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INCORPORATION OF THE GENDER PERSPECTIVE IN REGIONAL LABOR POLICIES. PROGRESS AND PROPOSALS

I. INTRODUCTION

Profound economic restructuring in the countries of the region and technological innovations introduced in the context of economic integration and globalization have captured the attention of the most diverse sectors in different national and international arenas.

In response to these processes, activities in the area of women's issues have had to shift the focus toward emerging problems. This is especially true of policies designed to improve living conditions and to produce social and cultural changes allowing women's demands to be addressed according to their specific circumstances.

Therefore, it is imperative to study mechanisms and strategies designed to give women entries into this new world, equal access to economic resources, an equal footing at last in competing for productive and service activities, and equal consideration for their impact as individuals and as family members.

Globalization and internationalization of the Hemisphere's economies may provide an opportunity for women to participate on a more equal footing if these processes are accompanied by policies that are not limited to specific measures for women but rather mobilize efforts toward equality in all general policies. Ultimately, it means fostering a genuine intent to promote crosscutting equal opportunity for women and men in all spheres: economic, labor, political, and cultural—even extending to the family.

The Inter-American Conferences of Ministers of Labor are an exceptional opportunity to place the issue of equity between women and men in the economic and labor context. Similarly, the progress made in incorporating the gender perspective into the Plans of Action of the Summits of the Americas has been reflected in the deliberations, declarations, and plans of action of those conferences. The work of the Inter-American Commission of Women in the various areas and meetings of the Organization of American States has played a vital role in bringing the gender gap into public view.

Nonetheless, effective implementation of the recommendations on incorporating a gender perspective into the programs and policies of the labor ministries requires the willingness of the member states and efforts by the CIM delegates in their countries, by international organizations, and by civil society.

Accordingly, this document reflects the general recommendations of the XII Inter-American Conference of Ministers of Labor, which are grouped under six large proposals. These categories reflect the gender-related problems of women workers, allowing the recommendations to be addressed from a broader perspective, the proposals arising from preparatory meetings for the XII Conference to be brought together, and more specific activities to be defined.

The context for the proposals is: the recommendations of the Plan of Action of the Third Summit of the Americas; the Plan of Action of Viña del Mar of the XI Inter-American Conference of Ministers of Labor (IACML) and the findings of the two working groups; the Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality, adopted by the General Assembly at its thirtieth regular session; and the ILO declarations and conventions, in particular, the Declaration on Fundamental Principles and Rights at Work.

II. THE XII INTER-AMERICAN CONFERENCE OF MINISTERS OF LABOR (IACML)

The XII IACML was held in Ottawa, Canada, in October 2001. It was one of the first ministerial meetings to follow up on the Declaration and Plan of Action of the Third Summit of the Americas. The objective was to discuss labor and employment dimensions of the Summits process, "aimed at improving the political, economic and social well-being of the citizens of the Americas."

Its deliberations built upon the Declaration and Plan of Action of the Third Summit of the Americas and the Declaration and working group findings of the XI Conference and took into account the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-Up.

The Declaration of the XII IACML thus calls for application of the concept of "decent work" and the promotion and implementation of legislation and policies to apply the labor standards recognized in the ILO Declaration.

Following the lines of the Declaration and Plan of Action of Viña del Mar, the Declaration of the XII Conference refers to improvement of working conditions for the entire population and calls for greater attention to workers in the informal sector, minorities, and persons with specific needs and experiences, including youth, women, older workers, indigenous people, migrant workers, persons with disabilities, and persons with HIV/AIDS.

It underscores its commitment to "[integrating] a gender perspective into the development and implementation of all labor policies, to promote work-life balance, to protect the rights of women workers, and to take action to remove structural and legal barriers, as well as stereotypical attitudes to gender equality at work; to address gender bias in recruitment, working conditions, occupational segregation and harassment, discrimination in social protection benefits, women's occupational health and safety, unequal career opportunities and pay."

Two working groups were established under the Plan of Action of the XII IACML. One will examine the labor dimensions of the Summits of the Americas process in the context of globalization. Drawing on the findings of the Working Group on Globalization of the Economy and its Social and Labor Dimensions, established by the Declaration of Viña del Mar, it will address the implications of the ILO report "Labor Standards and the Integration Process in the Americas."

The mission of the second working group, in keeping with the work approach adopted by the Working Group on Modernization of the State and Labor Administration, established under the Declaration of Viña del Mar, will be to develop new mechanisms to enhance the effectiveness of projects and technical assistance for the smallest economies. Its core objectives will be: (a) developing effective mechanisms for applying labor standards and labor law; (b) promoting equal opportunity; (c) identifying strategies to promote employment, training, life-long learning, and human resource development; (d) access to more and better employment; and (e) ensuring full respect for the rights of migrant workers enshrined in domestic law.

With ILO assistance, it will also foster private-sector awareness of and respect for the rights of workers established in the ILO Declaration on the Fundamental Principles and Rights at Work and its Follow-Up and deal with the part to be played by technical assistance in pursuing this objective. It will also promote Convention No. 182, on the worst forms of child labor, and other ILO conventions.

Means of implementing the Plan of Action will be reviewed at technical workshops, with special attention paid to sectors having specific needs.

III. THE COMMITMENTS OF THE XII IACML

If one compares the decisions of the XI and XII IACML on incorporating a gender perspective into labor policies, considerable progress is evident. The XI IACML takes a general approach to the topics. It leaves room for additional measures or activities regarding the situation of women workers. It does not specify activities to eliminate gender inequalities, referring only to the incorporation of women belonging to vulnerable sectors or groups with specific needs.

The XII IACML endorses and incorporates the mandates of the Plan of Action of the Third Summit of the Americas with respect to gender equality (15): 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;”* and, with respect to labor and employment (11): *“...to foster equality of opportunity with respect to gender, among others, in strategies to promote employment, training, life-long learning and human resource development programs with the objective of promoting access to more and better employment in the new economy”(...*) and to *“[p]romote 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”*.^{1/}

This is a highly important approach, since it shifts the focus of policies and actions from women's vulnerability to the mechanisms that underlie the persisting inequality of their status in the labor area. Thus it allows for policies and strategies, at the institutional level, to eliminate mechanisms that exclude and discriminate in the workplace.

1. Plan of Action of the Third Summit of the Americas.

IV. ACTIONS PROPOSED IN THE CONTEXT OF THE RECOMMENDATIONS OF THE XII IACML FOR INCORPORATION OF A GENDER PERSPECTIVE INTO LABOR POLICIES

The Declaration and Plan of Action of Ottawa provide a framework of proposals for incorporating a gender perspective into labor policies so as to eliminate barriers between men and women in work and employment. With a view to their implementation, the recommendations are discussed separately. The focus is on specifics, and consideration is given to the specific situation of women in the workplace.

1. Integrating a gender perspective into the development and implementation of all labor policies

a. Incorporation of a gender perspective at the ministries of labor

In general, and to varying degrees, the governments of the region are stepping up efforts to adopt and implement policies and programs to promote economies and labor markets that are more equitable from a gender perspective. However, the incorporation of a gender perspective into public policies does involve a political and technical process. The political process requires that incorporation of a gender perspective into the mandates of the ministries of labor be tied in with the incorporation of a gender perspective into existing policies and with the generation of new and specific gender policies, ensuring resources for their implementation. The technical process, in turn, requires actions linked with objectives, the definition of work agendas, the design, implementation, and follow-up of plans and programs of action, and hiring and training criteria.

b. Establish strategies for cross-sectoral incorporation of a gender perspective

From a political standpoint, the sectoral approaches that have dominated labor policies should be left behind, since they address women's needs only in part. To address the roots of inequity in a comprehensive manner, multisectoral resources permitting cooperation among various ministries must be mobilized. The gender perspective must be institutionalized through crosscutting activities at the level of sectoral labor markets. Intersectoral work and coordination is taking shape as an effective mechanism for cross-cutting institutionalization of the gender perspective as an integral and multidisciplinary practice that enables economic and social objectives, essentially those related to equity^{2/}, to be linked. The negotiation of cooperation agreements with ministries or sectoral institutions, promoted by organizations working for the advancement of women in the various countries, plays an important part in promoting interministerial and intersectoral cooperation.

2. M. Nieves Rico, *El Proceso de Institucionalización del Enfoque de Género en el trabajo sustantivo de la CEPAL* (ECLAC, 2000).

c. Develop a capacity for gender analysis at the ministries of labor

From a technical standpoint, it is imperative to establish or strengthen units tasked with incorporating a gender perspective at ministries or national institutions that formulate and negotiate policies in the areas of economic, productive, commercial, and financial development. This involves stepping up efforts toward the crosscutting adoption of a gender perspective. Enlisting staff from various areas in this effort should put a halt to the tendency for gender issues to be handled by “specialists” and not incorporated into the work of the institution as a whole.

Training of labor ministry professionals, both men and women, in gender analysis involves the design and implementation of methods that set out the political and technical impact on institutions of adopting a gender perspective as they pursue their institutional objectives. Methods should include indicators for monitoring the impact of measures so as to ultimately evaluate their effectiveness in achieving gender equity.

d. Improve information systems and labor statistics from a gender perspective

Labor statistics offices or departments must generate capacity to analyze information that will guide technical and political decision-making. The formulation of labor policies with a gender perspective requires statistics broken down by gender. New instruments must be introduced for gathering statistics on key topics addressed in assessing the status of women, so that stereotypes about women workers may be dismantled. Examples are calculations of labor costs broken down by gender; trends in atypical types of employment and work; and the construction and maintenance of a system of gender indicators for monitoring trends in gender gaps at work and the quality of employment from a gender perspective. Notable among such instruments is measurement of the use of time as an alternative measurement of domestic work, for calculation and incorporation in the countries' national accounts.

e. Strengthen social sectors involved in the design, formulation, and evaluation of labor policies from a gender perspective

In the context of the ILO recommendations and those of the XI IACML, the labor ministries are responsible for promoting and developing policies that strengthen the social sectors involved by establishing formal and informal mechanisms for consultation on policy formulation and bringing in sectors such as small businesses and workers in the informal sector. Strengthening the technical capacity of the social sectors involved is necessary in order to establish an equitable dialogue. Technical assistance and training programs with a gender perspective must be provided to union and company negotiators.

f. Promote incorporation of equal opportunity for women and men into social dialogue processes

In the promotion of gender equity in labor policies, it is extremely important to incorporate gender issues into agendas and in bipartite and tripartite collective bargaining and social dialogue processes, as strategic topics for all women workers. This requires the design and development of strategies to incorporate the promotion of equal opportunity as an ongoing and crosscutting topic, along with training programs.

g. Promote activities to incorporate a gender perspective into labor policies through international and civil society agendas

Also important to the adoption of a gender approach in labor policies is the pressure that may be exerted through mandates contained in the Plans of Action and through donor and women's organizations.

Strengthening women's organizations in the adoption and implementation of economic and labor policies should be promoted so that demands pertaining to the workforce operating in the most unstable and unprotected sector of the economy are placed on the agenda and negotiated within officially recognized labor organizations.

The formation of topical networks (such as existing ones that address topics of violence, health, or education) is an important form of political action by women, which would enable labor topics relating to economic or trade policies of the countries and their impact on gender issues to be addressed.

2. Promote work-life balance

With women's increasing participation in the labor market and the growing trend for women of childbearing age to remain in the market, the conflict between work and family responsibilities has come to the fore. On the one hand, there is a greater burden of work for the woman if she has no external support or is unable to enlist the family in these tasks. This works against her remaining employed, her professional and promotion opportunities, and her career development.

Both men and women are affected, since their long workdays pose limitations on family life. Moreover, there is an incipient yet growing desire on the part of men to be more involved in raising and caring for their children. This is not, therefore, a specific or exclusive problem of women, as has it been viewed traditionally. Regulations are beginning to be enacted in the region's countries on parental leave, under the concept that workers of both sexes have family responsibilities (ILO Recommendation 165). This constitutes progress toward reconciling the two areas and treating this as a right of workers of both sexes and of their families.

Measures such as the establishment of day care services in the workplace must be incorporated into labor law where this has not yet been done, and must be better enforced, not only in view of the number of working mothers but also extending such measures to fathers. This is also true of shared paternity and maternity leave; allowing fathers to take leave to care for their sick children; and gradual reduction of the work day for workers in general.

The ILO Convention on Workers with Family Responsibilities (No. 156) is intended to create and promote balance in professional and family life for workers with responsibilities in relation to their dependent children or to other members of their immediate family. 29 countries (eight of them Latin American) have only ratified this 1981 Convention.^{3/}

3. Oficina Internacional del Trabajo, Oficina Regional para América Latina y el Caribe, "Equidad de Género en el Mundo del Trabajo en América Latina. Avances y Desafíos 5 Años después de Beijing." (Presented to the Eighth Regional Conference on Women in Latin America and the Caribbean).

3. Protect the rights of women workers

a. Adapt anti-discrimination provisions to the new economic processes

From a regulatory standpoint, protection of the rights of women workers and the principles of equality and nondiscrimination have been incorporated into both constitutions and labor laws in the region's countries, thereby receiving significant formal recognition. Nonetheless, certain inequalities persist in regulations governing working conditions.

However, liberalization, structural adjustments, and new situations arising from globalization and the relaxation of rules governing labor relations have led to a growing number of unprotected women workers. There are large sectors not covered by law, such as women workers employed by small firms, the self-employed, subcontractors, seasonal workers, and women working from home. Regulations must be revised to address these new processes, particularly with respect to labor deregulation (contracts, dismissals, and social security), along with protection of union rights and job security, in view of the new characteristics of deregulation.

b. Strengthen public information policies on the rights of women workers

There is an appropriate national and international framework governing the rights of women and men workers. But effective practical application requires other mechanisms, which is where the main problems arise.

Women workers' lack of awareness of their rights and applicable domestic law is one of the greatest obstacles to their benefiting from such provisions. It is important that labor ministries implement programs, in coordination with national bodies involved in the advancement of women, to publicize and provide training on labor rights from a gender perspective, the audience being men and women workers and inspectors and judges, and the aim being effective application of existing legal protection of the rights of women workers.

c. Strengthen enforcement of anti-discrimination provisions

To ensure enforcement of legal provisions, authorities to monitor the labor conditions of women workers must be created or strengthened. They should not only monitor application but also prevent anti-discriminatory provisions from being misapplied. This part is played in the countries by work inspectors who oversee enforcement of provisions, information, and advisory services to women workers regarding their rights. Staff training within these institutions is therefore essential, especially with regard to provisions to protect women workers and identify discriminatory practices, so as best to detect and prevent infractions in the area of equal opportunity.

d. Promote union organization of women workers

Union organizations play a fundamental part in establishing women's demands and respect for the rights of women workers. Promotion of such organizations is singularly important. However, the growing presence of women in the world of work has not been reflected in their participation in unions. Efforts must be stepped up to increase women's representation in union organizations and their management levels.

4. Take action to eliminate structural and legal barriers and stereotypical attitudes to gender equality at work

a. Remove structural and legal barriers to equality at work

The increasing presence of women in labor markets may be noted in all countries of the region. However, persisting structural and legal barriers hinder their access to such markets on the same footing as their male counterparts.

Lower rates of participation by women in the workforce are explained in part by structural barriers to entry, stemming from their domestic duties, lack of training and information, and cultural patterns that discourage women from entering the workforce. In addition, women, particularly the poorest, are at a disadvantage in terms of access to productive resources, such as ownership of land and companies, productive capital, and credit, a situation reinforced by legal barriers that restrict such access. Establishment of small businesses by women is hindered in some countries by laws that restrict their autonomy.

b. Eliminate bias against and discriminatory stereotypes of women workers

Along with such structural factors, stereotyped views of women workers and discriminatory behavior internalized by employers, particularly the bias stemming from motherhood and family responsibilities, as well as limited education and experience in technical areas, reduce work options. These factors encourage the categorization and ranking of occupations by gender. They are present in hiring, training opportunities, promotion, and professional development, and lead to unequal pay for work of equal value.

To reverse this bias, cultural change must be fostered. This may be accomplished by raising society's awareness, promoting change in cultural and business patterns, enabling women's qualities and particular characteristics to be identified and reassessed, and advantage to be taken of their correspondence to work profiles characteristic of new models of production.

Promotion of public awareness programs and training in gender awareness for teachers, authorities, and administrative staff should make it possible to identify and eliminate stereotypes in teaching materials and in the various expressions of the curriculum, particularly teaching practices.

5. Address gender bias in hiring, working conditions, and occupational segregation and harassment

a. Eliminate gender bias in hiring of women workers

Segmentation of the labor market is tied in with bias in hiring, as it leads to unequal access to occupations and companies in the recruitment process.

Even when women's level of education and their degree of professional and technical training in the region have increased, women workers remain concentrated in traditional areas, particularly in services (with a large percentage in domestic employment), and this reinforces occupational

segregation. Bias relating to women's supposed incompetence in technical areas has special significance in the context of requirements for ever higher qualifications and technical skills, from which women remain marginalized.

b. Revise regulations governing the most vulnerable sectors

Women workers are concentrated in domestic employment. Contractual relations are generally not established for this type of work, so that women workers are marginalized in terms of legal protection. Even where regulatory provisions exist, they usually provide less protection than that afforded workers overall in terms of the length of the workday, minimum wage, and protection from dismissal. Regulations governing domestic employment should be revised and brought into line with that governing other wage earners.

Work at home is performed mainly by women, reinforcing gender gaps (market segmentation, unequal pay). There are various approaches to hiring, remuneration, working hours, and protection; in general, however, such jobs are highly unstable.

With the relaxation of labor regulations, in the context of increasing international competitiveness, the *maquiladora* sector has been expanding markedly as a source of income generation for a large percentage of women workers. This source of employment is generally of low quality and unstable, with scant respect for provisions governing workers' basic labor rights.

Given the characteristics of such jobs, regulations are difficult to apply and oversee. This is even more true of anti-discrimination provisions. However, it would be well to conduct more in-depth studies so that better regulatory mechanisms might be identified and applied.

c. Strengthen and promote provisions on sexual harassment

Many women workers have traditionally been exposed to sexual harassment at work. This problem has begun to be addressed in recent years. However, regulations concerning sexual harassment in the workplace have lagged behind. Lobbying for the passage of legislation now under discussion in the parliaments is essential.

6. Eliminate discrimination in social welfare benefits; women's occupational health and safety; unequal career opportunities and pay.

a. Strengthen oversight of women's social welfare benefits

With respect to social welfare protection for women in the region, provisions that established restricted working hours for women have been rescinded, and workdays of equal length have been established for both sexes. Nonetheless, for some activities the length of the workday remains unregulated (such as domestic and agricultural work and commerce).

Maternity protection is provided throughout the region. However, there is still bias against pregnant women and women of childbearing age. Examples of such discrimination are the pregnancy test requirement used by some companies in recruitment and the discrimination against women of childbearing age in coverage by private health insurance plans.

Legal protection for pregnant women against dismissal exists in the region, with time periods varying from one country to another. However, such provisions are not necessarily applied; in some sectors, the practice of “worker buy-outs” in the case of pregnancy persists.

In that light, activities must be stepped up to monitor enforcement of the law and increase awareness of laws and regulations that protect women workers.

In many countries of the Hemisphere, the law provides child day care services for working mothers, while there are no such provisions for fathers. This reinforces that notion that childcare is the exclusive responsibility of women. In the spirit of ILO Convention 156, such provisions should cover all workers with family responsibilities.

b. Maintain occupational health and safety

In addition to the need to monitor the application of provisions governing occupational health and safety in both the formal and informal sectors, such provisions must be studied in the light of changes in production and the introduction of new technologies. Nontraditional occupations now entered by large numbers of women generally are the area least covered by occupational health provisions. Women in such occupations are exposed to increased risks to their physical and mental health. Many women work at home under conditions that do not meet minimum health and safety requirements, which may jeopardize their health and that of their families.

c. Review social security systems from a gender perspective

Swift and profound changes in economic policies and structures worldwide have brought about work systems and activities whose regulation must be studied along with the profound changes in social security systems. Studies should be conducted on the different impact such reforms have on men and women.

d. Extend social security coverage to men and women workers in the informal sector

Notable in this area is the great vulnerability of women domestic workers and women working in the informal economic sector. These workers account for a large percentage of all women workers and are poorly covered by social security benefits. In view of the increasing number of workers in the informal sector, social security benefits should be extended to cover them.

e. Close gender gaps in social security systems

Since women generally earn less than men and, owing to their reproductive role, have less continuity in the workforce, they contribute less to social security funds, meaning that their pensions will be smaller. This situation is accentuated by women’s longer life expectancy. This is even more so in the case of individual retirement accounts. Less funds are accrued, and they must be distributed over a longer period.

These gender gaps must be eliminated and compensatory measures established within social security systems, compensating for women's lower contributions to bring them into line with those of men and contribute to a better quality of life for elderly women.

f. Study the feasibility of establishing a basic income level for all elderly persons

Women who have devoted their entire lives to bearing and raising children have no type of social security, and have access to benefits only as "dependents" of social security contributors. This means that their protection is reduced still further, since, when the contributor dies, they receive lower benefits than did the contributor. A study should be performed of the feasibility of providing a basic income to all citizens--men and women—to guarantee them sufficient resources in their old age.

g. Address barriers to women's development of job skills

Although women have raised their educational levels so as to be able to hold senior positions in companies and organizations, they are generally found in the lower and mid-level managerial posts, because stereotypes based on their family responsibilities persist or because decision-making posts require attributes considered exclusively male.

To overcome barriers to women's career development, changes must be introduced in organizational structures, policies, and procedures, which are based on attributes considered male. To that end, it would be appropriate to develop programs that promote transparent mechanisms in recruitment and promotion processes, flexible work schedules, and appreciation of women's attributes and contributions, along with programs promoting work-life balance for men and women. In addition, programs to support women's business skills should be implemented, along with mechanisms to promote women's ability to take independent action by increasing their presence in labor market institutions, particularly in collective bargaining processes.

h. Eliminate unequal pay

Unequal pay for men and women is addressed formally, and inadequately, in the laws of almost all countries in the region. ILO Convention 100, on equal remuneration for work of equal value, adopted by the General Conference of the International Labour Organization in 1951, is especially important at the regional level, where the income gap remains very marked, particularly in the informal sector.

A justification often given for unequal pay for men and women is the apparently higher cost of female labor. It is alleged that women's non-wage costs are higher owing to interruptions in service for maternity and family responsibilities and that therefore their pay should be lower to offset the non-wage costs. Studies of wage costs broken down by gender, however, have shown this to be an extended form of discrimination, with the effect that wage discrimination is accepted as natural and women have reduced economic independence and smaller pensions.

Activities in this area should be directed at studies of labor costs, which may be used to argue against existing discrimination and bias.

i. Redesign and strengthen professional education and training programs to provide better work opportunities for women

Study and training programs must be designed to provide women with more vocational options, and to appropriately interrelate the programs' approach, training, and work opportunities, particularly in the most dynamic sectors of the economy, so that such education and training will correspond more closely to companies' current labor requirements. In addition, for professional education and training policies to be more effective, it is important that they relate to the needs of other public and private institutions and organizations.

Growing levels of competitiveness called for by globalization and the generation of new and diverse job opportunities require a substantial improvement in the quality of human capital. However, restrictions and segmentation persist, creating barriers to equitable access to employment for women.

Professional education and training policies, approached from a gender perspective, constitute an exceptional way to eliminate barriers to equal opportunity in the development of workers' skills. To this end, the design of professional education and training policies must take account of women's needs and particular attributes, so that such policies may serve as mechanisms for effective strengthening and promotion of women's employability and participation in labor markets.

In order to meet these objectives, priority must be given to linking the education system and productive sector, bringing labor demand and supply into line, identifying women's existing employment needs, and raising public awareness, in order to create new job opportunities. In addition, these programs must be geared toward dynamic activities with development potential

j. Design and implement professional education and training programs for self-employed women workers

At the same time, training programs for self-employed women and women small business owners must also be designed and implemented, emphasizing areas such as management and administration, project design and management, and development of creativity and business skills, together with other support strategies, such as access to information and guidance on the feasibility of activities and undertakings, assistance in obtaining credit, advisory services, and monitoring of performance.

k. Design and implement training programs to promote women to decision-making positions

Another area where assistance is needed is training in administrative, managerial, and supervisory skills, enabling more women to be promoted to decision-making posts.

V. PROPOSED LINES OF ACTION

Based on the commitment entered into at the XII Inter-American Conference of Ministers of Labor, held in Ottawa, Canada, in October 2001, to integrate a gender perspective into the development and application of all labor policies, it is recommended that the governments of the OAS member states, by way of their labor ministries, carry out the following lines of action:

1. Institutionalization of the gender perspective

- 1.1. Explicitly incorporate the gender perspective within the mandates of the ministries of labor, ensuring that it is reflected in the objectives, design, implementation, and monitoring of policies, plans, and programs, as well as in the criteria for recruiting and training staff, with due regard for the budget resources needed for execution.
- 1.2. Create or strengthen units for integrating the gender perspective within the ministries or national institutions responsible for formulating and negotiating macroeconomic policies in the areas of economic, productive, commercial, and financial development, actively involving male and female officials in the various areas of action.
- 1.3. Establish strategies for coordination among the various ministries to ensure the application, in a crosscutting, intersectoral manner, of labor policies with a gender perspective.
- 1.4. Provide gender analysis training for professional men and women in the labor ministries, using methodologies that entail the development of a system of indicators permitting the impact of labor policies on gender equality to be monitored and evaluated.
- 1.5. Establish formal and informal consultation mechanisms, convened by the labor ministries, for the formulation of policies for such sectors as microenterprise and the informal sector.

2. Research and studies

- 2.1. Improve labor information and statistical systems from a gender perspective, in coordination with the national offices of statistics, producing statistics broken down by sex and introducing new measurement instruments that allow information to be gathered on key issues and provide a better understanding of the situation of women.
- 2.2. Develop a database on the labor market in the hemisphere from a gender perspective, regularly reporting results to national authorities in the region.
- 2.3. Conduct studies, in the light of changes being produced by globalization and economic integration, to analyze the expansion of opportunities for women and assess the effects of more flexible labor relations on the quality of employment in such activities, *inter alia*, as employment in the home and in *maquilas*, temporary employment, and farm work.
- 2.4. Identify gender stereotypes embedded in human resource policies that hinder the employment of women under conditions equal to those for men, through studies providing a breakdown of hiring

costs by sex, to help argue against discriminatory prejudices about the higher cost of hiring women.

- 2.5. Conduct studies to learn more about linkage between the educational system and the productive sector, to harmonize labor supply and demand by detecting existing female employment needs and heightening awareness about new employment possibilities.
- 2.6. Promote studies on the social and economic contribution of unpaid work performed by women and urge governments to include such data in their national accounts.
- 2.7. Conduct research on the differential impact of macroeconomic policies on men and women in terms of the economy, international trade, productive reconversion, and financial and fiscal systems.
- 2.8. Analyze the impact of labor and social security reforms on gender equality.

3. Training and awareness heightening

- 3.1. Execute technical advisory and training programs for labor union and management negotiators incorporating a gender perspective.
- 3.2. Implement programs in coordination with national mechanisms for the advancement of women for the dissemination of information and training for workers on labor rights from a gender perspective.
- 3.3. Develop training and awareness heightening campaigns for judges on labor rights from a gender perspective to ensure the effective application of existing legal safeguards for the protection of worker rights.
- 3.4. Train and heighten the awareness of staff in oversight agencies, in particular with respect to norms for the protection of employee rights and more effective detection of discriminatory practices, to ensure that they are being applied properly and that their antidiscriminatory intent is not being circumvented.
- 3.5. Train women in occupations that will diversify the opportunities available to the female workforce, particularly in terms of new technologies, to facilitate their entry into cutting-edge growth sectors of the economy.
- 3.6. Design and implement training programs for self-employed workers and microentrepreneurs with emphasis on such areas as management, project design and implementation, creativity, and entrepreneurial capacity, including such additional support strategies as access to information and guidance on the viability of activities and undertakings, credit intermediation, and managerial advice and assistance.
- 3.7. Develop training programs to help women rise to decision-making positions through the development of skills in management, leadership, direction, and supervision.
- 3.8. Design strategies to heighten the awareness of society and social actors in such a way as to encourage changes in cultural and business patterns and enable the qualities and particular

characteristics of women to be identified and valued, and thus take advantage of their correlation with the occupational profiles that are tending to emerge from new productive models.

- 3.9. Promote gender awareness heightening and training programs for teachers, designed to eliminate stereotypical assumptions about the supposed incompetence of women in technical areas, targeting teaching materials and curriculums, and in particular, teaching practices.

4. Reviewing, strengthening, and enforcing rules

- 4.1. Review the legal provisions affecting the most vulnerable sectors in the light of new processes—and in particular the increase in employment flexibility (contracts, separation, working hours, and social security)—as well as those designed to protect the rights of labor unions and job security in the light of recent deregulation.
- 4.2. Review legal provisions restricting the economic autonomy of women, particularly in terms of their access to and control over economic resources, such as land, capital, and credit.
- 4.3. Review the legal provisions governing domestic employment and bring them into line with those for other salaried workers.
- 4.4. Establish mechanisms to regulate minimum health and safety standards, particularly for work in the informal sector and work where effective oversight is difficult, such as a work in the home.
- 4.5. Encourage the development of legislation to criminalize and punish sexual harassment wherever it may occur and urge the approval of such legislation under parliamentary consideration.
- 4.6. Urge governments to ratify international agreements promoting gender equality in the workplace and in economic development (ILO conventions on maternity protection (No. 3, 103, and 183); equal treatment in employment (No. 100), equal pay for equal work (No. 111), and the reconciliation of work and family responsibilities (No. 156).
- 4.7. Promote the creation of equal conditions for men and women for the reconciliation of work and family responsibilities, applying the concept of “workers of both sexes with family responsibilities” (norms regarding paternity leave, shared postnatal leave for men and women; the extension to fathers of leave for the care of sick children; the creation of child care facilities in the workplace according to the number of workers—men and women—with family responsibilities).
- 4.8. Promote changes in the provisions of social security systems so as to extend coverage to male and female workers in the informal sector, and to establish compensatory retirement measures to compensate for the lower contribution rates of women and help to improve the living conditions of elderly women. Study the feasibility of establishing a basic income for all citizens, men and women, to ensure their access to resources permitting old age with dignity.

5. Strengthening social actors

- 5.1. Develop programs for social actors to introduce gender issues into the agendas and collective bargaining processes for bipartite and tripartite social dialogue as part of the general range of strategic worker issues.

- 5.2. Involve women's organizations in the adoption and implementation of economic and labor policies for the purposes of negotiation in officially recognized labor organizations.
- 5.3. Strengthen the strategies for increasing female representation in labor unions and organizations and provide greater access for women to leadership positions within these organizations.

APPENDIX

Background to the XI Inter-American Conference of Ministers of Labor (IACML)

The Declaration and Plan of Action of the XI IACML, held in Viña del Mar in October 1998, focused essentially on two topics: the social and labor dimensions of economic globalization and the requirements and challenges posed by modernization of the state and labor administration.

The crosscutting general criteria and approaches of the Declaration of Viña del Mar are in keeping with the promotion and design of policies that combine, both conceptually and in terms of practical application, promotion and protection of the fundamental rights of workers with economic growth requirements in the context of the economic globalization requirements. The Declaration indicates that, among the objectives that should guide policies on growth, modernization, and economic integration, priority should be attached to “those which lead to economic and social development that can ensure the promotion of equal opportunities for progress and the eradication of poverty and all forms of discrimination, that is, equity and social justice” (operative paragraph 2).

The Declaration specifically provides that such policies should focus on employed persons and promote the incorporation into the labor market of “youth, women, migrants, persons with disabilities, minorities and other vulnerable groups; those who have been affected by the restructuring of production processes; and those who operate in the informal and other precarious sectors of the economy.”

Two working groups were established. Their main activities and proposals are set out below:

Group I: Globalization of the Economy and Its Social and Labor Dimensions,” which was divided into four subtopics:

- a. The social dimension of integration processes. The working group studied strategies in countries of the region to address integration processes prompted by economic globalization and the role of labor ministries in regulating and enforcing labor standards, mechanisms for the adjustment of labor supply and demand, training and instruction of workers, and aspects related to the market’s vulnerable groups.
- b. Transformations in the structure and functioning of labor markets and labor regimes. The working group discussed the adaptability of labor systems in the face of relaxed labor market constraints in the region and their effect on productivity and competitiveness. It also discussed the need for labor ministry policies that would promote collective bargaining mechanisms based on negotiation and consensus and the self-regulation of labor relations, enabling companies to be competitive, protecting workers, maintaining the quality of labor conditions, and providing an incentive to investment in human resources.

In the area of labor relations, the Group underscored the importance of promoting the collective rights of organization, association, and collective bargaining, together with programs to modernize and manage the work of the smallest productive units.

- c. Professional education and training. In the context of technological innovation and the growing need to update job skills and thereby develop the competitiveness and employability of workers, this topic is a strategic instrument for labor ministry employment policies. Special attention is given to vulnerable groups, such as impoverished youth without work experience, female heads of household, adults displaced by the restructuring of production, and workers in the unstable informal sector.
- d. Systems for assisting unemployed workers. In this area, attention was drawn to the issue of program funding and execution, which, in turn, involves the improvement of employment information and guidance systems and the review of job retraining programs.

Group II: Modernization of the State and Labor Administration: Requirements and Challenges

- a. General aspects of labor administration. The working group studied the political and legal framework, organizational structure, and human and material resources of labor ministries in the context of new requirements. It found that labor ministries should participate actively in decision-making on economic policies affecting the labor market. It pointed to the need to redefine labor ministry functions and services in response to the new challenges posed by current circumstances, in cooperation with the social sectors affected.
- b. Inspection system. In this area, it is recommended that prevention efforts and advisory services for both employers and workers be strengthened so as to improve labor relations. Emphasis is also placed on the need for improved selection and training procedures for work inspectors, mechanisms for overseeing and evaluating their performance, and the importance of an institutional strategy that includes participation by the social sectors involved.
- c. Information systems and labor statistics. Labor statistics offices or departments should generate a capacity to analyze information that will guide technical and political decision-making. They should provide timely information on labor administration services and substantially improve data on how the labor market is operating, so as to link supply, demand, and appropriate training.
- d. Labor courts. Enforcement of labor law requires effective labor courts. Proposals are offered for the amendment of procedural regulations and the design of special instruction and training programs for judges and senior labor court officials. In addition, specialized independent labor administration bodies to carry out mediation, arbitration, and conciliation functions should be established or strengthened.
- e. Social dialogue, negotiation, and collective bargaining. The labor ministries are responsible for facilitating such negotiation and developing policies to support the social sectors involved, establishing formal and informal consultation mechanisms for the formulation of policy. Small business owners, workers in the informal sector,

and others must also be included. Strengthening the technical capabilities of social sectors is vital to establishing a dialogue conducted on an equitable basis; technical assistance and training programs should be provided to union and company negotiators.

- f. Integration of special groups into the labor market. It has been noted that, in general, there is an adequate legal framework for promoting the integration of groups with special difficulties into the labor market, as an expression of political will in this area, and that, where specialized administrative units exist, resources are being allocated to them.

Lastly, Group II decided to execute six specific horizontal cooperation projects intended to solve, in part, the problems identified.