-givers, thus resulting in poorer households and a greater chance of continuing a cycle of inter-generational poverty

#### **xi. Women's participation in collective bargaining remains low**

The relatively low level of participation among women workers in different types of negotiating forums has not improved much, which is inconsistent with women's greater participation in the workforce, especially since these types of forums are a significant means for strengthening compliance with rights and making headway toward achieving gender equality. The lack of women participating in such negotiations is likely due to lower coverage of women in negotiation processes owing to their over-representation in the most precarious and unregulated segments of the workforce, and the negligible presence of women in the management levels of trade associations and negotiating forums (ILO-UNDP, 2009).

Although efforts to include issues of gender parity within the clauses of collective bargaining instruments are still quite recent, such efforts are important to the labor sphere, as was proven in an ILO-sponsored study of six countries in the region (Abramo and Rangel, 2005). This study, which examined collective bargaining and gender equality in Argentina, Brazil, Chile, Paraguay, Uruguay, and Venezuela, concluded that the presence of gender issues in the results obtained through collective bargaining are indeed significant.

With respect to the countries examined, the average number of such clauses included per agreement varied from 0.4 in Uruguay to 8.1 in Venezuela. In three of the countries, the averages varied from approximately 4.5 to nearly 6. The number of clauses regarding the family responsibilities of male and female workers accounted for 36.4% of all clauses negotiated. However, such clauses account for only modest progress, since most—nearly two thirds of the total of this group—dealt with parental compensation, which are relatively small monetary benefits for education, child birth and the healthcare of children and other family members. The remainder concern special types of leave; for example, to attend to the health needs of other family members or for relocating to another area.

Social dialogue within companies, both at the sectoral and national levels, including consultations with women's organizations, is important for all women workers and as a means of supporting improved labor conditions for women migrant workers. In Latin America and the Caribbean, the percentage of women who participate in social dialogue institutions, broken down by group, is 14.2%; for women in government, 26.1%; women in employer groups, 7.4%; women in worker groups, 7.14%; and for women in other groups of interest, 24.2% (ILO, s/f). This low participation represents a hurdle to overcoming gender barriers, and, consequently, social liaisons are key actors for promoting equal opportunities in the workplace.

Tripartite collective bargaining forums are tools of essential importance for promoting the adoption of measures to improve employment and quality-of-life conditions in the workplace, based on strategic agreements among different sectors. Within the collective bargaining framework, measures seeking to progressively reduce the length of the workday and overtime can help ensure the preservation of rights and social protection.

### **Unions' role in reconciling Work and family life in the Caribbean**

Unions in the Caribbean have reached agreements that go beyond legal requirements, in terms of lengthening maternity leave. In Trinidad and Tobago, for instance, the Banking, Insurance and General Worker's Union (BIGWU), which represents primarily women workers from over 60 companies, has negotiated a 14-week leave in about 75% of collective agreements (one week more than required by law); and in the case of one insurance company, 16 weeks.

In the English-speaking Caribbean, there are no laws regarding paternity leave, but several unions have nonetheless achieved leaves of this kind, ranging from two days to two weeks, in some companies in Antigua and Barbuda. In Barbados, collective agreements have achieved five-day paternity leaves in about 15 cases. Again, Trinidad and Tobago's BIGWU has won a three-day paternity leave in 75% of its collective agreements, five days in 25% of cases. Among BIGWU's other achievements is the provision for one day off per child per year, for school visits, available to men and women workers.

This progress reflects unions' concern about the difficulties men and women workers endure every day, due to the conflict between work and family life. They use ILO Conventions 156 and 183 as key negotiating tools.

Quoted directly from ILO-UNDP "Work and Family: Towards new forms of reconciliation with social Co-responsibility," Santiago, 2009.

In the Southern Cone countries, tripartite committees have been mechanisms of social dialogue that have achieved, inter alia, the enactment of labor legislation governing domestic workers in Uruguay (2006) and Paraguay's ratification of ILO Convention No. 156 regarding the family responsibilities of male and female domestic workers in Paraguay (2007).

In Costa Rica, unions—and especially women union members—have shown increasing interest in promoting the tenets of social co-responsibility. The most specific contribution of this sector has been “collective conventions” in different institutions. The main advances in this regard focus on expanding the minimum standards of maternity protection, different types of paid leave to attend to family responsibilities, care-giving infrastructure, and increasing paternity and breast-feeding leaves (ILO, s/f).

A series of factors have hindered significant progress in this regard, including a general weakening of collective bargaining in the region in the 1990s, and problems impacting the implementation of labor legislation. One of the pending challenges in this regard involves having both men and women share responsibility for these issues, as these problems are still viewed as “women's issues.”

## **xii. The feminization of migration**

Women account for more than half of all people who migrate in search of jobs. Generally, the main attraction is services requiring limited specialized skills. In fact, these migrants perform a significant amount of care-giving work in North America and Europe.

One study by the United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW, 2006) found that 60% of women migrants from Latin America work as domestic workers in the countries of destination. Approximately 44% of the 9.9 million Mexicans residing in the United States are women, of which 68% earn their living as domestic workers.

In 2004, Mexican women migrants in the United States accounted for more than 60% of remittances received in Mexico (ECLAC, 2007), despite earning 30% less than their male counterparts, which underscores that the contribution of women migrants to the economies of their countries of origin, in the form the remittances, is proportionally higher than that of men.

The significance of this contribution in terms of alleviating the situation of poverty in their countries is considerable and growing. In 2005, remittances from abroad accounted for 27.56% of GDP in Haiti; 31.15% in the Dominican Republic; 16.26% in Jamaica; 16.67% in El Salvador; and 21.02% of GDP in Honduras. According to data from multiple household surveys from most countries of the region, remittances represent a very significant share of household income, particularly in countries such as Uruguay (45%), Paraguay (41.9%), Ecuador (35.9%), Mexico (35.6%), El Salvador (34.1%) and Honduras (33.6%) (ECLAC, 2008).

According to 2007 data, Guatemala's migrant population numbered approximately 1.5 million, representing nearly 12% of its total population. El Salvador had 2.9 million migrants, accounting for nearly 29% of its population, whereas there were just under a million Honduran migrants, accounting for some 11% of its total population. Nicaragua's migrants numbered about 750,000, representing 10% of its population, and Costa Rica has the smallest rate of migration or less than 100,000 migrants, representing 2% of its total population (Coronado, 2009).

Between 70% and 90% of migrants from these countries live in the United States; consequently, the U.S. economic recession is expected to continue having a negative impact on remittances and further deteriorate the economic situation of low-income families in these countries, many of which have a female head of household as a result of male migration. This situation takes on additional relevance in light of studies carried out by the Inter-American Development Bank (IDB), which estimate that between 75% and 80% of remittances received by these households is used to cover their basic needs (Espino, 2009).

Migration flows have occurred within the region; for example, Nicaraguan migrants that settle in Costa Rica. Accordingly, there are flows of female migrants from Nicaragua to Costa Rica, and from Peru to Chile, destination countries in which the percentage of migrant women domestic workers is higher than the percentage of local women doing this work. According to one ECLAC study (2004), 9.1% of Costa Rican women are domestic workers in their country, while Nicaraguan migrant women in Costa Rica account for 42% of domestic workers. In Chile, 16% of the total female population is employed as domestic workers, whereas Peruvian migrant women account for 72% of domestic workers in Chile.



A woman with dark hair, wearing a colorful patterned blouse, is seated at a desk. She is looking down at a laptop, with her hand resting on her chin in a thoughtful pose. The background is a blurred office or meeting room setting.

# 5.

## **The benefits of mainstreaming the gender perspective in labor and employment policies**

Mainstreaming the gender perspective into labor and employment policies is a necessary condition for promoting decent work. It is therefore essential to underscore the need to observe the labor market from the viewpoint of gender, so as to encourage the development of policies designed to achieve equity between men and women. Such policies are rooted in the belief that gender equality must be an essential component of labor institutions, labor market policies, and social protection actions, in order to ensure efficient economic performance, strengthen democracy, and guarantee the social integration and economic development of countries.

Labor and employment policies are not gender neutral, but instead generate different impacts on women and men. If this principle is not taken into account, the impact of such policies will only exacerbate existing gender gaps. It is therefore necessary to evaluate policy implications for gender relations and inequalities through socioeconomic and political analyses, so as to prevent any discriminatory bias in these policies.

The nature of women's employment in the economies of the region has been described previously, including persistently high levels of work in the informal sector, under-employment owing to insufficient work hours, "disguised unemployment" in terms of low-productivity activities, and "open unemployment" or high levels of inactivity, all symptomatic of under-utilization of the labor force. This structural phenomenon characterizing the region signifies an inefficient use of domestic resources, inasmuch as women have achieved equal levels of education with respect to men, and in some cases have surpassed them.

The problems with respect to the employment of women in the region have a very significant impact on their participation in the labor market and in overcoming the situation of poverty experienced by millions

of the region's households, and therefore cannot be resolved without mainstreaming gender equality and women's rights into labor, employment, and social protection policies, with special emphasis on policies to promote a balance between family and work life in the countries of Latin America and the Caribbean.

## **a** | Economic costs of failing to mainstream the gender perspective into labor and employment policies

Beyond equality and equity considerations, there are also arguments that efficiency is enhanced in policies designed to advance toward equality of opportunities and equal treatment of men and women, in that addressing gender equity can contribute to more effective and efficient achievement of the political goals of policies.

With regard to efficiency, numerous studies (Albert, Escot, Fernández & Palomo, 2010; Abramo & Todaro, 2002; Acción RSE, 2010; Piazzese, 2009) have shown that reducing and eliminating discrimination and segregation of any type, but especially that based on gender, helps increase levels of economic productivity, competitiveness, and growth. Studies focusing on women in the labor market show a positive correlation between the increased productivity of women and economic growth. Moreover, another study (Weeks, J. R. and Seiler, D., 2001) shows a correlation between women's entrepreneurial activities and national growth.

In this sense, any kind of discrimination that limits access to education, to the job market, to credit, or to employment possibilities hinders the growth of production and productivity.

Under-utilization of the workforce also causes the economy to operate below its potential, so instead it produces and distributes less, resulting in less dynamic growth. Moreover, if there is a considerable segment of the population with insufficient income because its members work on their own account, in low-productivity jobs, or are under-employed, unemployed, or economically inactive, this results in a significant contingent of people that lack sufficient income to meet all their needs. Furthermore, this causes demand to fall, which in turn has an impact on the demand of higher-income sectors, resulting in lower than full utilization of installed capacity, thus taking a toll on companies' expected profit margins. Finally, all of this causes a decrease in the level of capital investment and lower growth potential (Rodríguez, Giosa, and Nieva, 2009).

One of the most notable impacts associated with under-utilization of the workforce is the difficulty women have entering the labor market. As we have seen, women face a series of disadvantages not experienced by men in different dimensions of economic life. In large measure, these have to do with the almost exclusive responsibility assigned to women—owing to the sexual division of labor—for work in the home and family care-giving activities.

As a result, the unemployment rate for women is higher than for men, owing to existing discriminatory practices in the hiring of women workers—which in general are related to maternity, labor market segmentation, and prevailing prejudices among employers in this regard.

The under-utilization of the female labor force is also observed in the types of occupations in which women are over-represented, such as low-productivity and low-paying jobs. This situation occurs because many women—particularly low-income women—with no access to child daycare infrastructure are forced to reconcile child care activities by taking work in the informal sector for fewer work hours or flexible work schedules (working at home or on the street) where they can remain with their children.

The difference in the length of the workday between men and women is rooted in the under-employment of the female workforce. The average work week for men is 46.1 hours, but 38.9 for women, or a gap of nearly seven hours per week. This difference is much greater in the informal sector, where the gap can be as much as 11 hours (43.8 hours for men and 32.7 hours for women), and a gap of as much as 13 hours per week for workers who work on their own account.

In short, a very significant share of the inequities women endure in the labor market are due to their inadequate insertion into the same, owing to a sexual division of labor that assigns women responsibility for housework and caregiving activities in the home. This reproductive work results in time poverty, especially among women with fewer resources, which either causes them to forego paid work or to take work under precarious circumstances in low-productivity jobs that generally entail fewer work hours and inferior wages, so they may reconcile their family and work responsibilities.

A direct impact of the under-utilization of the workforce, owing to the labor insertion circumstances described above, is the situation of poverty affecting a significant segment of the population of Latin America and the Caribbean that is unable to meet its basic needs, requiring social assistance for people living in poverty or extreme poverty.

## **b** | The importance of policies for reconciling work and family responsibilities

Owing to a culture that does not encourage men to participate in unpaid work in the home and an insufficient public supply of care-giving services for children and other dependent persons, women are forced to reconcile these responsibilities with their needs for employment.

The source of this tension is the growing influx of women in the labor market, which has brought about a change in family roles and structures. From families with a male breadwinner and head of household and a wife in charge of housework and care-giving activities for children and other dependent persons, an accelerated transition is under way towards families in which both spouses are breadwinners. Moreover, a significant increase is being

observed in the number of single-parent households, headed primarily by women as the sole breadwinner—both in terms of material resources and care-giving in the home.

This situation has given rise to stress in reconciling responsibilities between male and female workers in terms of meeting the time and effort requirements of paid work as well as their family responsibilities, such as care-giving to children and dependent persons.

Adding to this stress is the demographic transition under way—to a greater or lesser extent—in the countries of Latin America, with the aging of the population of Latin American countries, together with ever-climbing life expectancy rates, and the accompanying increase in older adults. A large percentage of these older adults are poor; whether because they were not economically active and thus do not have pensions—which is true of many women that reach old age without social protection coverage—or persons whose retirement pension is insufficient to provide for private care, owing to a lack of quality public services within their reach. Furthermore, reduced hospital stays and the de-institutionalization of seniors suffering from mental illness, associated with the structural health care reforms that took place in the region during the 1990s (Gómez, 2008), add to the list of responsibilities that must be attended to within the household.

This situation has resulted in a shifting of the burden of care to the younger generation, generally, economically active adults, which adds to their traditional care-giving responsibilities for children and adolescents. What this means is that a significant percentage of the current generation of workers, both men and women, have to grapple with the demands of their children, their aging parents, and their workplace obligations. Demanding work hours, difficult and long commutes to and from work in major cities, and the demands of a more efficient education for children, requiring greater effort on the part of fathers and mothers, are some of the factors that combine to create tensions for working men and women that, in one way or another, interfere with their work, family, social, and community life.

Consequently, women have entered the world of work, but have done so without alleviating one of the main barriers that negatively impacts their workforce participation: their practically exclusive responsibility for housework and care-giving in the home.

To this end, public policies can play a significant role in terms of supporting working men and women in reconciling their family and workplace responsibilities. However, it is important to underscore that such policies cannot be exclusively directed at women, but should instead aim to reduce stress on both working men and women in meeting their obligations in both spheres.

## C | Costs associated with the absence of policies for reconciling work and family responsibilities

A weakness or absence of policies aimed at reconciling a balance between family and work life entails impacts in at least two dimensions. The first is expressed at the macro level, and is the impact of under-utilizing the female workforce, as a direct consequence of difficulties in reconciling workplace and care-giving responsibilities in the home. The second is expressed at the micro level, in the form of decreased performance and the resulting lower degree of productivity, owing to the stress suffered by working men and women as they attempt to reconcile the demands of work and family life.

At the macro level, the absence of public policies to help people achieve a balance between work and family life has definite economic ramifications, including the under-utilization of the female workforce, which diminishes job opportunities for women (Rodríguez, Giosa, and Nieva, 2009). Also, a lack of support in this regard can cause women to stop working or take long absences from work, which can complicate their efforts to return to the work world and have a negative impact on their income and pensions.

As long as women continue to be seen as having exclusive responsibility for the care-giving economy, the lack or weakness of public policies designed to facilitate a work-life balance and offer support to the population in terms of caring for children and dependent persons also entails another form of discrimination that makes it harder for the poorest of women to improve their situation. According to market logic, the supply of accessible and quality care-giving services for children, seniors, and the sick are concentrated in the private sector, and thus only available to people who have greater economic resources. In this situation, access to care services is stratified along socio-economic lines, operating as a mechanism of segmentation in which women are permanently responsible for such care, which, at the macro level, serves to further reinforce the existing social stratification, and thus often exacerbates the situation of household poverty. All of the aforementioned aspects point to an inefficient allocation of resources, which simultaneously, has a negative impact on economic growth (Mires, 2010).

Moreover, with regard to the health sphere, this takes a toll on the health of working men and women in the form of the stress of having to simultaneously address the responsibilities of work and family life, which decreases their performance (e.g., missed work, high rates of turnover, poor job performance) and, consequently, a lesser degree of productivity in their jobs. Therefore, the costs in terms of the absence or weakness of policies to facilitate work-life balance have repercussions at both the macro and micro levels of the economy (Rodríguez, Giosa & Nieva, 2009).

The difficulties working men and women have in reconciling their productive and reproductive roles not only have implications for their lives, but also have some impact at the level of the economy as a whole. For example, from the demographic standpoint, the decline in fertility rates that has begun to affect the countries of the Americas will be increasingly more difficult to correct without facilities capable of accommodating both work and reproductive activities. It is therefore necessary to implement appropriate measures to alleviate the stress

experienced by workers in reconciling their paid work and family responsibilities, so as to ensure that this issue does not upset demographic balances.<sup>10</sup>

In this regard, a Chilean study on women's labor force participation (Larrañaga, s/f), found that child rearing and care are highly time-intensive, especially in the case of younger children, and limits or hinders women's participation in the labor market. The study reveals that women with no children had higher rates of labor force participation during the study period, by an average of nearly 75%; while women with one or two children had an average labor force participation rate of approximately 40%, and women with three or four children had an average labor force participation rate of 30% for the period examined (1990-2003).

Moreover, the inadequacy or, in some cases, the absence of policies aimed at helping working men and women reconcile the responsibilities of paid work and family life, have caused households to resort to different strategies, chosen in accordance with their economic circumstances.

In more affluent households, housework and caregiving activities are contracted in the market, whether such services are performed in the home and/or in private care institutions. This way, women in the most affluent segments achieve better and less conflictive labor force insertion, which is evident in the greater participation of women in the highest income quintiles. In the poorest households, household chores are performed mainly by the wife of the head of household, by the female head of household, or by another person (ordinarily a female relative) either living in these same household or nearby. Occasionally, that person may provide care-giving activities for the children of the household. These households also rely on child daycare services provided by local community organizations.

With respect to the care of disabled persons or seniors, the care-givers are ordinarily women within the family (i.e., wives, daughters, grandmothers, or daughters-in-law) who take turns providing care. Wherever such care networks do not exist or have been weakened because their members (primarily women) have taken on paid work, one alternative strategy many women choose is to decrease their workday, or take jobs that allow them to combine both activities.

There are also other types of home care for people with disabilities and seniors provided by public health services—which are ordinarily insufficient in terms of meeting the needs of that population—or private provider at a high cost.

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<sup>10</sup> These demographic changes, which include the increased life expectancy of the population and low fertility rates, result in a change in the percentages of the economically-active and inactive populations. Over the long term, this change is expressed in a decrease of the economically-active population (lower birthrate), which must maintain an increasing economically-inactive population (due to increased life expectancy).

## **d** | Public policies implemented to benefit working men and women with family responsibilities

The role of government intervention in the countries of the region is extremely important with regard to establishing policies that are available to most men and women working in the informal sector of the economy and who are not covered by any other type of work-life balance policies. In this sense, the lack or weakness of such public policies is a factor contributing to the reproduction and perpetuation of poverty in a high percentage of Latin American households. Effective public policy intervention is the only way to break that cycle, which prevents the poorest women from seeking work because they lack access to care services, and, hence, remain in poverty because they cannot work.

Recognizing the importance of such policies, in 2006, the Chilean government began implementing a comprehensive childhood protection system known as “Chile Crece Contigo” (“Chile Grows with You”), which includes a set of interventions and social benefits designed to support the comprehensive development of children and their families from birth until the child enters the school system at age four, providing them with the tools necessary to support the development of their maximum potential. The system was developed in response to the low rate of Chilean women’s labor force insertion, which is one of the lowest in Latin America, and particularly among women from low-income households.

Chile Crece Contigo establishes a series of services with universal coverage and includes a set of legislative proposals to refine the legal standards regulating the care and integral protection of all children. Some measures target the care of children in the public health system, while others are geared at children living in the most disadvantaged 40% of households or in special situations of vulnerability. Among other benefits, Chile Crece Contigo ensures the availability of free, quality nursery care for all children less than two years of age whose mother or responsible adult is either working, seeking work, in school, or in some other type of special vulnerable circumstances. Moreover, it provides free, quality preschool daycare services on either a part-time, full-time, or extended basis to all children from 2 to 3 years of age, as well as technical assistance for children with disabilities. The program also provides for unconventional types of preschool education to meet the different needs of children where they grow up (e.g., rural areas, seasonal work, nighttime work). Between 2006 and 2007, the public supply of childcare services in Chile increased 240% with respect to 2005.

Rolled out in 2007, Costa Rica’s National Policy on Equality and Gender Equity (PIEG) represents a significant public sphere milestone in recognizing the need for reconciling work and family life. The goal of the PIEG in 2007 was to provide to all Costa Rican mothers in need of childcare services access to at least one public, private, or mixed alternative for providing quality child care, thereby taking decisive steps toward social responsibility in caregiving and recognizing the value of domestic work and enabling them to pursue paid work. Accordingly, the PIEG agreed to focus its efforts on two lines of work: (i) the establishment of social care infrastructure, which necessarily requires expanding coverage and improving quality in the supply of

services currently available, and (ii) promoting cultural changes toward shared co-responsibility between men and women.<sup>11</sup>

One of the most significant contributions in this regard was existing legislation aimed at promoting and regulating care-giving services, such as the General Law on Comprehensive Care Centers and its implementing regulations, which regulates the operation of Costa Rica's largest program of care services, the Centers for Education and Nutrition-Comprehensive Childcare Centers (CEN-CINAI).

In recent years, important progress has been observed in the creation of child care services through Executive Decree No. 36020, which establishes “as a matter of public interest” the formation and development of a “National Network of Comprehensive Child Care and Development,” the objectives of which include the strengthening and expansion of CEN-CINAI, as a means of developing the skills and potential of children, narrowing opportunity gaps between men and women, alleviating poverty and vulnerability, and increasing the supply and demand of quality work for women. The Network coordinates public and private resources, as well as the organizations and civil society groups that provide comprehensive child care and development services; it also establishes quality standards for services, as well as oversees and regulates on behalf of the Cost Rican State. In 2010, CEN-CINAI provided coverage for 18,357 children.<sup>12</sup>

Uruguay is currently working on the design of a national system to provide care to dependent persons, such as children, older adults, and the disabled. The “National Integrated Care System” (“Sistema Nacional Integrado de Cuidados”)<sup>13</sup> is conceived of as a set of joint public-private actions designed to directly meet the care needs of people and families in their homes. It includes care for dependent persons—children, disabled persons, and older adults—and help with household chores. The components of this system include monetary benefits, care services, and leave and time policies designed to improve the population's time management.

This system laid the groundwork for the so-called Uruguayan Social Protection Matrix, i.e. policies for ensuring the well-being of the population throughout the life cycle. Part of the system's rationale is based on the idea that families should not bear sole responsibility for the care of citizens, but that this should be shared with society, via the state, through a variety of strategies.

The proposed benefits to be delivered through National Integrated Care System include improving child care services, developing a system of care for children through three years of age, providing universal benefits coverage to families with children through two years of age, extending the school day for pre-school and primary school, promoting services outside of school hours, increasing paternity and maternity leave, and exploring the development of other types of parental leave (Salvador, 2010).

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<sup>11</sup> Report of the Costa Rican government presented at the subregional preparatory meeting for Mexico and Central America in the framework of the tenth Regional Conference on Women in Latin America and the Caribbean, Guatemala City, May 17-18, 2007.

<sup>12</sup> <http://costaricahoy.info/nacionales/avanza-red-nacional-de-cuido-y-desarrollo-infantil/79926/>

<sup>13</sup> Information obtained through an interview conducted by Lucía Rodríguez, of the office of Representative Bertha Sanseverino, with Andrés Scagliola, National Director of Social Policies [Director Nacional de Políticas Sociales] of Uruguay's Ministry of Social Development (MIDES) ([www.presidencia.uy](http://www.presidencia.uy)).

With respect to care for the disabled and dependent older adults, recommended services include home care, telephone assistance, centers for daytime and nighttime care, community/municipal services, systems to provide breaks to care-givers, improvements in access to transportation, leave for care of family members, and flexible or reduce schedules designed to help people meet family responsibilities.

If this process proves to be a success, it may become a significant gender policy for the country, in that it that it works to break down entrenched inequalities between men and women in the home.

## **e** | Gender equity certification

In this same context, many governments have begun to implement standards of national excellence to help measure and recognize private sector contributions to achieving gender equality goals and, within these objectives, especially the reconciliation of work and family life. Voluntary adoption of principles and measures (e.g., Codes of Best Labor Practices) has been increasing and promising results have been observed in this regard.

In a number of countries of the region, the public sector has begun to implement management models with gender equity, defined as a set of policies, measures, and/or initiatives beyond simply labor regulations that companies voluntarily adopt to promote equality of opportunities for working men and women and to eliminate gender gaps.

On many occasions, the implementation of good labor practices (GLPs) has led to further changes in labor legislation. Those who successfully implement GLPs, are better able to implement new regulations. Some trends in this regard include implementing practices such as reducing the workday; promoting fair and equitable pay between men and women workers; and efforts to reconcile work and family life (Mires, 2010).

Against this backdrop, human resources management models that include a gender equity component are a methodology that companies are beginning to implement with assistance from NMAWs, with a view to implementing specific GLP actions with gender equity in their labor relations. This model has an impact on recruiting and selection processes; career development and access to training; equitable representation between men and women in management and leadership positions; working conditions; protection of maternity rights and parental responsibilities; reconciliation of work and family responsibilities; and preventing and correcting situations of harassment and/or sexual harassment in the workplace, all from a perspective of labor rights and corporate social responsibility. These models are understood as a precursor for preparing companies to improve conditions with a view to their eventual certification.

This type of model has been implemented by a number of different governments, which, in addition to providing companies with the tools they need to develop GLPs, also helps promote steps to prevent discrimination against working men and women with family responsibilities.

Since 2003, Costa Rica's National Institute for Women has been encouraging companies to opt for certification in the Equality and Gender Equity Management System, SIGEG. The SIGEG certifies a company's implementation of a system of labor practices designed to reduce gender gaps, which is subsequently evaluated on the basis of established criteria. In 2007, Coca-Cola Industries in Costa Rica was the first company to receive SIGEG certification and, recently, Banco Popular y de Desarrollo Comunal also received SIGEG certification.

In 2003, Mexico's National Institute of Women designed its Gender Equity Certification program. In fact, the program has been incorporated into that country's General Law for Equality between Women and Men. By 2009, more than 250 public, private, and civil society organizations, which employ more than 400,000 working men and women, had received certification under the program.

In 2005, Brazil's Special Secretariat on Women's Policies (SPM) established its gender equity program as a federal government initiative under the Second National Plan on Women's Policies. The program, which started as a pilot project in 2005, has thus far certified some 50 public and private organizations.

Chile's program of good labor practices with gender equity, known as "Iguala.cl,"<sup>14</sup> was implemented in 2009 by that country's National Women's Service (SERNAM), in an effort to improve women's participation in the leading sectors of the Chilean economy. The program is "based on the political commitment of national and regional government stakeholders, working men and women, employers, and vocational/professional development centers for a society whose first and foremost concern is for the human development of all its citizens under conditions of equality."

As one of its strategic objectives, Iguala.cl proposes "To contribute to a new culture that recognizes men and women as comprehensive subjects with equal rights in both the workplace and family." Iguala.cl hopes to develop, within a group of large public and private companies, reference models for gender equality practices in employment by means of companies' voluntary adoption of GLPs with gender equity.

Companies that voluntarily undergo the certification process receive the program's "Iguala.cl" certification seal, in exchange for carrying out a series of exercises over the course of two years, with technical assistance provided by SERNAM and the participation of the company's employees.

In 2009, Argentina's National Institute against Discrimination, Xenophobia, and Racism (INADI), began implementation of a pilot program to certify businesses in gender equity for Argentina (MEGA 2009) within the framework of the "Diversity Business Network" [Red de Empresas por la Diversidad], as an effort to promote women's labor market access and development.

The program's overall objective is to identify and promote the elimination of obstacles that hinder women's development and access to the labor market on equal footing with men. The goal is to implement gender

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<sup>14</sup> Description based on the "Guide for Promoting Gender Equity in Companies." Acción RSE and the National Women's Service. Santiago, September 2006.

equality policies and facilitate equal opportunities among women and men with regard to: human resources policies (e.g., personnel recruitment and selection, promotion, training, and professional development); policies designed to achieve a balance between work and family life; policies for promoting a healthy working environment; and with regard to the products and services that companies offer to the market and their social communication. The model is a tool to help companies establish the necessary conditions for equality and equity between men and women workers, which will enable them to fully develop and be recognized for their work potential, regardless of their gender.

Interested companies must sign an accession agreement and work with INADI specialists on obtaining the “MEGA 2009” [Gender Equity Model for Argentina] seal, which is issued by an independent certifier. For this certification process, INADI offers companies training modules on the subject matter included in the “Gender Equity Model for Argentina,” which are imparted to staff and management levels of the company; technical assistance during the preparation and implementation stages of the Model’s plan of action; financing of certification for obtaining the MEGA 2009 seal; and dissemination of good corporate practices and use of the MEGA seal.<sup>15</sup>

Uruguay’s National Institute of Women, in collaboration with the Office of Planning, has developed its Quality Management Program with Gender Equity, designed to encourage public and private organizations to incorporate within their organizational management model the principles of gender equity in staff areas of competence, as a means of optimizing the efficiency and competitiveness of their organizations.

This aim of the program is to facilitate the necessary conditions for organizations to develop their innovative capacity and achieve true competition within a framework of equitable management.

Panama’s Commission on Gender and Employment has proposed the establishment of a certification system to promote gender equality. The initial phase of the program will include the development of a diagnostic tool for identifying GLPs, and the development of a strategy for the system’s implementation. The certification system is designed to support and strengthen organizations’ capacity to adopt principles and practices to facilitate gender equality, by developing capacity, technical tools, information, and experiences to promote the adoption of public policies and actions that mainstream the gender approach.

These programs, promoted by government agencies, are based on the recognition that ensuring organizational management with gender equity should form a substantial part of actions designed to increase quality. Accordingly, including quality facilitates greater productivity and competitiveness while taking into account people’s rights, all of which support the development of organizations and of society as a whole.

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<sup>15</sup> In late 2009, INADI awarded its first seals of quality for gender equity. The companies that successfully completed the certification audit included Coca-Cola, BBVA Banco Francés, Walmart, Avon Products, Inc., ADECCO, SESA Select, and Mazalosa. These companies took responsibility for implementing the “Gender Equity Model for Argentina” as a management system, which includes aspects related to the recruitment and selection of personnel, promotion and training, professional development, reconciling work and family life, prevention of sexual harassment, improving the workplace environment, and promoting equity.





# 6.

## **Policy and strategy proposals to close gender gaps and provide new decent work opportunities for women in the region**

As noted in previous sections of this study, progress in some aspects of women's labor market insertion has been observed in Latin America and the Caribbean. These changes are evident in decreasing gaps between men and women in areas such as labor force participation and salaries, as well as a less segregated labor market in terms of gender. Moreover, governments need to be keenly aware of emerging issues such as migration flows, as women figure prominently in these flows. Also, harassment in the workplace, the victims of which are primarily women, has been addressed in the legislation of a number of countries. One area of special mention concerns the initiatives to regulate domestic work under way in the region. These are all important steps in which the region's labor ministries and NMAWs, together with women's organizations, have all played a significant role, through measures aimed at incorporating the gender equality approach into some of the most sensitive and visible areas of labor market gender discrimination—areas that have hindered society's progress towards advancing decent work.

There has also been a heightening of tensions among men and women workers with family responsibilities over the issues involved in reconciling work and family life. For women in this situation, their ability to remain in the labor market will be in question unless they receive the support of the male members of their households in terms of sharing these responsibilities. Other means of alleviating this stress include government assistance in caring for children and dependent persons as well as a flexibility and willingness on the part of institutions and companies to adopt measures designed to reconcile work and family responsibilities for their male and female workers. While these processes are under way, they can still be seen as isolated initiatives. More likely, disseminating the benefits of maintaining a good work environment,

and increasing the retention rate of qualified workers and the corresponding impact on productivity will facilitate progress in this regard.

With regard to initiatives undertaken thus far there have been some significant advances in terms of legislation but still too few, inasmuch as most of that legislation has been geared toward protecting working mothers, and incorporating working fathers into the care-giving activities for members of the household. Moreover, because no cultural changes have been made to promote and require working men and women to adopt and use measures to alleviate the stress associated with meeting their work and family life responsibilities, there can be no progress in the use of legislative measures to ensure these changes.

In order to continue advancing in the development of more equitable working conditions for women and men, it is necessary to address the activities associated with the proposed goals in the immediate objective of the strategic lines approved at XV IACML: “[...] institutional strengthening of the Ministries of Labor, to ensure effective gender mainstreaming in their policies, programs, and operations.”

## **a** | Proposals for the institutional strengthening of the labor ministries of the Americas to ensure effective gender mainstreaming

### **i. Promote an institutional culture of gender equality within the labor ministries.**

- b.** Assume a specific commitment, in the form of a ministerial declaration, to gender equality, stating the objectives, the procedures for its implementation, and broadly disseminating it within the institution.
- c.** Develop mechanisms to implement gender equality in the culture, structure, processes, procedures, practices, and behaviors of the institution.
- d.** Implement measures to facilitate the reconciliation of work and family life for men and women workers with family responsibilities.
- e.** Promote and emphasize practices that contribute to the advancement of gender equality in the work environment of the institution.
- f.** Evaluate compliance with the commitment on a regular basis, preferably by an independent auditor.

**ii. Establish or strengthen the gender specialized unit (GSU) at the highest level of the ministries of labor, to participate in decision-making on labor and employment policy formation, as well as programs and projects of the institution.**

- a.** Permanently establish GSUs (in any of its forms), by means of decrees or other administrative mechanisms, so as to ensure their permanence within the ministries, regardless of the political will of authorities.
- b.** Allocate and guarantee the sufficiency of their own resources (human and financial) to enable GSUs to effectively carry out their responsibilities in terms of instituting and mainstreaming the gender perspective, as well as for other technical units of the ministries to promote initiatives for incorporating this perspective into the formulation, design, monitoring, and evaluation of labor and employment policies.
- c.** Support, through the ministries of labor and the national mechanisms for the advancement of women (NMAWs), the formation and operation of a network of GSUs to facilitate the sharing of experiences, such as internships and seminars, in the institutionalization and mainstreaming of gender equality within the ministries of labor.

**iii. Facilitate and strengthen inter-ministerial coordination and inter-sectoral action for mainstreaming gender in labor policies with the various stakeholders involved in the formulation and implementation of labor and employment policies, programs, and projects.**

- a.** Promote the establishment or strengthening of forums for the discussion, analysis, and design of joint activities with the NMAWs.
- b.** Establish a meaningful dialogue with national agencies responsible for producing statistics, with a view to ensuring, at minimum, that surveys and administrative records disaggregate data by sex and age, and develop specific instruments; for example, time-use surveys for measuring unpaid work.
- c.** Establish formal and informal consultation mechanisms, convened by the ministries of labor, for formulating policies and for incorporating different stakeholders into the social dialogue, including women's organizations, union representatives, microentrepreneurs, and women that work in the informal sector of the economy.

## **b** | Proposals for advancing in the development of decent work

### **i. With regard to poverty**

Women are more vulnerable to poverty because of the greater obstacles they face in terms of participating in the labor market and the fact that most poor women are workers with very low incomes. Accordingly, identifying the appropriate strategies to enable these women to secure decent work is a necessary step in poverty alleviation. Moreover, the processes leading to poverty for men and women are different. Consequently, it is essential to identify and understand such differences so as to develop appropriate strategies to combat poverty in which the promotion of decent work plays a central role.

- a.** Integrate the perspective of gender equality and a rights-based approach in the analysis, design, and measurement of labor and job creation policies aimed at alleviating poverty, including women as the targets of such policies and more than simply mothers and intermediaries for distributing benefits within the family, and pay special attention to the vulnerabilities of women at different stages of the life cycle.
- b.** Include as part of poverty abatement policies, formal and substantive market-based income generation activities for women.
- c.** Review the impact of conditional cash transfer programs on the total work burden of women and include in such programs greater training and employment opportunities for women.
- d.** Promote and support the development of statistical data on employment in different sectors disaggregated by sex, with a view to evaluating the gender impact of labor and employment policies, especially during times of crisis.
- e.** Intensify efforts to share information on good practices in the region, with a view to developing labor and job creation policies with a gender focus, aimed at overcoming poverty.

### **ii. With regard to gender discrimination in the labor market:**

Women continue to experience real discrimination in the labor market in many facets that affect the quality of their employment, including discrimination with respect to salary, social protection, union representation, professional occupation, and training. Consequently, there is a critical need to develop gender-sensitive policies for the labor market, designed to increase women's options in terms of occupation, help them acquire skills and professional development training, expand their social protection coverage, and promote social dialogue.

- a.** Adopt a national policy on employment equality to include input from and the participation of working men and women and employers. The policy would include measures to ensure compliance with gender equality legislation and policies in the labor market, and provide for regular monitoring and evaluation mechanisms.
- b.** Develop active labor market and productive employment policies that take the unique needs of women into account with a view to promoting women's labor participation.
- c.** Ensure equal access to training and new skills so as to break the cycle of occupational segregation by gender, and provide women training opportunities that will allow them to benefit from new technologies.
- d.** Eliminate the inherent gender discrimination in the application of basic social security system principles, and extend such coverage to all those excluded from the system, especially men and women working in the informal sector of the economy.
- e.** Ensure that domestic workers enjoy the same labor rights and conditions as all other paid workers, pursuant to the ILO's recently adopted Convention 189 on decent work for domestic workers, and other international instruments governing the rights of women.
- f.** Guarantee equal pay for work of equal value between men and women, as well as among women, pursuant to internationally ratified agreements, especially ILO Convention 100 and 111, as well as other international standards on women's rights.
- g.** Encourage the business sector to adopt the principle of equal pay between men and women, by appealing to corporate social responsibility.
- h.** Develop measures to prevent, suppress, and punish sexual harassment and other forms of workplace violence.
- i.** Encourage workers in the informal economy, including domestic workers and migrants, to join worker's associations.
- j.** Advocate the increased participation of women workers in social dialogue forums (unions, employers, and their associations), with a view to addressing therein issues such as gender discrimination, equal pay, and the reconciliation of work and family responsibilities, including the care of children, flexible work arrangements, and sexual harassment.

**k.** Promote greater sharing of information on good practices for including gender issues within social dialogue and collective bargaining, so these may be used as tools for other women involved in these processes.

**l.** Compile enough data and statistics to understand the dimension and nature of existing inequalities between men and women in the labor market and in access to decent work.

### **iii. With regard to reconciling workplace and family responsibilities**

Policies aimed at reconciling workplace and family responsibilities need to be comprehensive in scope, meaning they should speak to integral characteristics of needs in that regard. Accordingly, implementing a comprehensive approach that focuses on social co-responsibility is essential, so as to establish the areas of government, market, and family action, whereas the State would have a more proactive role in establishing the necessary facilities to ensure that men and women can perform productive work knowing that their families are being cared for in accordance with acceptable quality standards without workers having to bear an excessive financial burden for such care, and without exhausting one or both workers with the corresponding health impacts.

These policies should be aimed at both men and women. If such policies continue to be directed exclusively at women, it implies that the responsibility for solving the problem lies with women, and that it falls to women alone to tend to household chores and care for the members of their households. Consequently, these policies should be based on the fact that both working men and women need help reconciling the responsibilities of workplace and family life.

Moreover, policies aimed at reconciling the responsibilities of work and family life should also be extended to include the informal sector of the economy. It is well known that women working in the informal economy do not have maternity coverage or any other benefits to help them reconcile their work and family responsibilities, such as leave from work or childcare.

One work-life reconciliation strategy many countries have employed is flexible schedules in the workplace, allowing people to work on either a part-time or temporary basis. These initiatives have served as an incentive for women to enter the labor market or return after leaving a job.<sup>16</sup> Undoubtedly, this type of labor market insertion alternative is an important tool for preventing women from losing contact with the market. However, it is important to bear in mind that salary gaps inherent between part-time/temporary and full-time employment, thus part-time employment is one factor that has a big impact on the salary gap between the sexes, in addition to the fact that part-time employment provides fewer training and career stream opportunities. In addition, the overrepresentation of women in this type of employment underscores the

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<sup>16</sup> Part-time work is the type of work preferred by many mothers in a significant number of OECD member countries, as well as for a much smaller but growing number of fathers. In the countries of the European Union, 83% of part-time workers are women (Mires, Toro, 2011).

existence of persistent sexist stereotypes regarding responsibilities in the home. Thus, women have to adjust their workday to meet the responsibilities of both work and family life.

To this end, proposals for reconciling between workplace and family responsibilities are geared toward:

- a.** Promoting ratification and implementation of ILO Convention 156 on workers with family responsibilities.
- b.** Promoting regulations to facilitate a balance between workplace and family responsibilities for working women and men, as well as establishing or increasing family parental leave, as well as other modalities for the care of children and dependent persons, in order to help equitably divide care-giving activities between men and women.
- c.** Promoting and regulating policies that make it possible for both men and women to have flexible work schedules, thereby guaranteeing their jobs are secure while preventing discrimination.
- d.** Promoting the development and strengthening of universal care policies and services, based on the idea shared responsibility for the provision of such services between the State, the private sector, civil society, and households, as well as between men and women.
- e.** Carrying out studies that measure the impact of work-life balance mechanisms implemented by companies and the productivity associated with the same, and disseminating the results of such studies in the business sector, with a view to raising awareness among the business community and its associations of the positive benefits derived from the implementation of such work-life balance mechanisms.
- f.** Promoting the inclusion of strategies for reconciling workplace and family responsibilities in collective bargaining, with proposals applicable to both working men and women.
- g.** Promoting time-use surveys in order to measure unpaid work performed by women and men, and thereby show the overall work burden by sex, with a view to developing work-life balance policies.

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