



# GLOBAL DEAL

TOGETHER FOR DECENT WORK  
AND INCLUSIVE GROWTH



## THE CONTRIBUTION OF SOCIAL DIALOGUE TO GENDER EQUALITY



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The thematic brief was produced under the overall guidance of and with contributions from Manuela Tomei, Director of the Conditions of Work and Equality Department in the ILO. Verena Schmidt, Collective Bargaining Specialist in the Inclusive Labour Markets, Labour Relations and Working Conditions Branch, coordinated and contributed to the paper; other inputs were provided by Emanuela Pozzan, Specialist in the Gender, Equality and Diversity Branch, and Angelika Muller, Specialist in the Social Dialogue and Tripartism Unit. The text is based on an initial draft by Jane Pillinger, Consultant. Thanks go to Coralie Thompson for providing excellent administrative support.

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# 1. INTRODUCTION: THE NEXUS BETWEEN SOCIAL DIALOGUE AND GENDER EQUALITY

Sound industrial relations and effective social dialogue contribute to good governance in the workplace, decent work, inclusive economic growth and democracy.<sup>1</sup> They can also be important means of advancing gender equality and fair labour markets, and vice versa. This was reaffirmed in the ILO Centenary Declaration for the Future of Work (2019)<sup>2</sup> which states:

“III. The Conference calls upon all Members, taking into account national circumstances, to work individually and collectively, **on the basis of tripartism and social dialogue**, and with the support of the ILO, to further develop its human-centred approach to the future of work by:

- A. Strengthening the capacities of all people to benefit from the opportunities of a changing world of work through:
  - (i) the **effective realization of gender equality in opportunities and treatment**” [emphasis added by the authors].

Social dialogue, including collective bargaining, has enormous potential to contribute to the achievement of the ambitious Sustainable Development Goals (SDGs) set out in the 2030 Agenda for Sustainable Development, notably those on gender equality (SDG 5) and decent work and economic growth (SDG 8).<sup>3</sup> New initiatives aimed at facilitating the attainment of these goals have been established, including the Equal Pay International Coalition (EPIC). Spearheaded by the ILO, UN Women and the OECD, this coalition brings together governments, employers’ and workers’ organizations, companies and academia to devise ways to accelerate progress on the achievement of equal pay for work of equal value by 2030 (SDG 8.5).

However, women workers, everywhere across the world, continue to be under-represented in decision-making bodies and processes that shape workplaces and employment outcomes – including in contexts where women make up the majority of the workforce. This is not only unfair to women, it is also counterproductive for businesses, economies and societies at large.

The current COVID-19 pandemic, according to available evidence, seems to be affecting women more severely than men as they are more likely to bear the brunt of the social and economic consequences of the pandemic. This carries the risk of undoing women’s advances in recent decades, widening further gender inequalities in the world of work, thereby jeopardizing the prospect of building back better.<sup>4</sup>

This thematic brief seeks to understand the reasons for this situation and to identify actions that governments, employers’ and workers’ organizations could take to advance gender equality through social dialogue. The ILO legal framework (International Labour Standards) on gender equality is very important in this context, in particular the fundamental Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). These conventions are widely ratified and both highlight the importance of tripartism by setting out requirements of cooperation with the social partners to address gender-based discrimination and promote gender equality. In particular, Convention No. 111 requires Member States to seek this cooperation in promoting the acceptance and observance of the national equality policy and to consult with representative workers’ and employers’ organizations on the determination of special measures of protection or assistance, such as affirmative action measures.

The brief also examines the importance of social dialogue in the application of the ground-breaking Violence and Harassment Convention, 2019 (No. 190) and Recommendation No. 206 on the same subject matter. It draws upon innovative experiences from different regions of the world. In particular, it looks at how social dialogue can deliver gender-equal outcomes in a range of different sectors, whether in the formal or the informal economy, including during the ongoing pandemic, and identifies the circumstances and factors that can help bring about transformative change. The brief concludes with some key recommendations for governments and employers’ and workers’ organizations.

## 2. WHAT IS SOCIAL DIALOGUE, AND WHAT ARE THE CHALLENGES FOR ADVANCING GENDER EQUALITY THROUGH IT?

*Social dialogue includes all types of negotiation, consultation and exchange of information between or among representatives of governments, employers and workers and their organizations.*

Over time, the scope of social dialogue, including collective bargaining, has expanded in many countries to encompass topics that are essential to achieving gender parity at work and in the family. These include: equal access for women and men to jobs and skills; maternity and parental leave beyond the duration established by law; the promotion of equal pay for work of equal value to ensure fair wages for men and women; and prevention of and protection against violence and sexual harassment.

Gender-inclusive and gender-responsive workplace cooperation helps enterprises to attract the best employees; enhance organizational performance; reduce costs associated with staff turnover; improve access to target markets; and minimize legal risks – all while enhancing their reputation.<sup>5</sup> Indeed, companies with the highest levels of gender diversity on their executive teams are 21 per cent more likely than others to experience above-average profitability.<sup>6</sup>

However, limitations regarding the impact and sustainability of these efforts, as well as their relatively small scale, are apparent. These limitations are compounded by declining union density rates and shrinking collective bargaining coverage, which are in turn partially caused by weakening support for multi-employer bargaining, unconditional derogations from collective agreements and disorganized decentralization of collective bargaining.<sup>7</sup> In a number of countries, social dialogue institutions are struggling to remain relevant in a context of profound economic, political and social changes.<sup>8</sup>

At the same time, although some progress is evident, unequal power relations between women and men,<sup>9</sup> and the time poverty suffered by women as a result of their bearing a disproportionate burden of unpaid care work,<sup>10</sup> continue to limit women’s voice and representation both in the workplace and in related decision-making bodies and processes.<sup>11</sup> And yet, if women had a stronger say in decision-making processes such as social dialogue and collective bargaining, these processes would themselves gain in legitimacy, credibility and effectiveness, to everyone’s benefit.

### 3. IMPROVING WOMEN’S PARTICIPATION IN DECISION-MAKING AND IN SOCIAL DIALOGUE

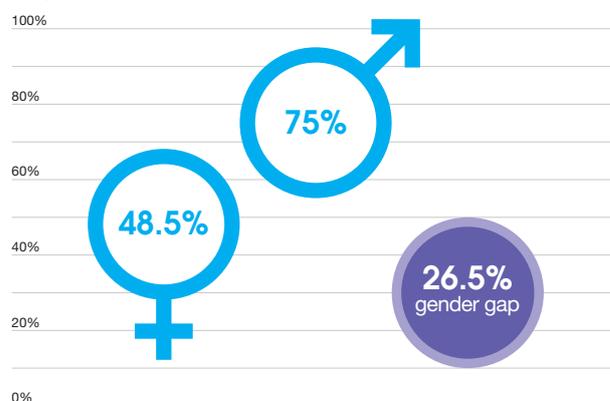
The next section considers how these key conditions can be promoted in practice.

In order to achieve SDG 5.5, ensuring “women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life”, it is essential that women are adequately represented in social dialogue bodies and in collective bargaining teams. More women in these bodies and teams would not only make social dialogue more relevant and responsive to women’s working lives, it could also trigger transformational changes in other social spheres, provided that women and men are encouraged and trained to advance gender equality in social dialogue, and also in the labour market and the workplace at large.

ILO global research confirms the persistent under-representation of women in national social dialogue institutions (NSDIs). A study of 195 countries, including 187 ILO member States, shows that in 2008 female membership of NSDIs was on average less than 20 per cent; available data for 2018 show average female membership in NSDIs still only between 20 and 35 per cent, in particular in Africa, the Americas and Europe. There are, nevertheless, some inspiring examples of parity or near-parity (female membership in NSDIs of 45 per cent or over), namely France, Norway, Saint Kitts and Nevis, Samoa and Switzerland.<sup>12</sup>

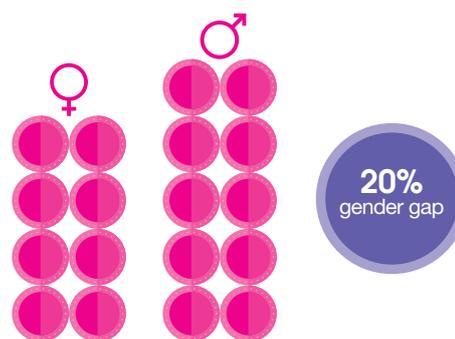
Despite some progress, then, the continued under-representation of women in social dialogue reflects a serious democratic deficit, undermining the functioning and the legitimacy of social dialogue institutions.<sup>13</sup> It also reflects a paradox: namely, that although today women in many parts of the world are better educated,<sup>14</sup> and are more likely to join trade unions<sup>15</sup> and employers’ organizations,<sup>16</sup> their representation in decision-making positions in social dialogue remains lower than men’s.<sup>17</sup> Moreover, even in places around the world where there is an increase in women trade union members, this does not always result in a proportional increase in women’s representation in leadership structures.<sup>18</sup>

#### Gender gap of the labour force participation rate at global level



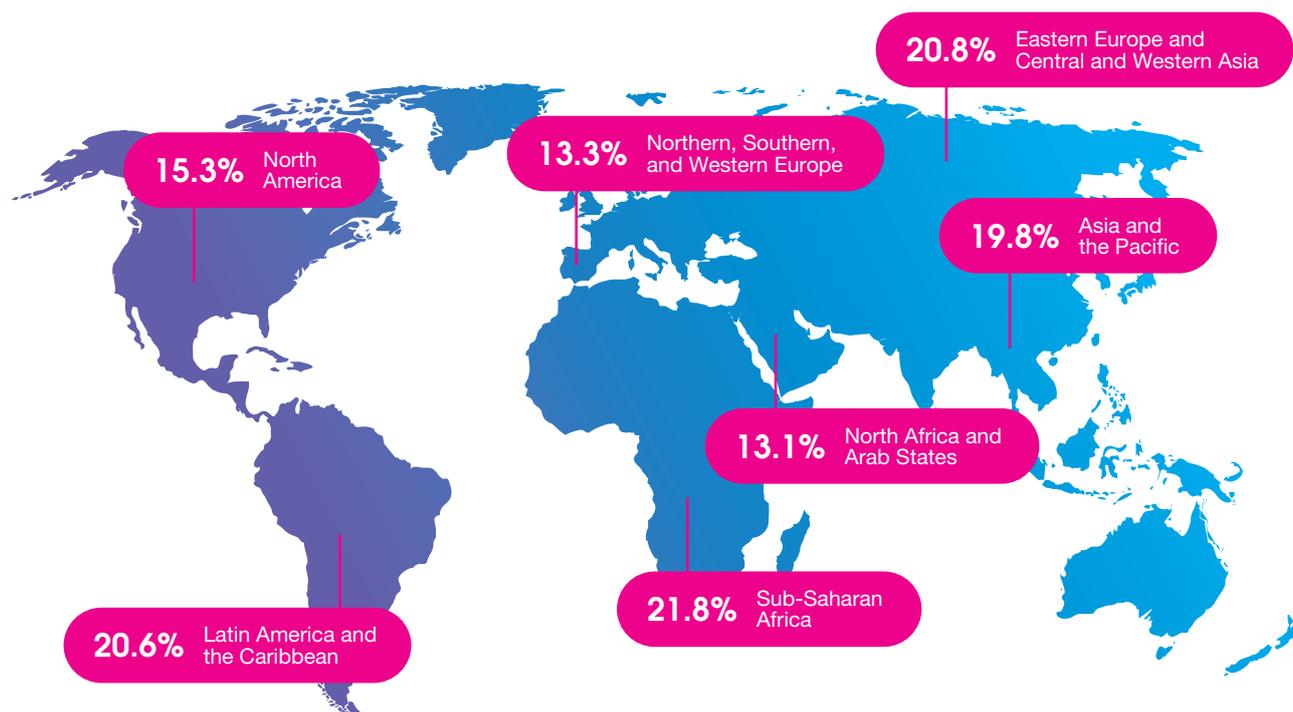
Source: World Employment and Social Outlook: Trends for Women, 2017.

#### Gender pay gap at global level (hourly pay)



Source: ILO Global Wage Report 2018/19.

## Gender pay gap per region (factor-weighted hourly pay)



Source: ILO Global Wage Report 2018/19.

An understanding of structural and other reasons why women are so poorly represented in social dialogue institutions can help in identifying strategies to overcome this shortfall. Deficits in women's voice and agency in social dialogue reflect women's uneven participation in the labour force. Currently, only 48.5 per cent of women, compared to 75 per cent of men, are in the labour force (a gender gap of 26.5 points).<sup>19</sup> Those women who are in the labour market experience a range of disadvantages, including discrimination at recruitment and during employment and vertical and horizontal occupational gender segregation, with implications for the type and quality and level of jobs in which women are employed. Globally, women continue to be paid, on average, 20 per cent less than men; in some regions, their income can be 40 per cent lower than that of their male peers.<sup>20</sup> In addition, working arrangements and non-standard forms of employment, as well as occupations and sectors in which women are predominantly employed, often "fall outside the scope of labour legislation, social security regulations and relevant collective agreements".<sup>21</sup> It is also alarming that progress towards gender parity, including in the area of economic participation, is reported to be shifting into "reverse" mode.<sup>22</sup>

Deficits in women's voice and agency at work are caused by unequal power relations between women and men, persistent gender stereotypes, the undervaluing of women's work and women's shouldering a disproportionate burden of care work: all these factors lead to both direct and indirect discrimination.<sup>23</sup> As the global initiative on women in business and management by the ILO Bureau of Employers' Activities (ACT/EMP) has found, gender stereotyping linked to family

responsibilities and masculine corporate cultures remain among the strongest barriers to women's participation in business and management.<sup>24</sup>

Many employers' and workers' organizations, as well as governments, believe that more needs to be done to promote women's representation in decision-making<sup>25</sup>. In terms of monitoring ILO Conventions on equality, ILO constituents could better promote gender equality by providing relevant and timely information to the supervisory bodies on the many issues relating to gender equality both in law and in practice in the country concerned in terms of the application of both Conventions No. 100 and No. 111 (as envisaged under article 23 of the ILO Constitution).

Trade unions have made efforts to ensure that women's representation in decision-making reflects the range of jobs, skill areas and sectors in which women work.<sup>26</sup> Examples of such efforts include quotas for women's participation in union congresses, reserved seats on executive bodies, and representation of women in decision-making bodies proportional to their membership in the organization at large.<sup>27</sup> Dedicated gender equality departments and gender equality or diversity committees have also been created in many trade union confederations as a basis for advancing equality in both the internal and external functions of trade unions.<sup>28</sup>

A survey by the ILO Bureau of Workers' Activities (ACTRAV)<sup>29</sup> points to ways in which women's representation in trade union decision-making structures can lead to improved outcomes in setting union wages. The survey found that 34 per cent of unions responding to the survey had women on their executive committees.

Regional variations are apparent: for example, in North America 45 per cent of union executive committee members are women, whereas in the Arab States the proportion is just 25 per cent. Worldwide, women make up around 30 per cent of trade unions' wage negotiation teams, but this percentage is much lower in Asia and the Pacific, Africa and the Arab States. Around half of the trade unions responding to the survey stated that their negotiating teams or commission members are briefed or trained on gender issues in preparation for wage negotiations. Most had a specific gender or broader equality committee. In addition, 70 per cent of responding unions stated that they had an internal operational strategy to improve female representation in the organization (e.g. internal guidelines or quotas). The European Trade Union Confederation has been particularly proactive in this regard (see **box 1**).

**Box 1.**

**“From membership to leadership”:  
Gender-balanced representation in  
trade union decision-making bodies –  
The experience of the European Trade  
Union Confederation (ETUC)**

In 2011 the ETUC executive committee adopted recommendations for improving the gender balance in trade union structures to better reflect the diversity of the membership and to ensure that the ETUC adequately represents women's interests.<sup>30</sup> At its 2017 mid-term conference, the ETUC introduced equal representation – 50:50 women and men – in the ETUC executive and other committees. As part of its effort to promote gender diversity in trade union membership and decision-making structures, the ETUC carries out an annual equality survey to monitor women's representation in unions. The 2018 survey<sup>31</sup> noted that while female trade union membership had risen to 46.1 per cent of overall union membership, women accounted for just 37.2 per cent of union leadership teams, 33.5 per cent of unions' key decision-making bodies and only 26.2 per cent of the national confederations' key leaders. Although these figures show that there is still room for improvement, they mark significant progress since the 2011 resolution.

A survey by the ILO's Bureau of Employers' Activities (ACT/EMP) found that some progress had been made in improving the representation of women in employers' organizations (EOs): “Women leaders and managers are gaining ground in EO secretariats.”<sup>32</sup> The survey, based on responses from over 50 employers' organizations, found that women occupy 34 per cent of top management positions and 38 per cent of deputy executive management positions. Women

made up 18 per cent of the chairpersons and 26 per cent of vice-chairpersons on standing committees; these data were “indicative of the increase in women's participation in lower level leadership positions”.<sup>33</sup> Of the top two positions in EO executive committees that manage the day-to-day implementation of the respective organizations' strategic plans, 18.7 per cent were held by women. Of all the EOs surveyed, 7.5 per cent had women chairing the board; most had 10 per cent or fewer women on the board of directors; and just 8 per cent had gender-balanced boards.<sup>34</sup>

As the global initiative on women in business and management by the Bureau of Employers' Activities (ACT/EMP) has established, there are plenty of good practices available to promote women in business and management at company level. Measures suggested by EOs included child-friendly policies, positive discrimination, addressing male-dominated cultures and encouraging more dialogue around gender diversity to support work-family balance and greater equality in leadership and management for their staff.<sup>35</sup> Gender diversity in EOs is crucial: “Ultimately, the more gender diverse the members of the EO, the greater the pool of women able to lead, represent and/or participate in decision-making within EO governance structures.”<sup>36</sup>

Greater efforts are needed to improve women's access to senior and leadership positions in the workplace and in workers' and employers' organizations in order to integrate gender equality into bargaining more effectively. In some cases work to this end can be facilitated through legal measures to strengthen women's representation in social dialogue, as in Algeria and Chile, where legislation was recently enacted stipulating that one-third of members of NSDIs should be women.<sup>37</sup> It is also encouraging that women and migrant workers are increasingly challenging unions with the assertion that they should be more inclusive in order to be effective agents of social change.<sup>38</sup>

**Representation of women in employers' organizations at global level**



Source: ILO: A Global Snapshot: Women Leaders and Managers in Employers' Organizations, 2017.

## 4. MAKING SOCIAL DIALOGUE MORE RESPONSIVE TO GENDER EQUALITY AND WOMEN'S NEEDS AND ASPIRATIONS

Social dialogue can promote gender equality, taking into account different levels of institutionalization of social dialogue and collective bargaining. In some countries, where there are no formal social dialogue structures for resolving work-related problems, dialogue between workers and managers/employers can be encouraged with the aim of implementing practical changes and adjustments in the workplace, often opening doors to the representation of workers by trade unions. In addition, employers' and workers' organizations often adopt their own gender equality policies and strategies to advance gender equality with a view to informing and enriching the process of social dialogue.

One important point is that unionized workplaces offer a range of benefits for women at work, for example through non-discriminatory employment and recruitment practices. The Equal Remuneration Convention, 1951 (No. 100) encourages the cooperation with workers' and employers' organizations as appropriate (see article 4). Trade unions often promote inclusive wage setting, including minimum wages, along with efforts to improve women's representation in wage negotiations.<sup>39</sup> Not only do unions improve workers' pay and conditions of employment, they can also increase the take-up rates of workers' entitlements. For example, one study revealed that union-represented women in the United States were 17 per cent more likely to take maternity leave than non-unionized women.<sup>40</sup> In non-unionized workplaces, a lack of information about rights to maternity leave, along with fears of losing other entitlements, were reasons given for not taking maternity leave.

Tripartism is an important mechanism for integrating a gender perspective into discussions about issues such as social and economic policies, minimum wages and gender equality that are carried on through national economic and social councils. To be effective, these tripartite institutions need to have sufficient leverage and impact to make the reaching of tripartite consensus a realistic prospect (for an example from Viet Nam, see **box 2**).

Bipartite social dialogue between workers and employers includes collective bargaining and workplace cooperation at all levels, and when successfully implemented can help to raise awareness about sensitive or new issues that are emerging in the

world of work and to establish priorities on gender equality. An example of bipartite social dialogue is the European Social Partner Framework of Actions on Gender Equality that was agreed in 2005. Working together, the social partners found common ground in identifying four priority actions for their work: to address gender roles; promote women in decision-making; support work-life balance; and tackle the gender pay gap. The national social partners implemented the framework of actions through collective bargaining, positive actions and awareness raising. Continuing this focus, and in an effort to share learning and good practices, in May 2014 the European social partners launched a web-based "Toolkit for gender equality in practice", setting out 100 innovative initiatives by social partners in different sectors across Europe.<sup>41</sup>

### Box 2. Viet Nam's code of conduct on sexual harassment in the workplace

In Viet Nam the absence of legislation on sexual harassment at work prompted the tripartite partners to jointly agree measures to fill this gap by drawing up a code of conduct on sexual harassment in 2015.<sup>42</sup> The Ministry of Labour, the Viet Nam Chamber of Commerce and Industry and the Viet Nam General Confederation of Labour worked together, with assistance from the ILO, to draw up the code of conduct to provide guidance on preventing and addressing sexual harassment in the workplace. The code recognizes that sexual harassment is a form of sex discrimination that results in high costs for companies. It gives practical guidance on implementing and monitoring policies on sexual harassment. A pilot programme led to the implementation of workplace and company policies in 20 enterprises, which committed themselves to monitoring their implementation. The code of practice has become a useful tool in the growing garment sector, which is predominantly staffed by women, and in which some leading companies now require factories to adopt policies to prevent violence and harassment at work.

## 4.1. Collective bargaining – how to make it work for gender equality

Collective bargaining is a process of voluntary negotiation between independent unions and employers (or employers' organizations) to determine terms and conditions of employment and relations between the parties. Collective bargaining is an important mechanism for implementing gender equality across sectors and in workplaces, in particular in conjunction with other regulatory measures such as company agreements<sup>43</sup> It plays an important role in addressing gender inequality in areas such as narrowing the gender pay gap and facilitating the full participation of women in the labour market.<sup>44</sup> In addition, women's representation in negotiating teams has helped expand the scope of collective bargaining to include issues of particular importance to women workers, such as maternity protection, work-life balance and the prevention of sexual harassment at work.<sup>45</sup>

Preconditions for successful approaches to gender equality in collective bargaining include a strong commitment to gender equality on the part of both employer and union negotiators. Provisions to extend collective agreements across an entire sector by ministerial decision after consultation with the most representative employers' and workers' organizations help to increase the coverage of collective agreements considerably. Provisions in the law to incentivize the bargaining teams to tackle gender equality issues can also have a significant effect.<sup>46</sup>

Collective agreements contribute to the implementation of the obligations stemming from the relevant national legislation and can also broaden such obligations, for example, in the area of extended rights to parental or maternity leave. There are a number of different ways in which collective bargaining has contributed to gender equality; these are described below.<sup>47</sup>

### 4.1.1. Integration of gender equality concerns regarding pay into

traditionally in vulnerable types of employment (37 per cent).<sup>49</sup> In addition, some trade unions focused on improving pay in female-dominated sectors (21 per cent), the use of gender-neutral job classifications and evaluations (23 per cent) and improving transparency in pay by developing equal pay audits and gender equality plans (23 per cent).

### Trade unions' focus on enhancing gender equality in social dialogue



Source: *Closing the gender pay gap: What role for trade unions?*, 2019.

### 4.1.2. Gender-neutral job evaluation methods

An important issue is ensuring that there is no bias or discrimination in pay setting and in the relative value given to women's and men's jobs on the basis of job evaluation taking into account objective criteria such as qualifications, efforts, responsibilities and conditions of work. **Box 3** describes an instance in the water sector in Peru that shows how collective bargaining led to the implementation of a gender-neutral job evaluation scheme that helped to revalue women's jobs and skills and increase women's pay.

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