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Gender Mainstreaming in the Programs and Policies of Labor Ministries¹

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Gender Mainstreaming in the Programs and Policies of Labor Ministries

Gender mainstreaming has been defined by the United Nations Economic and Social Council (ECOSOC) as “the process of assessing the implications for women and men of any planned action, including legislation, policies, or programs, in all areas and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences an integral dimension in the design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated.”²

At the regional level, the Organization of American States (OAS) has stated that “Gender equality means that women and men enjoy the same status and have equal opportunities to realize their full human rights and their potential to contribute to political, economic, social, and cultural development and benefit from the results. Gender equality is therefore the impartial valuing by society of both the similarities and the differences between women and men and the varying roles that they play.” (Inter-American Program on the Promotion of Women’s Human Rights and Gender Equity and Equality, II. Conceptual Framework.)

At the global level, the Beijing Declaration recognized that women’s empowerment and their full and equal participation in the social, economic and political development of our societies are an integral component for the eradication of poverty, people-centered sustainable development, the consolidation of democracy, conflict resolution and the achievement of lasting peace, and the development of harmonious partnerships between men and women.

In the last decade, the participation of women in the Latin American and Caribbean labor markets has increased significantly as a result of an increase in their educational levels, among other factors. The number of economically active women has tripled over the last decades, currently reaching approximately 60 million (excluding Canada and the USA).

Women currently represent 40% of the Economically Active Population of Latin America. The employment rates of women grew at a faster pace than that of men in the 1990s, which means that women took a higher proportion of the jobs created during the decade. Also, women increasingly are occupying positions among professional and technical groups, which indicates that a sector of the women’s labor force is securing higher quality jobs.

Nevertheless, important problems persist in the quality of the entry of women into the labor market, as well as strong inequalities in comparison with men. The volume of employment generated by our economies has not been sufficient to absorb the increasing need and willingness of women to work, especially among the poorest sectors of the population. As a result, in recent years their unemployment rates have increased, as has the gap between the unemployment rates of men and women that exists in almost every country of the region. The discrepancies in remuneration between men and women are still very high, especially among the more educated sectors of the labor force.

Women workers throughout the hemisphere earn less than comparable male workers. Equal employment opportunity programs or, in some cases, quota systems established by industries

² United Nations Economic and Social Council, Agreed Conclusions, 1997

to increase the rates of employed women have helped many educated women obtain decent jobs in the private sector. However, in Latin America, women continue to receive, on average, salaries equal to between 60 and 70 percent of male earnings. Women with lower levels of education have turned increasingly to self-employment and micro-enterprise in the informal sectors, or to unregulated, non-unionized, low paying jobs in the booming foreign export industry. Many of these women suffer violence and sexual harassment from male supervisors, the working conditions pose a risk to their health, and mandatory pregnancy tests are commonly used in hiring practices and oftentimes for employment termination. Moreover, their lower wages and shorter employment periods mean that their contributions to “pay-as-you-go” social security systems are lower than those of men, which can be aggravated in the case of individual retirement accounts. As a result, pensions are low and women are unable to secure their retirement. This forces women to work into their elder years, to depend on their families for their livelihood or to live in poverty.

National machineries for the advancement of women, recognized by the governments as the primary government organizations responsible for the formulation of gender-based public policies, have achieved the recognition and respect for the human rights of women in the region. However, limited budgets, decentralization, and lack of political power in policy implementation and enforcement restrain the ability and capacity of national machineries to employ gender-mainstreaming strategies throughout the government ministries. It is therefore imperative that this process be strengthened, incorporating the gender perspective at the regional level, with the support of international and regional organizations.

The ultimate goal is to achieve gender equity and equality. Gender mainstreaming in the programs and policies of the ministries of labor is necessary in order to design and implement labor policies that pay attention to the experiences and needs of women in general and, in particular, of those who have insecure, unregulated, low paying jobs, to protect their rights to equal employment opportunities, and to uphold the principle of equal pay for work of equal value.

Many governmental and non-governmental organizations are already working on gender mainstreaming at the national and international levels. The following organizations have collaborated on this particular initiative.

Since its inception in 1928, the **Inter-American Commission of Women (CIM)**, has been actively working as an intergovernmental forum to protect the civil and political rights of women in the Hemisphere so that women and men may participate equally in all spheres of society and equitably profit from the benefits of development. In an effort to support the work of the Member States and the Inter-American organizations in the systematic integration of a gender perspective in its policies, programs and strategies, the Ministers and highest-ranking authorities responsible for the advancement of women, meeting in April 2000, drafted and approved the *Inter-American Program on the Promotion of Women’s Human Rights and Gender Equity and Equality (IAP)*. It was subsequently approved by the XXX General Assembly of the OAS.

In light of the objectives of the IAP, the CIM has put forward several recommendations directed at improving the status of women in the labor sector. These are: 1) To promote and protect the rights of women workers and take action to remove structural and legal barriers, such as inaccessibility to productive resources – land and capital; 2) To remove stereotypical attitudes to gender equality at work; 3) To address, *inter alia*, gender bias in recruitment, working conditions, occupational segregation and sexual harassment; 4) To eliminate discrimination in social protection benefits and to promote recognition of the social and economic contribution made by unpaid work performed by women, predominantly in the home, and consider programs to provide them with social security coverage; 5) To address women's occupational health and safety, unequal career opportunities and inadequate sharing, by men, of family responsibilities; 6) To promote policies designed to ensure equal pay for equal work and for work of equal value by women and men; 7) To improve market access for disadvantaged entrepreneurs, particularly women, by developing programs that promote local employment and provide training, retraining and life-long learning, particularly in new technologies, and other support services to enable these groups to take advantage of such opportunities.

The Viña del Mar Declaration, approved in 1998 by the XI **Inter-American Conference of Labor Ministers**, highlighted several objectives to address the problem of poverty, inequality and employment supply in the Region. Although the Declaration did not specifically address the concerns of women, the objectives and issues stipulated in the preamble and in the Plan of Action are able to provide a significant contribution to the status of women throughout the region and are in concert with the International Labor Organization's strategic objectives and with the gender mainstreaming principles defined by ECOSOC. Its main objectives are the implementation of economic growth and modernization policies that would promote the creation of new and better jobs that would offer equal opportunities in social and economic development and that would contribute to the eradication of poverty and all forms of discrimination. The Unit for Social Development and Education (UDSE) of the OAS has identified priority-working areas that would greatly benefit working women. Some of these are: professional training, labor relations and basic labor rights, social security, safety and hygiene in the working place, social dialogue, and administration of labor justice, among others. According to the Plan of Action, special attention will be given to social security for part-time employment, micro-enterprise, self-employment, and subcontracts in order to protect the welfare of those not employed in the formal sector and private firms.

At the Summit of the Americas in Quebec City (April 2001), the heads of state and government agreed to “integrate a gender perspective into the programs, actions and agendas of national and international events, to ensure that women's experiences and gender equality are an integral dimension of the design, implementation and evaluation of government and inter-American policies and programs in all spheres.” (Initiative 15 of the Plan of Action.)

The governments also agreed to “promote and protect the rights of all workers, in particular those of working women, and take action to remove structural and legal barriers as well as

stereotypical attitudes to gender equality at work, addressing, *inter alia*, gender bias in recruitment; working conditions; occupational discrimination and harassment; discrimination in social protection benefits; women's occupational health and safety; and unequal career opportunities and pay." (Initiative 11.)

The **International Labor Organization** (ILO) considers gender equity an essential condition for the promotion of social justice, democracy, and sustainable socioeconomic development. Gender equity and development are central, crosscutting issues that touch on all four of the strategic objectives defined by the organization: the promotion of fundamental rights and principles in the workplace, creation of more and better jobs for women and men, social protection of workers, and social dialogue, currently synthesized in the ILO's Decent Work Agenda. In synthesis, the Decent Work Agenda represents an effort to promote the creation of opportunities so that men and women may obtain decent and productive employment in conditions of liberty, equity, safety and human dignity. The Fundamental Declaration on Principles and Rights at Work, approved in 1998 by the ILO, is the main instrument used to promote labor rights. Its four basic principles are: freedom of association and trade-unionism and the effective recognition of the right to collective bargaining, elimination of forced and compulsory labor, effective abolition of child labor, and elimination of discrimination in respect of employment and occupation.

In light of these principles and the concern for gender equity, the ILO recommends that the gender mainstreaming process take into consideration the following principles: freedom of association and trade-unionism, and the effective right to collective bargaining for workers of both sexes; the elimination of forced labor and of trafficking in women and girls; the abolition of child labor; the elimination of all forms of gender-based discrimination at work; and the guarantee of equal pay for work of equal value. Understanding the complexity of issues involved in labor rights and gender equity, ILO recommends that special attention be given to maternity protection of working women, given that women's actual or potential status as mothers is still one of the main causes of discrimination in the workplace. It also recommends adopting measures to promote a better assignment of domestic and family responsibilities and, in particular, that the family responsibilities of men and women should not constitute grounds for discrimination at work (ILO Convention 156 of 1981, Workers with Family Responsibilities).

On the subject of social security, the ILO deems necessary the extension of social protection to a broader segment of the population to include those that are outside of the regulated labor spheres and that are most vulnerable. For women, the exclusion from social protection is more grave because it leads to the loss of maternity rights and the prolongation of their working years during their elder years. The ILO also proposes the promotion of social dialogue as a fundamental means by which issues affecting working women and gender equity and equality become a permanent and substantive part of the political agenda.

The **Pan American Health Organization** (PAHO/WHO), through its Unit for Occupational Health and the Program on Women, Health and Development, has been working on an

intersectoral basis to identify and address the effects of socioeconomic changes that affect workers' health. The significant link between labor rights, workers' health and workers' productivity has prompted PAHO to promote policies and programs aimed at improving health and working conditions, most particularly those of women, who more frequently face poor and unstable working conditions. With this in mind, PAHO has put forward four basic objectives in its Regional Plan on Workers' Health 1999-2009, in which gender is a crosscutting issue: improvement of the working environment, the development of health policies to protect workers' health, the promotion of a healthy working population, and the provision and expansion of quality integrated health services (prevention, promotion, attention, and rehabilitation) among workers.

Currently, PAHO has given special emphasis to women workers in two areas: export trade zones, also known as *maquilas*, and the fresh-flower industry. Women in these two sectors are especially vulnerable, as they face serious health risks, work in unsanitary and unsafe environments, are exposed to violence in the work place and lack collective bargaining power and the right to organize. Nonetheless, women in other economic sectors, in informal employment, in micro-enterprises, and the self-employed are also subject to occupational health risks and violence, and they enjoy less legal and social protection.

In its technical cooperation, PAHO stresses intersectoral programs and actions, including both the public and private sectors as well as civil society, in order to attain effective results in tackling problems related to women workers' health and employment conditions.

Among the many labor unions committed to gender mainstreaming, the **American Federation of Labor – Congress of Industrial Organizations** (AFL-CIO), through its Working Women Division, advocates for equal rights in employment for working women in the United States and abroad. The AFL-CIO actively promotes the four core workers' rights: freedom of association and effective recognition of the right to collective bargaining, the elimination of forced labor, the effective abolition of child labor, and the elimination of discrimination in employment and occupation. Given the increasing global concern for women workers' rights in developing economies, the AFL-CIO has put forward several recommendations to address this issue. First, it advocates that good and reliable data be collected in order to perform a gender analysis of all programs and projects that the Labor ministries support. Moreover, they propose that close attention be paid to the impact of trade and economic integration on women's work and employment status. The AFL-CIO, concerned with the working status of women in the *maquila* industry, strongly recommends that support be given to labor organizations in the region and to the right of collective bargaining. Likewise, they consider it crucial that labor rights protection be extended to migrant women workers in foreign countries.

Recommendations:

Many recommendations and priority working areas have been identified by the participating organizations. However, several crosscutting issues prevail:

- **Integration of a gender perspective:** In order to ensure that the different needs and experiences of women and men are taken into account, it is essential to integrate a gender perspective into all policies and programs pertaining to the labor sector.
- **Data collection disaggregated by sex and age:** One key task is to strengthen and expand the existing national and regional systems for collecting data, broken down by age and sex. This data, originating from social security and administrative records, census findings, employment surveys, door-to-door home and business surveys, and other sources, are vital in: a) conducting a general study and analysis of the labor and employment situation facing the Region's women and of the progress they have made; b) identifying areas of particular concern and those requiring priority attention for the implementation of programs to promote gender equity and equality; c) quantifying and assessing the results of programs carried out and efforts made; and d) defining indicators of the progress made toward gender equity and equality and of the obstacles that still remain.
- **Equal pay for equal work and for work of equal value:** In Latin America and the Caribbean, women do not enjoy the same work benefits as their male colleagues. In fact, women's earnings, on average, are 64% of men's salaries. Compensation inequality is the most common and pervasive type of discrimination based on gender in the labor sector, and in the case of Latin America and the Caribbean, inequality increases in proportion to the educational levels of women workers. Thus, addressing this issue represents the first step in mainstreaming gender and achieving gender equality in the working place. It is recommended that actions be undertaken to promote the principle of equal pay for equal work and for work of equal value (along with the different legal provisions regarding this question that exist in most of the region's countries), aimed in particular at labor administrations and inspection services; in addition, action plans and pilot projects intended to guarantee these principles or correct existing distortions, etc., should be pursued.
- **Maternity protection for women at work:** Despite the enactment of legislation providing maternity protection for women at work in most of the countries of the hemisphere, there is still a significant degree of discrimination based on maternity status and sex. It is imperative that women's human rights be respected and that countries' existing laws for the protection of motherhood be enforced in order to ensure that pregnant women and nursing mothers are protected against all forms

of discrimination at work, particularly dismissal, and to guarantee appropriate social protection measures for them. It is proposed that actions be undertaken to disseminate the ILO's Conventions and the right to the protection of motherhood set forth in national legislations, aimed at the different parties involved in the working world and, in particular, at labor administrations and inspection services; in addition, action plans should be pursued in conjunction with other ministries and civil society organizations.

- **Ensure safe and healthy working conditions:** Working women throughout the region, in both the formal and informal sectors, are exposed to dangerous working and environmental conditions that threaten their health and increase morbidity and mortality. It is imperative to take action to protect the health of workers of both sexes and to guarantee a hazard-free and safe working environment, which does not jeopardize the productive ability of either men or women and which does not put at risk the health of their offspring.
- **Promote social dialogue for women workers:** Social dialogue, a recommendation put forth by the ILO and the Inter-American Conference of Ministers of Labor, is a widely discussed issue suggesting that women workers must occupy a significant role in the structures and process of social dialogue so that the issues concerning women workers become a permanent item in the working agenda.
- **Extend social protection to women working in the informal sector, self-employment, micro-enterprise, home workers, domestic workers, and women whose labor is unremunerated:** Working women usually have a shorter employment period than most men. In addition to assuming chief or sole responsibility for domestic and family duties, many women, particularly those who lack proper childcare support, work part-time or must interrupt their careers multiple times, limiting their lifetime contribution to social security funds. Furthermore, the majority of women working in the informal or micro-entrepreneurial sectors and women working at home are left unprotected by this type of social safety net. It is crucial to the economic and social development of women workers that social security not discriminate against those that are unable to find employment in the formal sector or are working independently from their households due to maternal and family responsibilities.
- **Right to collective bargaining and labor unions:** The labor unionization of women and the incorporation of gender claims into collective bargaining are important instruments for the promotion of equal opportunities for men and women. In many countries of the Region women find it difficult to exercise these rights. In some sectors, for example the *maquila* industry, women workers are threatened with employment termination if they decide to unionize. In this environment of fear and discrimination, women workers are not able to exercise their right to unionize and negotiate significant changes in their working conditions. It is therefore crucial to ensure women's participation and

representation in collective bargaining and unionization, and to promote their effective incorporation into labor organizations at all levels, thus guaranteeing their right to organize and bargain collectively.

- **Gender equity and equality in human resources development:** Gender bias and stereotypes negatively affect women throughout their working years in recruitment practices, access to professional training, and opportunities for promotion or advancement. Discrimination against women in human resources development, as well as gender stereotypes regarding the supposed abilities, preferences and “appropriate” roles of women at work must be eliminated in order to assure women’s full and equal access to opportunities within the labor market. It is imperative to take action to remove structural and legal barriers as well as stereotypical attitudes to gender equality at work. Thus, new policies are needed to put an end to gender bias in recruitment, occupational discrimination, unequal access professional training (especially in new technologies), and direct and indirect obstacles to promotions.