

# LABOUR RELATIONS AND COLLECTIVE BARGAINING



International  
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Office

## NEGOTIATING FOR GENDER EQUALITY <sup>1</sup>

### Introduction

Inequality of opportunity, treatment and outcomes between women and men still persists in global labour markets. Achieving gender equality in the workplace remains one of the biggest challenges for governments, social partners and management at enterprise level. Gender-based discrimination often occurs at the recruitment stage on grounds of pregnancy, or potential child bearing and rearing and the gender pay gap remains high across the world. In addition, women are more likely to be affected by violence at work, whether physical, psychological or sexual.

Gender equality is achieved through various means, including legislation, collective bargaining and tripartite negotiations. The effectiveness of the method depends upon the issue. For example, Parliament might regulate a 40 per cent minimum quota for women representatives in supervisory boards; a gender neutral pay scheme might be developed through collective bargaining negotiations; and management and union representatives at company level might jointly decide to set up a company childcare centre or service. An example of the development of gender equality policies through tripartite negotiations is the tripartite National Economic Development and Labour Council (NEDLAC) in South Africa. Over the years NEDLAC has drawn up several codes of good practice on maternity protection and on sexual harassment, the latter last amended in 2007 (Budlender, 2011).

Collective bargaining is a particularly effective mechanism for closing the pay gap between men and

women and achieving gender equality (Hayter, 2015; Wintour, 2015; Pillinger, 2014; ILO, 2009). In both industrialized and developing countries, it is effective in reducing wage inequalities within those sectors covered by it (Hayter, 2015). Furthermore, countries with higher collective bargaining coverage (80 per cent or more) have narrower gender pay gaps than other countries (Rubery and Grimshaw, 2011). Additionally, cross-country research on the relationship between trade union density and wage inequality has revealed that higher trade union density is associated with less wage inequality and a narrower gender wage gap (for review of literature see Aidt and Tzannatos, 2002; Hayter, 2015).

Representatives of both employers and workers benefit from gender equality in the workplace. Benefits to employers include: retention of talent by provision of adequately paid maternity, paternity and parental leave; increased productivity of women by reduction of discriminatory practices; reduced absenteeism by the provision of workplace solutions for childcare; and enhanced recruitment of women. Benefits to trade unions include achievement of gender equality, elimination of discrimination and increased social justice, as well as meeting demands of female workers in relation to work-life balance and other issues.

This Issue Brief focuses on the obstacles to gender equality at work and how collective bargaining can be used as an effective tool to overcome these challenges.

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## Box 1: The ILO's mandate on Gender Equality

The ILO has four key gender equality Conventions: Equal Remuneration Convention, 1951 (No. 100); Discrimination Convention (Employment and Occupation), 1958 (No. 111); Workers with Family Responsibilities Convention, 1981 (No. 156); and Maternity Protection Convention, 2000 (No. 183). Conventions No. 100 and No. 111 are also among the eight fundamental Conventions. The principles and rights enshrined in those Conventions can be found in the ILO Declaration on Fundamental Principles and Rights at Work (1998). The Equal Remuneration Recommendation, 1951 (No. 90) provides detailed guidance on the implementation of Equal Remuneration for Work of Equal Value. The ILO mandate on gender equality is reinforced by related Resolutions adopted by its highest decision-making body, the International Labour Conference. The most recent of these is the Resolution concerning Gender Equality at the Heart of Decent Work, adopted in June 2009; and the Resolution concerning the Promotion of Gender Equality, Pay Equity and Maternity Protection, adopted in June 2004.

## How can collective bargaining achieve gender equality in the work place?

*This section will examine the role that collective bargaining has played in addressing the following issues: the gender pay gap; work and life balance; gender-based violence; and the particular vulnerability of some female-dominated occupations. The following section will examine the factors that have enabled parties to reach solutions to these issues through collective bargaining.*

### Reducing the Gender Pay Gap

Despite legislation and collective agreements in many European countries that have substantially contributed to the reduction of the gender pay gap, progress remains slow (Rubery and Grimshaw, 2015). Women continue to be overrepresented in a narrow range of sectors and occupations (ILO, 2016). The ILO's Global Wage Report 2014-15 summarizes the main reason for the gender wage gap as follows: 1) an undervaluation of women's work; 2) workplace characteristics (e.g. how substitutable workers are for each other); 3) sex segregation in vocations and sectors; 4) the overall wage structure in a country; 5) the view of women as economic dependants; 6) the likelihood that women are overrepresented in unorganized sectors or not represented in unions and 7) family behavioural patterns (ILO, 2015c).

Meanwhile, widening wage inequalities, between and within companies, have been associated with declines in collective regulation and in sector-wide bargaining in the private sector, which have most affected those at the bottom of the wage structure (Rubery and Grimshaw, 2015).

Three factors help to explain a narrower gender pay gap: working in the public sector; being a member of a trade union; and working in a large firm (Olsen et al. 2010). The gender pay gap is lowest in societies with greater equality, especially those where collective bargaining coverage is high, and where bargaining is centralised (Hayter and Weinberg, 2011). At company level, the gender pay gap is relatively low in

companies that are covered by a collective agreement (Pillinger, 2014, Hayter and Weinberg 2011). Evidence indicates that the higher the degree of coordination between trade unions in wage formation, the more equal the distribution of pay (ETUC, 2012a). One example of coordination in wage establishment would be the formation of a 'single bargaining unit' between different unions, where more than one union represents workers at the workplace or enterprise.

The decline in trade union influence, including reduced collective regulation and sector-wide bargaining, has resulted in widening wage inequalities, affecting the lowest paid most significantly (Pillinger, 2014; Rubery and Grimshaw, 2015). The trend to individualization of pay and a lack of pay transparency has made the issue of pay inequality between women and men more complex to tackle. For example, there is evidence of gender bias in the distribution of bonuses and performance-related pay, and substantial under-valuing of women's work and skills (Pillinger, 2014).

Collective agreements aimed at reducing the gender pay gap have focused on: recruitment practices and contractual arrangements; company specific research on equal opportunities; pay increases for workers to close the gender pay gap; and gender neutral job evaluations. Table 1 lists some examples of how these means have led to collective agreements to address the need for equal pay for work of equal value.

**Table 1: Means that address equal pay**

Means	Contents of Agreements	Collective Agreements/ Global Framework Agreement
Recruitment practices and contractual arrangements	Referring to the equality and non-discrimination provision of ILO Convention No. 111 on Discrimination.	Collective agreement between Chiriqui Land Company and The Workers' Trade Union of the Chiriqui Land Company (SITRACHIRI) 1981, Costa Rica
	Establishing a job description with duties and responsibilities with gender neutral criteria.	Collective agreement between the Ministry of Finance and the Trade Union SITRAMHA 2012, El Salvador.
Company specific research on equal opportunities	Research on the status of women at work	Global framework agreement between Enel Group, IndustriAll Global Union and PSI 2013, Rome, Italy.
Pay rises for female workers to close the gender pay gap	Individual pay increases to help close the gender wage gap	Collective agreement between FO and EDF 2012, France.
	'Equality allowance' for female dominated occupations. The national agreement specified that workers on lower than average wages would receive an additional pay increase	National collective agreement between LO-Sweden and the employers' organization HO 2013, Sweden
	Tackle non-objective (or unexplained) gender pay gaps in the banking and finance sector	Collective agreement between the employers' association of the Swedish Banking Institutions (BAO) and the Financial Sector Union of Sweden (FSU), 2011-2014
Making job classifications and job evaluations gender sensitive	Design, development and implementation of gender neutral classification	Collective agreement between the Ontario Public Services Employees Union and the Crown in Right of Ontario 2013, Canada
	Development of a gender-neutral job evaluation scheme	Agreement between the United Trade Union of Drinking Water and Sanitation Workers of Lambayeque and the Public Water and Sanitation Board (EPSEL SA), 2014, Peru
	Landmark agreements paved the way for gender-neutral evaluation of all jobs that resulted in pay increases for previously under-valued, female dominated jobs	Single Status Agreement established by the National Joint Council for Local Government (Employer and Employee organizations) 1997, UK
Own compilation based on Wageindicator (2015), OIT (2013), various collective bargaining agreements		

## Reconciliation of Work, Family and Personal Life

Reconciliation of work, family and personal life is increasingly recognized as an important precondition for gender equality. Unions report that one of the greatest barriers to gender equality is the difficulty women face in reconciling work with family and personal life (ETUC, 2014a). There is also an increased recognition both that men have the responsibility to share unpaid care and household work and that more men have the desire to do so. In general, work-life balance arrangements benefit all workers (ILO, 2016).

Most unions in industrialized countries are actively involved in campaigning and bargaining efforts that are aimed at promoting work-life balance (Gregory and Miler, 2009). In some countries, collective agreements and social partner negotiations have achieved flexible working arrangements for both women and men to promote parental leave, shared family time, and shorter working hours to enable workers to have greater control over the use of their time (Klenner, 2013). In Sweden, for example, unions have successfully negotiated for enhancements of men's access to and take up of

paid parental leave (Pillinger, 2014).

In a survey 'Bargaining for Equality', conducted by the European Trade Union Confederation, 49 per cent of unions responding to the survey had concluded agreements in the area of reconciliation of work and family life (51 per cent of confederations and 42 per cent of federations) (Pillinger, 2014). They cover three broad areas:

1. Reconciliation measures implemented as either standalone collective agreements or as part of broader collective agreements on equality, working time and/or pay.
2. Agreements that regulate working hours: flexibility in working time (such as flexi-time, teleworking); rights of part-time workers; rights for workers with parental or other care responsibilities to increase or decrease their working time; leave arrangements for parents, including additional rights for fathers, to enable them to participate in family life; and, finally, rights for long-term care givers (which is increasingly an issue in ageing societies).

3. Agreements that have been instrumental in extending rights to reconciliation, for example, under parental leave or maternity arrangements, beyond the provisions that exist in national legislation.

Since 2000, there has also been a shift in trade union bargaining objectives in industrialized countries away from the reduction of working hours to employee-oriented flexibility in working time, designed to promote work/family balance and provide more individual choice (see Lee and McCann, 2011).

The Netherlands was the first country to pioneer a system of individual choice on working time whereby sectoral level agreements facilitate enterprise level bargaining through the use of opening clauses. By loosening the framework regulation of working time, a

wide variety of arrangements of working hours, including annualized hours and other flexible arrangements, were envisaged. At company level social partners have been active in negotiating agreements that complement the existing national regulatory framework on leave arrangements (Wintour and Pillinger, 2016).

In the USA, many unions have negotiated innovative agreements on work-family balance. In Australia, unions have successfully negotiated agreements on work-life balance, particularly in the public sector, where opportunities to bargain resulted from a combination of public policy development and women's union leadership. In New Zealand, a 2008 survey found that 38 per cent of all collective agreements contained provisions for parental leave without pay, 16 per cent on flexible working hours, but only 3 per cent on the right to work part time (Parker, et al., 2011).

## Box 2: Regulating family-friendly working time through social partners in Germany

### Background:

In 2005 Südwestmetall and IG Metall signed a general collective agreement (Manteltarifvertrag) which included a provision that enabled collective agreements to regulate working time in a way that would give workers some power of decision over their working time, depending on the scope of the company.

The social partners in the metal sector agreed to complement the collective agreement with a complementary collective bargaining agreement (Ergänzungs-Tarifvertrag), which facilitated long-term accounts of working hours for the personal planning of working hours through different life cycles (Langzeitkonten zur persönlichen Lebensarbeitszeitplanung) (Klenner, 2013).

In 2011 the cross-industry social partners signed a 'Charter for family-friendly working hours' to provide options to promote part-time work and family-friendly working hours to all employees, including those in executive positions.

### Issues that arose out of the complement to the collective agreement (Ergänzungstarifvertrag):

Larger companies were more inclined to enable working hours accounts than smaller companies, not all companies protected time accounts in the case of insolvency and in some cases, credits for working hours expired (Knüttel, 2013).

### Impact of the agreement

In a survey carried out by IG Metall in 2011, two-thirds of works councils stated that this was an important issue, although only 15 per cent of agreements concluded by works councils contained measures on reconciliation. IG Metall gave priority to reconciliation of work and family life as an objective for the union for the 2015 round of negotiations (Knüttel 2013).

Source: Jentgens and Wagner (2007), Manteltarifvertrag für Beschäftigte (2005).

## Addressing gender-based violence

Gender-based violence – including physical, psychological and sexual violence - differs from other workplace issues because it is both very sensitive and widely unreported. There has been an increased level of understanding that gender-based violence is both a gender equality issue and an occupational safety and health risk, which can lead to uneasiness, stress, absenteeism, and further violence, all of which will lead to lost productivity. Many bargaining agendas now include provisions on gender-based violence in an effort to prevent and address sexual harassment at work. New to the bargaining agenda for many countries are means

of prevention of domestic violence at work and support in the workplace for survivors of domestic violence. Heightened awareness of gender-based violence has derived from the mobilization of women in unions and wider civil society. Unfortunately, women who are most often at risk, such as pregnant women and new mothers, migrant workers, domestic workers, dependent family workers and informal workers, are less likely to be covered by collective bargaining (Cruz and Klinger, 2011).

## *Negotiating agreements on gender-based violence in the workplace*

In the past, gender-based violence in the workplace was considered an occupational health and safety issue. In recent years, it has been specifically mentioned in collective agreements. The following are examples of agreements that include provisions on gender-based violence:

- In the Dominican Republic, the collective agreement Vista Sol Punto Cana 2014-2017 is an example of good practice for the region. The agreement states that the main objective is to prevent situations of sexual harassment from occurring; it confirms that there will be no sanctions against persons who present a complaint; and it stipulates sanctions against the aggressor. Another trend in Latin America is that in some collective agreements, for example in Brazil, the Dominican Republic and Paraguay, there are clauses on a joint union-employer

commitment to prevent sexual harassment through awareness-raising activities, and also on the provision of counselling services for those harassed. (TUCA/ILO ACTRAV, forthcoming).

- A number of unions in East Africa are negotiating collective agreements to include clauses that provide for the institution of sexual harassment committees and occupational health and safety committees at the workplace, as a result of advocacy and capacity-building programmes. In the United Republic of Tanzania, the Union for Conservation, Hotel, Domestic and Allied Workers (CHODAWU) successfully negotiated, in 2015, a new collective agreement, which includes a clause on sexual harassment (ITUC, 2016).

## *Negotiating agreements on workplace responses to domestic violence*

Domestic violence has emerged as a new workplace bargaining issue. Collective bargaining on domestic violence widens the reach of the employment relationship by recognizing the intersection of the private and work domains and represents a qualitative new step. Domestic violence clauses that were pioneered in Australia represent a new topic of bargaining and a new industrial issue (Baird, McFerran and Wright, 2014). The first domestic violence clause successfully negotiated was between the Australian Services Union Victorian Authorities and Services Branch and the Surf Coast Shire Council in 2010 (Surf Coast Shire Council Enterprise Agreement 2010-2013). The clause made news in Australia as the parties negotiated up to twenty days paid domestic leave (McFerran, 2016b). By 2015, 944

agreements contained a domestic violence clause, covering 804,649 employees, predominantly in the private sector, across a broad range of industries such as retail, public transport, banking, education, manufacturing, airline and maritime, and including some of the country's largest employers (McFerran, 2016a).

In Canada and Australia, trade unions have negotiated agreements to give survivors of domestic violence entitlements to paid leave of approximately 20 days (Wagner et al., 2012; Baird et al., 2014). In Australia the key facilitators of equality bargaining were the contributions from close alliances between the unions and women's movements, the availability of a 'model clause' and the commitment of the union's representatives (Baird, McFerran and Wright, 2014).

## **Negotiating agreements covering vulnerable categories of workers**

Negotiating agreements covering vulnerable categories of workers is particularly important given women are more likely to be represented in vulnerable occupations. Domestic work remains a heavily female-dominated sector; women account for 81.5 per cent of all domestic workers (ILO, 2015c). Women are

over- or under-represented in some forms of non-standard employment. Globally, women are more likely to be found in part-time employment, as they seek to combine paid work with unpaid care responsibilities (ILO, 2016 forthcoming).

### *Domestic Workers*

The adoption of the Domestic Workers Convention, 2011 (No. 189) and its accompanying Recommendation (No. 201) was a major landmark in extending organizing and bargaining rights to a female-dominated sector (Hobden, 2015). However,

despite a growth in domestic workers' organizations, collective bargaining to improve basic rights, minimum wages and decent working conditions of domestic workers remains limited. In the majority of countries there is no minimum wage for domestic

workers. The International Domestic Workers Federation was founded in 2013 and national unions in many countries are playing a key role in promoting decent work and compliance with Convention No. 189 (Oelz and Rani, 2015).

Some unions, for example in Argentina, Austria, Belgium, Germany, Italy and Sweden have negotiated agreements to protect the rights of domestic workers

### *Non-Standard Forms of Employment*

The standard employment relationship remains the most common form of employment in industrialized countries. Roughly 70 per cent of jobs in Europe and the United States are standard employment relationships. It is also the most important type of employment created in many emerging economies since the 2000s (ILO, forthcoming, Maurizio, 2016). However, in many industrialized countries the standard employment relationship has been eroding (ILO, forthcoming).

Unions, employers and employers' organizations at different levels have engaged in collective bargaining to address issues facing workers in non-standard forms of employment, in particular contractual and casual workers, many of whom are women. The five main areas which have been addressed in law and

(Hobden, 2015a). In Belgium, an agreement between the social partners led to a commitment to negotiate on wages and working conditions of domestic workers. In Italy, the first collective agreement on domestic workers dates back to 1974 and has been revised every four years, covering a broad range of issues related to pay and conditions of employment of domestic workers (Hobden, 2015a).

collective bargaining are: setting limits to the time and extent of contract work; agreements to reduce or eliminate wage differentials between regular and contract workers; guarantees for a minimum number of working hours; the extension of maternity protection; and occupational health and safety provisions. However, some categories of non-standard workers face challenges connected with the application and scope of anti-discrimination law, for the reason that in some countries these workers are excluded from the application of labour and employment law.

In 2013, Austria introduced a new law which states that temporary workers must receive equal treatment, in particular equal social benefits, to regular workers.<sup>2</sup> However, in many countries maternity protection and other benefits are linked to employment status.

#### **Box 3: The ILO's Committee on Freedom of Association for Temporary workers**

The ILO Committee on Freedom of Association stressed that by virtue of the principle of freedom of association, all workers (with the sole exception of members of the armed forces and the police) have the right to establish and join organizations of their own choosing. It also emphasized that the entitlement to that right should not be "based on the existence of an employment relationship, which is often non-existent" (ILO, 2016, forthcoming), for example in the case of self-employed workers, "who should nevertheless enjoy the right to organize" (ILO, 2016, forthcoming). Temporary workers also have the right to organize. The Committee of Freedom of Association also addressed the issue of the right to collective bargaining of temporary workers, stating that they "should be able to negotiate collectively" (ILO, 2016, forthcoming).

## **Factors that facilitate the achievement of gender equality through collective bargaining**

A number of factors can facilitate collective negotiations on gender equality, namely: inclusion of women in union leadership and collective bargaining teams; enabling legislation that establishes a framework for gender equality bargaining; workers' and

employers' strategies; and the adoption of policies that promote inclusive bargaining, such as the extension of collective agreements to cover all enterprises in a particular sector.

### **Inclusion of women in union leadership and collective bargaining teams**

Women's positions in union leadership and their presence on collective bargaining teams has had a significant impact on the extent to which the collective bargaining outcomes are gender sensitive

(Ledwith and Munakamwe, 2015; Pillinger, 2010). Social partner organizations with women in leadership positions are more likely to have established gender equality strategies and approaches (Eurofound,

<sup>2</sup> Temporary Agency Work – Amendment of the Austrian Temporary Agency Work Act (Arbeitskräfteüberlassungsgesetz - AÜG) (05-11-2012) (implemented from 1 January 2013).

2014). Many equality issues are only included in collective agreements when women participate directly in negotiations (Dickens, 1998). In Kenya, unions encourage women to participate in collective bargaining negotiations to facilitate effective inclusion and articulation of women's issues in collective agreements (Shindondola-Mote et al., 2015). In the European Trade Union Confederation and in some

European trade union federations, women make up a majority of senior and leadership positions in 2016 (Wintour and Pillinger, 2016). Recent collective bargaining agreements have identified new issues necessitating campaigns in the realm of collective bargaining, with a particular focus on the gender wage gap, maternity protection, childcare services and violence in the workplace (ILO, 2016).

## Strategies by Employers' and Workers' Organizations to improve gender equality at the workplace

A study by the Bureau for Employers' Activities within the ILO shows the wide diversity of employer strategies to advance women in business and management. With respect to company initiatives, the ILO Company Survey showed that most of the national companies that responded had equal opportunities policies as well as measures to support women employees. One example for this is the Gender Equality Model Egypt (GEME) that provides firms with the training to document gender disparities and take corrective action in particular cases (ILO, 2015b). Several countries have awards at company level for good practice on gender equality such as the "Businesswoman of the Year" award in South Africa. Various national chambers of commerce and employers' organizations have also developed initiatives to improve gender equality, e.g. promotion of good practices in companies by the Chamber of Commerce in Chile (ILO, 2015b). Some have also reformed their own structures to include specific women's structures and to increase membership by women business owners (such as Nicaragua (ILO, 2015b)).

Unions have adopted multi-pronged strategies, to address equal pay, beyond equalizing male and female wages, including challenging the under-valuing of women's work and the structure of job classification schemes, which are frequently not designed to take account of gender pay issues. Part-time work, mostly undertaken because of family responsibilities and a lack of quality, affordable care services, is also an important cause of the gender pay gap.

Collective bargaining is one important approach advocated by trade unions to reduce the gender pay gap. Different negotiating strategies are evident across the industrialized world. Unions representing workers in countries with a wide gender pay gap have put more emphasis on the structural causes of pay inequalities, such as the under-valuing of women's work, occupational segregation, part-time work and women's low pay, as is the case in Austria (Pillinger, 2014). In contrast, unions representing workers in countries with a narrower gender pay gap employ different strategies, often primarily focused on the low pay of all workers, including increasing

the minimum wage across the whole economy, and implementing policies on reconciliation of work and family life. In Germany, sectoral models of wage bargaining for industry-specific gender wage gaps have focused on living wages for skilled full-time employees (Schäfer and Gottschall, 2015). Unions that have not negotiated agreements to reduce pay inequalities state that it is because of poor collective bargaining coverage and low employer engagement, rather than a lack of commitment to the goal of gender equality (Pillinger, 2014). In Germany, as well as in other countries, unions choose to focus on statutory changes to improve gender equality, in addition to other measures.

Tools to promote women's roles in collective bargaining include quota systems for gender-balance in decision-making positions and in delegations to Congress or other events. The TUC in the UK, for example, has introduced quotas for negotiating teams (Eurofound, 2014). Women's quotas have had a positive effect both on women's representation and on organizational outcomes, indicating that changes in union governance can contribute to union revitalization (Kirsch and Blaschke, 2014).

The majority of trade unions in Europe are addressing the issue of violence against women (ETUC, 2014b). Collective agreements at national, sectoral and company levels include innovative clauses on the prevention of sexual harassment and other forms of violence against women in the workplace, in which employers commit to the development of procedures for dealing with the problem including: prevention programmes; training for managers and employees in preventing, and identifying signs of, workplace violence; and support for employees who have experienced violence at work, or who are survivors of domestic violence.

In the Nordic countries, frameworks have been jointly developed between unions and employers to improve gender equality at the workplace. In Iceland, the signing of a protocol between the social partners, as part of the 2008 and 2010 collective agreements, included a commitment to promote gender equality through the introduction of a certification system for companies, on gender equality and equal pay for

work of equal value. In Finland, the tripartite 'Equal Pay Programme,' 2006-2011, addressed: collective bargaining; measures to remove gender-based occupational segregation; support for women's career development and female leadership; the development of wage systems; and parental leave to promote work-family balance.

Outside Europe, there are tripartite initiatives to promote equal opportunities and gender equality in some Latin American countries, such as the Tripartite Commission on Equal Opportunities and Treatment in Employment (CTIOTE) in Uruguay, which has the aim of promoting gender equality provisions in collective agreements through the Wage Councils (Espino and Pedetti, 2012).

## Legislation and policies to promote collective bargaining

### *Ensuring informed negotiations through the provision and sharing of information*

In addressing the gender wage gap, access to information that is comparable across a range of gender-related indicators is essential in informing the content and scope of pay negotiations and collective agreements. In some countries (for example, Austria, Belgium, Denmark, France, Norway and Sweden), legislation provides the right for unions to have access to gender-disaggregated workplace data (Pillinger, 2014).

In recent years social partners have given much greater attention to pay transparency. Some unions have been highly successful in concluding agreements and building capacity in sourcing and analysing gender-disaggregated data. In the European Union, around half of unions have access to gender-disaggregated data, although there are variations in the extent and quality of this data (Pillinger, 2014). In Austria, Belgium, Iceland, and Norway some unions have negotiated agreements that require sectoral level and workplace level disaggregated pay data to be made available to negotiators, so that the gender pay gap can be included in pay bargaining (Pillinger, 2014).

In France, firms with more than 50 employees must negotiate annually (or every 3 years if an agreement has been reached) on equal pay and on gender equality. In 2006, a law on equal pay added an obligation to negotiate annually at the sector level with a view to redress the gender pay gap. Any collective agreement must include an equal pay clause in order to be recognized as valid by the authorities. In 2010, the legal obligation to adopt a gender equality plan or to reach a collective agreement on gender equality in enterprises with more than 50 employees was strengthened with a financial penalty for non-compliance (up to 1% of the total payroll) with enforcement starting in 2012. In 2011 only 12% of collective agreements at the firm level included a gender equality clause, while only 3.5% of agreements at the sector level did (European Parliament, 2015). By July 2015, nearly 80 per cent of large companies were covered by an equality plan negotiated with trade unions, with a total of 10,000 plans registered. In 2015, legislation on social dialogue further

reinforced the requirement for negotiations on professional equality, quality of life and pay and career progression. In addition, the social partners signed national agreements on gender equality with the aim of combining into a single bargaining programme the different statutory negotiations that regulate working time, gender equality, the gender wage gap, stress and harassment, and arrangements for workers with disabilities (Wintour and Pillinger, 2016).

In Italy, a legal framework on equal opportunities bargaining (under legislative Decree 198/2006) requires employers with more than 100 employees to produce gender equality reports, through negotiations with unions. National and company agreements, including the establishment of bipartite Equality Commissions at regional and company levels, have aimed to improve reconciliation of work and family life, women's qualifications, working conditions, and access to areas of employment where women have been under-represented (Wintour and Pillinger, 2016).

In Belgium, a law was passed in 2012 addressing discrimination between men and women, which introduced the obligation to negotiate measures to address the wage gap at the sectoral level. Provisions in the legislation include the requirements that companies provide a breakdown of wage data and, if they have more than 50 employees, an action plan. They are required to appoint a company mediator. Collective agreements at company level should provide non-discriminatory classification systems (Wintour and Pillinger, 2016).

At sectoral level, a report on the gender pay gap, including comparisons of labour costs with those of neighbouring countries, must be provided; secondly, collective agreements must be concluded, if not already in place; and, thirdly, joint committees are required to draw up gender-neutral and non-discriminatory job classifications (Wintour and Pillinger, 2016).

## *The promotion of inclusive bargaining frameworks*

Governments can support more inclusive collective bargaining frameworks by extension of collective agreements. Collective bargaining coverage is strengthened:

a) By extending terms and conditions of a collective agreement to all workers regardless of their union status and of their employment relationship. An example of this is South Africa, where the Minister of Labour “may take into account the composition of the workforce in the sector, including the extent to which there are employees assigned to work by temporary employment services, employees employed on fixed term contracts, part-time employees or employees in other categories of non-standard employment” before extending an agreement (IRLEX 2016).

b) Where employers voluntarily extend benefits to all workers regardless of their union status.

c) Where unions conclude sectoral or multi-sectoral agreements that cover small and medium enterprises.

These extensions are very important for female workers, many of whom work in small and medium-sized enterprises, and who are over-represented in Non-Standard Forms of Employment that are often not covered by collective agreements. In those countries where there are national/sectoral agreements, collective bargaining coverage often exceeds union density rates (as is the case in Australia, Austria, Belgium, France, Luxembourg, Slovenia, Spain and Uruguay).

## **Challenges to achieving gender equality through collective bargaining**

There are two main challenges to the achievement of gender equality through collective bargaining.

Firstly, collective bargaining has come under pressure in many countries and collective bargaining coverage has been eroded. This is partially a consequence of policy measures adopted in response to the financial crisis of 2008, some of which curtailed collective bargaining rights. Between 2008 and 2012/13, coverage decreased in a number of countries, including Romania by 63 per cent, Greece by 45 per cent, Slovenia by 27 per cent and Cyprus, Hungary and Israel by above ten per cent. However, in the same period of time, the following countries increased their coverage, between approximately three and eight per cent, through a range of policy measures: Australia, Brazil, Denmark, Finland, Netherlands and Switzerland (Visser et al 2015).

Secondly, there is still male dominance of union leadership in various countries. The best data available is for the European Union, based on the 8th March Survey carried out by the European Trade Union Confederation. According to this Survey, the average percentage of female members among union members is 43 per cent, ranging from 75 per cent in STTK (Finland) to 13 per cent in DEOK (Cyprus). Of the 55 positions of political leadership in trade unions in the European Union, only 10 positions (or 18 per cent) are held by women (ETUC 2016). This slants the strategic priorities adopted by unions. There are currently no comparative figures on the percentage of female leaders within employers’ organizations available, however results of a global survey on female leadership in employers’ organizations that is conducted by the ILO Bureau for Employers’ Activities are expected later in 2016.

## **Conclusion**

Collective bargaining is a useful tool in achieving gender equality, especially in conjunction with other regulatory means such as legislation and measures at company level. Women in collective bargaining negotiating teams have expanded the collective bargaining agenda to include issues that are particularly relevant to women, such as the gender wage gap, maternity protection, childcare, working time and gender-based violence. Social partners also have an important role to play in the strategies and policies they adopt.

By strengthening the capacity of employers and trade unions to increase the number of women in leadership positions; by encouraging constructive, meaningful and informed negotiation; by promoting procedures for inclusive bargaining; and by inclusion of women through the extension of collective agreements, advancements in gender equality can be achieved (ILO, 2015a).

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