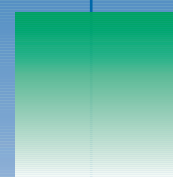
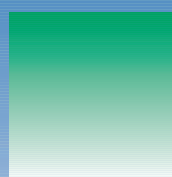
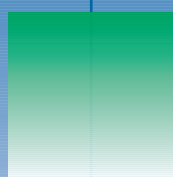




International  
Labour  
Office  
Geneva

# Employers' Organizations taking the lead on Gender Equality



Case studies from 10 countries

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**Case studies from 10 countries**

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## PREFACE

Gender equality is an important issue for society, and no one should be in any doubt that very many employers worldwide have been instrumental in attaining greater levels of equality between women and men at work.

The case studies presented in this publication provide insights into the efforts that are being made in this respect by employers and their organizations in countries across the world. The gender equality issues that employers' organizations seek to address evidently vary considerably from country to country. There is, however, a common thread which emerges from analysis of the case studies – namely that, when employers act together through their representative organizations, they can influence reform in a way that is beneficial both to themselves and to society as a whole, rather than having it imposed upon them.

The ten case studies in the publication are from across the world: Croatia, Jamaica, Kenya, Malaysia, New Zealand, Norway, the Philippines, Saudi Arabia, the Syrian Arab Republic and Yemen. They therefore cover countries at different levels of development, from different regions and cultures, and countries in which the situation of women varies considerably.

The selection of these ten case studies does not imply that other employers' organizations have not been active on the issue of gender equality at the workplace, nor are the ten case studies necessarily selected as examples of “best practices”. The intention is to explain why and how important contemporary gender equality issues are being addressed by employers' organizations in different national settings. The publication is therefore intended as an informative guide, offering examples of the rationale and the actions and initiatives taken by employers' organizations.

This publication does not set out prescribed measures or any “step-by-step” approach to be followed, and it should not therefore be treated as a manual on how employers' organizations are to address gender equality issues. Instead, it is hoped that it will provide impetus for reflection and inspiration for others to follow. Nor do the case studies flow from one to another, but should be read individually or consulted as and when required. This publication forms part of the ILO Toolkit on Gender Mainstreaming in the World of Work.

What emerges from the case studies is **the broad range of means of action**, initiatives and activities undertaken by employers' organizations on gender equality issues. The variety of means of action used is detailed and explained in Chapter 2.

The Bureau for Employers' Activities is particularly grateful to the Croatian Employers' Association, the Jamaica Employers' Federation, the Federation of Kenya Employers, the Malaysian Employers' Federation, Business New Zealand, the Confederation of Norwegian Business and Industry, the Employers' Confederation of the Philippines, the Saudi Chambers of Commerce and Industry and the Council of Saudi Chambers, the Damascus Chamber of Industry and the Damascus Chamber of Commerce and the Federation of Yemeni Chambers of Commerce and Industry for agreeing to share their experience. Sincere thanks are due to

all these organizations, which took the time to share their views and experience and, in most cases, provided very substantial input for the development of the case studies. The Bureau of Employers' Activities, ACT/EMP, wishes to emphasize, however, that the views expressed in the case studies are those of the organizations concerned; they do not necessarily reflect those of the ILO.

Sandy Gros-Louis, from the International Organization of Employers (IOE), provided many comments on all parts of the publication throughout its development. Within the ILO, the Bureau for Employers' Activities would like to thank all the ACT/EMP and Gender Specialists in the ILO Sub-Regional Offices who contributed to the development of the case studies. Particular thanks go to Simel Esim in the ILO Office in Beirut for drafting the Syrian and Yemeni case studies, and also to Lama Nasr for her contribution to the development of the Saudi Arabian, Syrian and Yemeni case studies. Throughout the process of developing the publication there has been a good and close collaboration between ACT/EMP and the Gender Bureau. Henrik Moller from the Bureau of Employers' Activities developed the concept and supervised the overall production of this publication, with the assistance of Lesli Wharton. Mark Johnson edited the whole publication and provided substantial input into Chapter 2. The publication has been financed by the Gender Bureau.

We hope that the readers of this publication – be they executives, staff or trainers from employers' organizations, consultants or others – will find inspiration in the examples provided and gain the confidence to initiate or strengthen their own individual actions in the area of gender equality.

Jean-François Retournard  
Director,  
Bureau for Employers' Activities

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# Chapter 1: Employers' Organizations and gender equality: A few basic concepts

This brief introductory chapter aims to provide an overview and explain some of the concepts of gender equality as they feature in the work of the ILO, as well as giving a brief description of what an Employers' Organization is.

The sections in this chapter are meant for basic reference purposes; the intention is not to provide an elaborate explanation of the various concepts of gender equality. Readers more immediately concerned with **the broad range of means of action** that is being taken by employers' organizations to promote equal employment opportunities among their members are invited to turn directly to Chapter 2 and to the case studies in Chapter 3.

## 1.1. Employers' Organizations

Employers' organizations are bodies set up to organize and advance the collective interests of employers. Given that the range and content of such collective interests vary (as do national industrial relations practices), the structure, membership basis and functions of employers' organizations differ widely between countries. In some countries, "pure" employers' organizations focus solely on representing the interests of their members in relation to labour market and industrial relations issues, while in others business associations represent their members' interests in the fields of both economic and trade matters and labour market issues.

Since the early 1990s, there has been a general trend for a transformation in the structures of employers' organizations. This has involved the merging of previously separate organizations, which covered labour and social affairs, on the one hand, and trade and economic issues, on the other. These mergers have been driven by the need for business to present a single consistent and coherent voice to policy-makers.

Most countries have a national apex organization representing employers with a national and cross-sectoral membership. Nevertheless, the membership structure of employers' organizations can vary from country to country. Membership may consist of national sectoral employers' organizations, branch employers' organizations or individual enterprises. These apex organizations are usually considered to be the representative "voice" of employers at the national level, and are therefore involved in national policy debates.

National employers' organizations fulfil a variety of functions. Traditionally, one of their key areas of action has been either direct or indirect involvement in negotiating collective agreements. However, employers' organizations are also involved in influencing labour market and industrial relations environments in other ways, such as participating in statutory bipartite or tripartite bodies, contributing to consultation exercises and other lobbying activities. Employers' organizations also provide services to members. These include traditional industrial relations services, such as involvement in bargaining or advice on tribunals, but increasingly employers' organizations are becoming a focal point for dialogue and information sharing for companies seeking good practices in human resources management. In this context,

employers' organizations often play an advocacy role with their members by highlighting business practices which can improve enterprise performance.

## 1.2. Gender equality and non-discrimination

In the context of the ILO's work on gender equality and non-discrimination, the term "gender" is used to refer to the social differences and relations between men and women which are learned, and which may vary widely between societies and cultures, and change over time. The term "gender" does not replace the term "sex", which refers exclusively to biological differences between men and women. For example, statistical data are disaggregated by sex. The term "gender" is used to analyse the roles, responsibilities, constraints, opportunities and needs of women and men in all areas and in any given social context.

Gender roles are behaviours that are learned in a given society, community or other social group. They condition the activities, tasks and responsibilities that are perceived as being more traditionally male or female. Gender roles are affected by age, class, race, ethnicity and religion, as well as by geographical, economic and political environment. Gender roles are changeable over time and show wide variations, both within and between societies and cultures.

When references are made to gender equality in the ILO, they generally cover one or more of the following issues:

- equality of opportunity and treatment in employment
- equal remuneration for work of equal value
- equal access to a safe and healthy working environment and to social security
- equality in obtaining meaningful career development
- a balance between work and home life that is fair to both men and women
- freedom from sexual harassment

### Gender equality

Gender equality, or equality between men and women, entails the concept that all human beings, men and women alike, are free to develop their personal abilities and make choices without the limitations set by stereotypes, rigid gender roles and prejudices. Gender equality means that the different behaviours, aspirations and needs of women and men are considered, valued and favoured equally. It does not mean that women and men are the same, but that their rights, responsibilities and opportunities do not depend on whether they are born male or female. From this it follows that gender equity means fairness of treatment for women and men. This may include equal treatment or treatment that is different but which is considered equivalent in terms of rights, benefits, obligations and opportunities.

## Non-discrimination<sup>1</sup>

To discriminate in employment and occupation is to treat people differently and less favourably because of certain characteristics, such as their sex, the colour of their skin or their religion, their political beliefs or social origins, irrespective of the merit of the persons concerned or the requirements of the job. In the context of work, discrimination can limit the access of individuals to the type of work to which they aspire. It impairs the opportunities of men and women to develop their potential, skills and talents and to be rewarded according to merit. Discrimination at work produces inequalities in the labour market and places members of certain groups at a disadvantage.

Discrimination in the labour market and in the workplace exists in different work situations and forms of employment in all economic sectors, in both the formal and the informal economies. For this reason, employees in large high-tech businesses, wage-earners in informal enterprises, lawyers, farmers and the self-employed may all in one form or another suffer from discrimination.

Discrimination at work can be direct or indirect. Discrimination is direct when regulations, laws and policies exclude or disadvantage workers on the basis of characteristics such as political opinion, marital status or sex. Indirect discrimination may occur when apparently neutral rules and practices have negative effects on a disproportionate number of the members of a particular group. It is particularly important to be aware of the notion of indirect discrimination, since the application of the same condition, treatment or requirement to everyone may, in practice, lead to very unequal results.

Distinctions based on individual merit do not count as discrimination in employment and occupation. The concept of merit or ability refers to the relationship between a person's talents, knowledge and skills and those required for the performance of a particular job. Selection on merit allows the best person for the job to be identified. In practice, however, merit is difficult to define and measure. Merit is not an absolute static concept, and the notion of what constitutes the "best qualified" applicant can be influenced by social values and prejudices. Moreover, the value of different types of experience and work histories may be difficult to measure and compare.

A number of other fundamental issues also have to be overcome if effective gender equality is to be achieved in practice. One of these is the development of an enterprise environment and policies which facilitate the combination of work and caring tasks by workers with family responsibilities. As women still bear the major responsibility for caring for family members in almost all societies, initiatives to improve the work-family balance can have a very significant effect not only in improving the employment opportunities of women, but also their performance at work by helping to reduce their levels of stress, fatigue and absenteeism.

<sup>1</sup> (Source: based in part on *Time for equality at work*, Report of the Director-General, I (B), ILC 2003)

### 1.3. Gender issues in ILO standards

ILO standards take the form of international labour Conventions and Recommendations, which are supplemented by a range of other ILO instruments, such as the 1998 ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, as well as resolutions and codes of practice.

International labour Conventions and Recommendations are negotiated in tripartite committees of the International Labour Conference (ILC), consisting of representatives of Governments, employers and workers, and require a two-thirds majority for their adoption. While Conventions can be ratified by ILO member States, in which case they become binding, Recommendations remain non-binding.

Both Conventions and Recommendations are basically targeted at governments for translation into national law and practice. The principles contained in ILO standards may also provide inspiration and guidance for the design of internal company rules, practices and policies. Company codes of conduct sometimes refer to international labour standards.

#### The fundamental Conventions

Gender equality and non-discrimination between men and women are fundamental principles that have been promoted by the ILO since it was first established in 1919 and are set out in its Constitution. These principles are developed in ILO Conventions, and particularly in:

- the Equal Remuneration Convention, 1951 (No. 100), which sets forth the principle of “equal remuneration for men and women workers for work of equal value”; and
- the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which calls for the promotion of equality of opportunity and treatment in respect of employment and occupation and the elimination of discrimination, defined as “any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin”.

Conventions Nos. 100 and 111 are amongst the most widely ratified ILO Conventions. They are recognized as belonging to among the ILO’s so-called fundamental Conventions (the others cover the elimination of child labour and forced labour, freedom of association and the effective recognition of the right to collective bargaining).

The 1998 ILO Declaration on Fundamental Principles and Rights at Work commits ILO member States to respect and promote principles and rights in four categories, including the elimination of discrimination in respect of employment and occupation, irrespective of whether they have ratified the relevant Conventions. This commitment is supported by a follow-up procedure, which involves reporting by governments, employers and workers on measures taken to achieve progress on respect for the principles covered by the Declaration. The Declaration’s principles, among others, have been taken up in the UN Global Compact which is addressed directly to companies.

## Other ILO instruments

Further guidance on gender-related issues is contained in other Conventions and Recommendations, including:

- the Workers with Family Responsibilities Convention (No. 156) and Recommendation (No. 165), 1981; and
- Conventions Nos. 103 and 183 and Recommendation No. 191 on maternity protection.

These standards aim to promote and facilitate the participation of women in working life in view of their unique role in relation to reproduction and family responsibilities.

Many Conventions and Recommendations, while not in the first place dealing with gender issues, address the gender-relevant aspects of the specific subjects that they cover, such as:

- the Job Creation in Small and Medium-Sized Enterprises Recommendation (No. 189), 1998, which provides guidance on the promotion of women's entrepreneurship (Paragraph. 16(6)); and
- the Human Resources Development Recommendation (No.150), 1975, which calls for the promotion of equality of opportunity for women and men in training and employment (Paragraphs 54-56).

Gender equality is also a cross-cutting element in many other ILO instruments, such as resolutions adopted by the ILC and other ILO meetings, and codes of practice. The following examples may be highlighted:

- the Resolution concerning the promotion of gender equality, pay equity and maternity protection, adopted by the ILC in 2004.

The resolution, inter alia, calls upon “employers’ and workers’ organizations to promote:

- (a) the negotiation and adoption of employment equity plans;
- (b) the introduction of gender-neutral job evaluation schemes;
- (c) the evaluation of gender equality policies, workplace practices and programmes in order to detect and eliminate gender discrimination, taking into account other forms of discrimination.”

It also calls upon all governments and social partners to actively contribute – in their respective fields of competence to

“(…) promote entrepreneurship, in particular female entrepreneurship, and examine ways to help women entrepreneurs or self-employed women in the informal sector to formalize their activities”.

- The ILO Code of Practice on HIV/AIDS and the world of work, adopted in 2001. The Code of Practice draws attention to the gender dimension of HIV/AIDS and makes recommendations for action, including for employers and their organizations.

## Chapter 2:

# Employers' Organizations addressing gender equity: Overview of the case studies

The ten case studies describe the wide range of action that is being taken on the issue of gender equity by a selection of employers' organizations from countries at different levels of development. In so doing, they offer a frank insight into the types of barriers faced by women in achieving greater equality with men in their careers, work performance and lives in general.

The picture that emerges from the case studies also highlights the pressures and business reasons that are making it ever more necessary for employers and their representative organizations to take action and ensure that their voices are heard on this important issue.

## 2.1. Principles and practice in gender equality

The case studies document, both explicitly and implicitly, the increasingly widespread acceptance of the principle of gender equity at all levels of society. Several of the case studies refer to the international instruments ratified and accepted by their countries as a means of formalizing the national commitment to equality. These instruments include the relevant ILO standards, and particularly Conventions Nos. 100 on equal remuneration and 111 on equality of opportunity and treatment, which have been ratified by over 90 per cent of ILO member States (see Chapter 1). And all of the case studies refer to the legislative provisions adopted or proposed by governments to further equality in general, or specific aspects of it.

### Still a long way to go ...

The case studies are from countries in which the situation of women varies considerably (in one of the countries, women gained the right to vote in national elections in 1893, while in others the fact that businesswomen have recently started to participate and vote in employers' organizations in itself constitutes significant progress). Yet they convey the common message that, despite all the measures taken, more can be done almost everywhere to promote effective gender equality in practice.

From Norway to New Zealand, via Croatia, Kenya, Jamaica, Malaysia and the Philippines, there is almost universal recognition that equality of educational opportunities for men and women and a better balance between work and family life are vital elements in achieving equality in employment.

Many of the case studies also go into some detail in cataloguing the various other obstacles faced by women in employment. A few examples of such obstacles include: the difficulties faced by women in gaining entry to the networks that are vital for achieving career advancement (cited in the case study for Norway); the need for the consent of their husbands for women to obtain a national identity card and the denial under customary law of their right to inherit land from their male relatives (Kenya); and the lower educational attainment and higher illiteracy rates of women in many countries (double that of men in Yemen).

## ... but signs of progress

While acknowledging the persistence of inequality throughout society, the case studies do however report on certain elements of progress as awareness and acceptance of the principle of gender equity gradually spread. The Employers' Confederation of the Philippines (ECOP) notes, for example, that "the division of labour in the home is evolving for young married couples."

Several of the case studies go on to set gender equity against the broader background of overall equality issues. For example, Business New Zealand describes how it encouraged the Equal Employment Opportunities Trust, which it had been instrumental in establishing, to turn its attention to disability issues. It also provides guidance to its members on such matters as the employment of older workers. The Employers' Confederation of the Philippines (ECOP) reports on some of the specific initiatives that it has taken on work and family within the overall context of its activities relating to corporate social responsibility (CSR). Other case studies focus more narrowly on the response by employers' organizations to specific aspects of gender equity, and particularly sexual harassment.

## Sexual harassment

Sexual harassment at work is now widely acknowledged as constituting a fundamental obstacle to equality in employment and occupation, especially for women. The Federation of Kenya Employers indicates in this respect that "women are particularly susceptible to various forms of abuse and harassment, including sexual harassment." The Malaysian Employers Federation (MEF) adds that a workplace "free of sexual harassment is a condition of work which employees of either gender are entitled to expect. Social justice demands fair treatment of all employees and due respect for their dignity. The existence of sexual harassment is a denial of a fundamental principle of social justice."

Moreover, it is now generally recognized that there are important business reasons for combating sexual harassment. The MEF explains that the negative impacts of sexual harassment on employers include "reduced efficiency and productivity of employees, an increase in the rate of sick leave and absenteeism, high turnover (with a consequent increase in retraining costs) and an unfriendly office environment. In turn, employees who are victims of sexual harassment tend to suffer from tension, depression, deterioration of their work relationships, hostility, fatigue and a deterioration in their general health."

## Work-family issues

One of the major obstacles faced by women in achieving equality, despite all the measures taken in many countries, continues to be the difficulty of combining family responsibilities with work. In the first place, women require special protection in relation to maternity to ensure that their reproductive role does not count against them in their work and careers.

In the case study for the Philippines, which focuses on the situation with regard to family responsibilities, ECOP argues that "employees cannot entirely relegate family issues to the background while at work. Therefore, if work-family issues are not taken seriously, they might cause problems in the workplace that could affect work performance."

ECOP believes it is necessary to accept “that workers will now and then take some time out from work to focus on the care of children and elders. ECOP recognizes diversity in the world of work and the fact that family needs vary by age, gender, civil status, region, economic status and position. It further recognizes that all employees will be affected by obligations related to work-family obligations in one way or another at one time or another, if not managed well.”

In conclusion, ECOP indicates that women, “because of their particular role in society, require special support to help them meet both personal and professional needs.” They “need assistance in making the transition from child bearing and rearing back to work. In addition, women are vulnerable to sexual harassment, employment discrimination and to employer actions that can prejudice their health and well-being if all of the demands on their personal time are not given due consideration. ECOP is of the opinion that one way to make employers and managers aware of these aspects is to make them sensitive and responsive to gender needs.”

## **2.2 Making the case for action by employers on gender equality**

Taken together, the case studies make a compelling case for the involvement of employers’ organizations in gender equity issues. They also confirm that this is an area in which employers’ organizations need to take a leadership role. In particular, leadership is required to raise awareness among the members of employers’ organizations, both lower level federations and individual employers, of the importance of adopting a more proactive approach to gender equality and the benefits of such an approach.

The most immediate reason for employers and their organizations to act collectively, and to be seen to be taking action on gender equality, may well be to convince governments and social activists of their good intentions and that compulsory measures are not necessary. But all of the case studies outline in greater or lesser detail the longer-term benefits of greater gender equity, both for employers and for national economic performance as a whole.

### **The business case for greater equality**

As more and more employers throughout the world, supported and assisted in many cases by their employers’ organizations, give higher priority to equality issues and become equal opportunities employers, the business case for greater equality is becoming well established. Equal opportunities employers argue that greater equality at work is in their business interests for a number of reasons:

- they benefit from the widest possible pool of talent from which to select their employees;
- non-discriminatory employment may attract better candidates;
- the selection process of employees is more credible when it is transparent and based on merit;
- if its staffing is diverse, the business is likely to benefit from a diversity of experiences and skills;

- being known as an equal opportunities employer can promote a good public image; and
- the process of developing and adopting a company equal opportunities policy offers a useful opportunity to review existing policies and practices, strengthen employee communication and consultation procedures and build up confidence and company loyalty, especially among highly qualified employees.

Based on such considerations, Business NZ explains that the thinking and philosophy behind the Equal Employment Opportunities Trust, a joint voluntary initiative between the Government and New Zealand employers, is “to help workplaces adapt to and embrace the diversity of the workforce through the use of Equal Employment Opportunity principles and best practice. Valuing diversity in the workplace benefits both employers and workers by making workplaces more effective, efficient and competitive – and great places to work.” Similarly, the Confederation of Norwegian Business and Industry (NHO) notes that the guiding principle behind its gender equality activities is that “it should work towards achieving a win-win situation, both for companies and for (...) women.”

In more general economic terms, the case studies also agree on the benefits of gender equality for the economy as a whole. For example, the Saudi Council of Chambers of Commerce and Industry (CCCI) indicates its belief in the important role of businesswomen in national development and the Damascus Chamber of Industry in the Syrian Arab Republic expresses the opinion that “if we want to ensure the prosperity of our nation and achieve the desired success, we have to enhance the role of women.”

## Winning the argument that voluntary action is more effective than compulsion

One point on which all the case studies are clear is that voluntary action is more effective than the imposition of measures by the national authorities. As indicated by Business New Zealand, the private sector has “always maintained that more is achieved on a *voluntary basis*, emphasizing the importance of employment on merit – employing the ‘best person for the job’, whoever that may be, and avoiding discriminatory employment decisions made on the basis of misconception or personal prejudice.”

In particular, the case studies come out strongly against the imposition of quotas. The danger with quotas is that they are likely to result in precisely the discrimination against individuals that they are supposed to combat. Gender discrimination occurs when the best qualified candidate for the job is NOT appointed because of her or his sex. For example, every time a quota is applied to stop a man being appointed, just because he is a man, gender discrimination occurs. Using discrimination to fight discrimination is counterproductive. In the long term, it is much more effective to ensure that recruitment and advancement are based fairly and squarely on merit and to focus efforts on developing mechanisms which promote this approach.

As an example of this line of thinking, Business NZ explains that when the then New Zealand Employers’ Federation adopted an equal opportunity policy in 1982, the “policy encouraged ‘positive’ action to promote equal opportunity, avoiding the ‘affirmative action’ approach (...). Proportional quotas or numerical goals were considered unhelpful as a means of achieving real employment opportunity since they were more likely to cause resentment among employees and potential employees and set back, rather than further, the spread of employment opportunities.”

With regard to the access of women to positions of higher responsibility, the NHO in Norway adds that there is no point “in recruiting women to boards of directors at any price. Merely increasing the percentage of women sitting on boards of directors is not good enough. The goal must be to increase the standard and competence of boards of directors and to strengthen their level and competence by expanding the recruitment base.”

## **Looking after the short- and long-term interests of employers**

In part, the involvement of employers’ organizations in the debate on gender issues is intended to protect the shorter-term interests of their members. The assistance and guidance provided may be designed to inform members of their legal obligations, assist them in complying with these obligations and protect them from the imposition of unsuitable requirements.

However, by emphasizing the business case for equality, employers’ organizations are also acting in the longer-term interests of their members. For example, in the Philippines case study ECOP points out, in relation to work and family issues, that programmes and initiatives which take into account the needs of different workers in balancing work and family responsibilities “may be costly, of course, but the long-term effects if not addressed properly can be more costly to companies. Action in this field therefore makes good business sense”.

## **2.3 A broad range of means of action**

The case studies provide illustrations of the range of action taken on gender issues by employers’ organizations. As such, they offer a valuable source of practical information on the different options that are available for employers’ organizations which wish to initiate or further develop initiatives in the area of gender equity. The different types of action described in the case studies are subdivided below into several categories for ease of reference:

### **Advocacy and interaction with other partners on gender matters**

#### **Becoming engaged in the discussion of legislative and other equality measures**

As governments almost everywhere, in line with their international commitments and the rising profile of gender issues, are taking or considering action on gender equity, often through legislation, it is vital for employers’ organizations to make their voices heard and to represent the views of their members in the national debate both before such action is taken and when it is reviewed.

- the case study for Norway indicates how the NHO has tried to persuade the Government of the effectiveness of voluntary action to achieve gender equity on boards of directors rather than the adoption of legislative requirements;
- the case study for New Zealand provides a detailed description of the advocacy activities of the Employers’ organizations in respect of proposed legislative measures and their success in having legislation replaced by voluntary initiatives; and

- in Malaysia, the MEF continues to express the view to the Government and other partners that voluntary action, in the form of the Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace, is more effective than legislative measures.

### **Becoming members of national bodies responsible for gender issues**

An integral part of advocacy by employers' organizations on gender issues is for them to ensure that they are members of any permanent or ad hoc national bodies set up on gender and equality matters, to be active in the work of these bodies and even, where such bodies do not yet exist, to promote their establishment.

- the Employers' Organization in New Zealand set up the Equal Opportunities Trust (as a joint initiative with the Government);
- in Kenya, the FKE is associated with the activities of the Kenya Human Rights Commission.

### **Developing voluntary codes of practice and other forms of voluntary commitment**

One technique that has been found to be very effective in heading off the adoption of legislative requirements, and in certain cases in persuading governments and other interested parties that they are no longer needed, is the proposal and development of voluntary codes of practice or other forms of voluntary commitment demonstrating the good intentions of employers. Examples include:

- the MEF in Malaysia helps and encourages members to apply the voluntary Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace;
- in Croatia, the CEA ensures that all its members sign its Code of Ethics, of which equal employment is one of the core principles and which prohibits sexual harassment;
- the measures adopted by the Government in Norway to improve the representation of women on company boards invite employers to take voluntary action, with the menace of legislative measures coming into force if such voluntary action is not effective – the NHO's *Female future* programme is designed to help employers take the necessary measures on a voluntary basis.

### **Conducting surveys and studies and disseminating information on gender issues**

A number of employers' organizations have been active in gathering information, conducting surveys and studies of gender issues among employers, disseminating information and raising the awareness of employers concerning gender equity matters. These include:

- the NHO in Norway, which carried out a survey on the position of women in management as a basis for its *Female future* programme;
- the JEF in Jamaica has undertaken research on sexual harassment in enterprises and the action taken to combat it;
- ECOP in the Philippines has carried out research and compiled best practices on work-life initiatives in selected firms; and

- in collaboration with the ILO, the FYCCI has undertaken research on the relations between businesswomen in Yemen and the Yemeni Chambers of Commerce.

## **Providing assistance to members for the development of gender policies and measures**

### **Offering policy advice to members and preparing guidance materials**

Several case studies describe the assistance provided by employers' organizations to their members for the development of gender equity policies and measures, which may consist of policy advice or the production of guidance materials, as well as the assistance offered in specific fields, including sexual harassment and work-life measures.

- the case study on New Zealand provides a particularly complete overview of the guidance and training provided for members on gender and equality issues;
- in Jamaica, JEF has assisted several companies to develop in-house policies on sexual harassment.

### **Training and seminars**

Some employers' organizations have organized training and seminars to improve gender awareness among members and to enhance the skills of women employees, particularly at the managerial level:

- the MEF in Malaysia has developed a training programme on dealing with sexual harassment at the workplace, which is available to its members;
- the NHO in Norway has organized a series of practical specialized seminars to help women acquire the experience necessary to be effective board members;
- the CEA in Croatia is promoting the participation of women in its Programme for Management Development; and
- ECOP in the Philippines has developed a training course for women and a programme to accredit company trainers in the use of the course.

### **Networking and mentoring**

Part of the NHO's *Female future* programme in Norway consists of developing meeting places, or networks, and mentorship programmes to help women make the contacts that are necessary for their personal advancement.

## Entrepreneurship training and promotion

Several of the case studies refer to the efforts made by employers' organizations to organize or support entrepreneurship training for women as a means of improving their employment opportunities. These include:

- in Croatia, the CEA's Programme for Management Development (PUMA) organizes courses for women entrepreneurs;
- in the Syrian Arab Republic, the Businesswomen's Committees of the Chambers of Commerce and Industry collaborated in the organization of the First Regional Forum of Arab Businesswomen in April 2003, which promoted business contacts and opportunities for businesswomen in the region;
- in Saudi Arabia, the Chambers of Commerce and Industry provide support services for businesswomen.

## Action to raise the profile of gender issues within Employers' Organizations

### Setting up women's committees or other bodies within employers' organizations

Several employers' organizations have found it effective to set up specific women's committees or other bodies, promote the inclusion of women members on existing committees and boards, appoint staff members responsible for gender matters and to try to set an example by becoming gender sensitive and equal opportunity employers in their own right. Examples covered by the case studies include:

- in the Syrian Arab Republic, Businesswomen's Committees have been established recently in all the Chambers of Commerce and Industry in the country;
- in the Philippines, ECOP established a Committee on Women (now the Committee on Gender and Equality in Employment) to work on training, advocacy and research on gender issues;
- in Croatia, the professional staff of the CEA, in their everyday work with groups of companies, emphasize the importance of nominating women to the relevant bodies of the CEA;
- in Kenya, the FKE has actively sought women chief executives to become members of its Board of Management and other bodies; and
- in Yemen, it has been decided to support the establishment of women's committees in the Chambers of Commerce and Industry.

## 2.4 The benefits of leadership by Employers' Organizations

Perhaps the main message for employers' organizations worldwide that can be drawn from the case studies is that policies and initiatives of (very) different types are being taken or considered almost everywhere, in countries at all levels of development, to further gender equality and non-discrimination. These initiatives are sometimes instigated by employers and their organizations, but more often by other actors in society, and especially governments. In this situation of growing activism on gender issues, employers have much to offer, and indeed to gain, especially if they join together in adopting a proactive approach to gender equity and equality issues in general.

The case studies point to tangible advantages for employers from such action in terms of improving their HRD performance, widening the pool of available talent and promoting their image, as well as in preventing measures being imposed upon them which may be expensive, ineffective and unsuited to their needs. They also suggest that failure to take action could be costly in the longer term.

In view of these benefits, the issue of gender equality offers a very good opportunity for employers' organizations to show their leadership potential. By raising awareness of gender equity amongst their members and strengthening the commitment to doing something about it, and by demonstrating this commitment, employers' organizations can raise their profile and image as progressive forces concerned with matters of corporate social responsibility. This will, in turn, strengthen their ability to represent the interests of their members in other areas.

There are firm indications that employers' organizations in countries at all levels of development are indeed beginning to take the lead in gender issues and the broad range of action documented in the case studies that follow shows that a wealth of options are available to employers' organizations which wish to be proactive in this area. It is hoped that employers' organizations worldwide will find inspiration in the different types of action described in the case studies so that they can enrich their own interventions with initiatives that are adapted to their particular needs and the circumstances in which they operate.



## Chapter 3: Case studies from ten countries

### Case study 1

#### **Croatian Employers' Association**

Promoting women's entrepreneurship in Croatia

### Case study 2

#### **Jamaica Employers' Federation**

Combating sexual harassment at the workplace in Jamaica

### Case study 3

#### **Federation of Kenya Employers**

Promoting gender equality in Kenya

### Case study 4

#### **Malaysian Employers' Federation**

Combating sexual harassment at the workplace in Malaysia

### Case study 5

#### **Business New Zealand**

Equal employment opportunities in New Zealand

### Case study 6

#### **Confederation of Norwegian Business and Industry**

Women in positions of responsibility in Norway

### Case study 7

#### **Employers' Confederation of the Philippines**

Work-family issues and initiatives in the Philippines

### Case study 8

#### **Saudi Chambers of Commerce and Industry and the Council of Saudi Chambers**

Action by the Saudi Chambers of Commerce and Industry and the Council of Saudi Chambers to serve businesswomen and the national economy in general

### Case study 9

#### **Damascus Chamber of Industry and the Damascus Chamber of Commerce**

Women in the Syrian Chambers of Commerce and Industry

### Case study 10

#### **Federation of Yemeni Chambers of Commerce and Industry**

Women in the Federation of Yemeni Chambers of Commerce and Industry



# Promoting women's entrepreneurship in Croatia

## Croatian Employers' Association (CEA)

### Background information

The Croatian Employers' Association (CEA), which was founded in 1993, is an independent and strong voice of Croatian employers and entrepreneurs. Based on voluntary membership and in conformity with the Labour Act, the CEA is a legitimate representative of the interests of employers in relations with the Government and trade unions and in defining general business conditions and the regulation of labour relations.

In its activities, the CEA promotes freedom of entrepreneurship and social justice. The CEA is the main negotiator on behalf of employers and has signed many branch collective agreements. It represents Croatian employers on the Economic and Social Council (the national tripartite body).

In addition to its international activities in the context of the International Organization of Employers (IOE) and the ILO, the CEA is very active in strengthening employers' organizations and fostering regional cooperation in South East Europe. It plays a leading role in the South East European Employers' Forum (SEEEF) created in 1999 at the joint initiative of the CEA and the ILO Regional Office in Budapest.

The CEA has over 5,000 members, which are responsible for providing over 300,000 jobs. Its headquarters is in Zagreb. It has three regional offices in Osijek, Rijeka and Split and 23 branch associations.

Recently, and particularly since Croatia became an EU candidate country in June 2004, one of the main objectives of the CEA's branch associations has been to help their members adapt to the *acquis communautaire*. Most of its branch associations have applied for membership of the appropriate European branch/sectoral associations, and some of them have already obtained observer or member status, thereby allowing them to participate in EU funded projects through which they can gain relevant experience.

## 1. The status of women in Croatia

### The status of women in law

The Constitution of the Republic of Croatia and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) are the core legal instruments regulating the legal situation of women in Croatia. Following the changes to the Constitution in 2000, gender equality took its place amongst the highest constitutional values (Article 3 of the Constitution). Another instrument which has contributed to improving the position of women is the Stabilization and Accession Agreement. Moreover, as an EU candidate country, Croatia will have to harmonize its legislation in the field of gender equality, among other areas, with that of the EU.

At the end of 2001, the Parliament adopted the National Strategy for the Promotion of Gender Equality and its Plan of Implementation, the objectives of which are to promote women's rights in all areas, raise awareness of women's issues and create the conditions to resolve the problems identified (report of the Croatian Parliament, 26 July 2001). In addition to the Law on Gender Equality, various general laws and specific anti-discrimination laws have further strengthened the situation of women and the achievement of equality between women and men.

## Labour and employment

The transitional period, which started in the 1990s, resulted in the gradual impoverishment of a large number of Croatian citizens, the growth of unemployment and the weakening of the influence of those citizens who are dependent on labour. The amendments made to all the social and labour legislation resulted in a reduction of acquired rights and the introduction of greater individual responsibility.

The Labour Act, adopted in 1995 and subsequently amended, prohibits all discrimination in employment and work on a series of grounds, including sex. It provides that employers, when hiring a new employee, if candidates meet the same general and specific employment criteria, have to give preference to the under-represented gender (section 3(2)). The Labour Act also guarantees equal salaries for men and women for the same work and for work of equal value (section 82).

The Labour Act specially protects employed women of reproductive age through its provisions on the protection of women's health, regulations limiting night work and overtime for women and regulations on the protection of pregnant women, nursing mothers and mothers of small children. It adds that pregnancy may not be taken as a ground for an employer to refuse to hire such a person, and that the employer is not allowed to ask for any information concerning pregnancy. It also protects pregnant women against termination of their employment and provides that sexual harassment represents unequal treatment. The Labour Act permits affirmative action.

In view of the situation of women in the labour market, and taking into account the efforts made in Croatia to promote the development of entrepreneurship, education and self-employment by women, as well as the need to promote the harmonization of work and family obligations for women and men, the Croatian Economic and Social Council adopted conclusions in 2004 on promoting the position of women in the labour market. One of the key areas identified by the Economic and Social Council in this respect is the promotion of self-employment and the involvement of women in entrepreneurship.

## Support for women's entrepreneurship

Several examples may be cited of action that has been commenced or is planned in this area in Croatia:

- The *Ministry of the Economy, Labour and Entrepreneurship* provides grants for women entrepreneurs or women starting a company or a craft activity through two projects for women entrepreneurs and young entrepreneurs. These projects are implemented as part of the National Programme for the Promotion of Entrepreneurship. Another Ministry project covering entrepreneurship through local development projects has the objective of developing entrepreneurship evenly in the various regions.
- The *Croatian Agency for Small Business (HAMAG)*, which is funded by the Ministry of the Economy, Labour and Entrepreneurship, has identified women as one of the target groups of the two programmes that it is implementing, the first of which issues guarantees for entrepreneurial loans and the second is for the certification of consultants for small businesses and the co-financing of consulting services.
- The authorities in *Koprivničko Đ Križevačka County*, based on an agreement with the Ministry for Crafts and SMEs of the previous Government, in 2003 financed 22 production and service programmes started by women.
- The *City of Zagreb* is planning to provide subsidies for women entrepreneurs and to establish an entrepreneurship centre for women.

The Economic and Social Council also agreed that it is important to promote women's entrepreneurship in a systematic manner through training programmes and by providing financing, office premises and other forms of support. The activities carried out in this context include the following:

- the *Croatian Handicrafts Chamber* has started providing advisory services for all those wishing to start a craft activity;
- in 2005, in accordance with the action plan of the *Zadarska County Entrepreneurship Centre*, specialized training will be organized for women entrepreneurs;
- the *Technological Park Zagreb* carries out systematic training for SMEs, including seminars on topics such as starting a company, IT skills, management, ISO standards and consulting skills, with women accounting for over 50 per cent of the participants;
- *Zagrebačka County* has started a programme for entrepreneurs based on seminars and workshops, including a course for women entrepreneurs on how to start their own business.

## Employment incentives

The CEA believes that it is important to adopt incentives for employment and to establish agencies for temporary and interim employment throughout the country as a means of promoting the wider application of flexible forms of work, as set out in the recently adopted National Employment Action Plan.

With regard to the promotion of women's employment in particular, one of the proposals made by the Economic and Social Council is for the introduction of tax benefits for companies and institutions which have over 50 per cent of women in their workforce. The Economic and Social Council also recommends that employment incentive measures should apply to all workers over 25 years of age, and not just to women, and that there should be special incen-

tives for the employment of single parents at risk of unemployment and social exclusion. One particularly important area in which women's entrepreneurship and self-employment should be encouraged is the establishment of private child-care facilities, as they would have a significant effect in improving the balance between work and family responsibilities throughout the population.

## Measures to combat discrimination and raise awareness of gender equity issues

The Ministry of Justice is currently drafting a National Plan to Combat discrimination. The social partners have agreed that they will continuously track gender differences and trends in the labour market and will prepare a quarterly assessment of gender equity in employment, which will be included in the annual reports of the Croatian Employment Bureau. In addition, the social partners have undertaken to ensure that equal numbers of men and women are appointed to collective bargaining committees so as to ensure that the specific interests of employed women are represented equitably. The CEA applies this policy strictly. The Economic and Social Council also called for the legislation on motherhood and parenthood to be reviewed and proposals developed for its improvement and for a more equal division of parental responsibility for the care of children.

The Economic and Social Council has urged the media to promote the position of women in the labour market and has called for the preparation of a promotional leaflet containing full information on the various incentives for women's employment and entrepreneurship. Statistical data should be improved and all indicators relevant to gender differences in the social security system and the labour market should be unified.

## 2. CEA activities and plans

All companies that become members of the CEA have to sign a statement accepting the CEA's code of ethics, in accordance with which they undertake to implement, among others, the following provisions:

- "Equal employment is one of the core principles. We do not accept any form of illegal discrimination based on race, nationality, belief, religion, gender, sexual orientation, age or family status. We will not allow any partiality or harassment of our employees or customers. Our employees have to restrain themselves from any action that could cause or causes illegal decisions related to employment. This includes all decisions on the filling of vacancies, assigning positions, preparing for a particular post, salaries and other benefits, training, change of positions, promotions, transfer to lower positions, termination of contract, etc."
- "Sexual harassment is forbidden. Sexual harassment or any violent behaviour is a form of bad behaviour, undermining the integrity and professionalism of employees. No employee, either male or female, should suffer from either verbal or physical harassment or violence."

In its correspondence with members (including invitations for seminars and training courses), the CEA encourages them to nominate women representatives to participate in the relevant events. This is not imposed as an obligation, but it has been seen (especially in 2004) that the desired gender representation is achieved voluntarily. The most recent example (in early 2005) is the letter sent to members asking them to nominate one representative for a market-

ing seminar for entrepreneurs offered by the Italian Foreign Trade Office (in cooperation with its sister organization in the Veneto region). The CEA advised companies to include women and, of the ten candidates, six were women. The CEA will continue with the same approach in 2005 and will prepare internal statistics to measure the progress achieved.

The objectives of the National Strategy for the Promotion of Gender Equality have been incorporated into the activities of the CEA in a number of ways. One example is the establishment of a small coordination unit for women entrepreneurs in the CEA's SME Association. Various events are planned for women entrepreneurs covering the most important topics, namely: starting up businesses for women, incentive/guarantee systems, managerial skills and/or women in leading positions and access to improved technology and markets.

It is also planned to establish closer cooperation with the Croatian Association of Business Women (KRUG - [www.businesswomen.hr](http://www.businesswomen.hr)). One proposal in this respect is to organize a so-called *FemFest* in 2005 to present different products and services, which would include seminars, workshops, exhibitions and cultural events.

With regard to its internal structure, the majority of CEA employees are women, including the staff of its regional offices, and women represent a significant proportion of its high-level management. However, the situation is less favourable in the CEA's decision-making bodies and branch associations. With a view to overcoming this situation, CEA professional staff, when working with the different groups of entrepreneurs, endeavour to explain and convince women representatives to take on high-level positions in the relevant bodies. In their everyday contacts with members, they emphasize the importance of identifying and nominating female candidates to CEA bodies. Although it will not be possible to achieve the desired gender representation (50 per cent) in the very near future, CEA internal statistics show some, albeit limited, progress (an increase of 5 per cent in the number of women representatives in branch executive boards in 2004).

In 1996, the CEA established the Programme for Management Development (called PUMA – *Program Usavršavanja Managera*) and special emphasis is now being placed on promoting the participation of women in PUMA training programmes and workshops. More and more women have been participating in PUMA programmes recently and most of the lecturers are women.

In 2003, as part of the CEA Management Training Programme, seminars were organized in the field of management and leadership for women. Several of these seminars have been held in Zagreb and in 2005 it is planned to organize them on a regional basis.

As entrepreneurship in Croatia enters an era of greater growth, important changes are occurring in the Croatian economy which are being felt most keenly in the SME sector. These changes are affecting the situation of women in the Croatian economy, particularly in small family enterprises. This is happening most frequently in the service sector (for example in catering, tourism and personal services, such as hairdressing). In a parallel development, many women who have been managers in large companies have decided to start their own SMEs, based on their own ideas and accepting a certain level of risk. Many young women from large organizations have opted for entrepreneurship precisely because of the stressful working conditions in large companies.

These developments and the new attitudes of women entrepreneurs are used as a basis for the courses provided by the CEA Management Training Programme. For example, the course material in one seminar on women's leadership makes the point as follows:

What makes us different from our colleagues? More than you would think. We have different leadership styles, we react in a different way, we encourage people in a different way, and in most of the cases we think differently. No one is wrong, but men's leadership style is more widespread, and people have started to analyse women's leadership style only recently. We will use the case studies and practical examples from your own working environments to see the advantages of both sides, and we will learn how to start using those differences for the benefit of the team or the entire company, instead of using them as constant source of misunderstanding, conflict, frustration or bad jokes.

The interactive approach adopted in these training activities offers the participants the possibility to state their opinions and attitudes and to indicate any problems that they encounter on a daily basis when working with their superiors or male colleagues. PUMA will continue to organize seminars for women entrepreneurs. According to CEA data, of the participants in PUMA courses, 62 per cent were women in 2004, a rise of 15 per cent in comparison with 2003 and of 20 per cent with 2002.

In another area of CEA activities, those covered by its International Relations Department, an effort is being made to nominate women for the various international seminars and conferences, taking into account the fact that priority has to be given to selecting the most suitable and best qualified candidates. As a result of CEA's cooperation with the Italian Institute for Foreign Trade, the ILO and the IOE (for example, in sectoral meetings, Stability Pact activities and the Network of Labour Law Experts from South Eastern European Employers' Associations), its women employees and women representatives of branch associations have been able to attend meetings and be trained in the field of labour law issues and marketing. The same applies to participation in the programmes of the ILO Turin Centre.

## Conclusions

The CEA believes that it is very important to develop entrepreneurial spirit among women and that the first step and necessary condition for achieving this main objective is to change. The CEA is, of course, aware that no business can operate in a social and cultural vacuum and business cannot afford to neglect important social changes of this nature. The CEA recognizes the value of integrating gender equality in business. It is disseminating information on the conditions that are required for women to start businesses and on the specific programmes created for women entrepreneurs to help improve their access to productive resources, technology and markets.

However, it has to be emphasized that the CEA cannot act on its own and that it is necessary to combine efforts with other civil society actors. If there is no willingness by society as a whole to accept change, nothing can be done. Nevertheless, it is encouraging that some very positive steps have been taken in this respect at the national level, as outlined in the recommendations adopted by the social partners in the Economic and Social Council.

Addressing prejudice is never easy and nothing can be done overnight. Adopting a pragmatic approach, the CEA therefore believes that its main role is to help women recognize their own strengths and capabilities and to further increase the participation of women in private sector activities.

**For further information:**

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# Combating sexual harassment at the workplace in Jamaica

## Jamaica Employers' Federation (JEF)

### Background information

The Jamaica Employers' Federation (JEF) was established in April 1958 and registered under the Trade Unions Act, 1919, to represent employers. The Federation's principal body is its Council, comprising over 320 corporate, council and individual members.

JEF's mission is to assist in the development of an enabling business environment. To accomplish this, the JEF Secretariat provides training, business information and policy and advisory services to members, other employers and the general public by being customer service oriented and using competent and professional staff in a sustained and financially viable manner.

Locally, JEF is the sole employers' representative on a number of boards and provides a wide range of services to support the activities of its members. These include consultancies in areas such as human resources development, research, publications (including the annual *Wages and Salaries Survey*), training development and delivery and the hosting of the annual JEF Convention.

## 1. Legislation covering sexual harassment

Jamaica's Constitution does not currently address the issue of sexual harassment. The closest it gets is in advocating the right of citizens to protection against discrimination in section 24. But this provision does not provide protection against discrimination on grounds of sex or sex-related issues. No current laws cover this issue. However, the Bureau of Women's Affairs, which operates under the Office of the Prime Minister, is in the process of drafting a policy paper that will address the issue in a gender neutral way in recognition of the fact that both men and women are the victims of sexual harassment.

This policy paper is expected to address issues such as *poison work* (in which the victim is made very uncomfortable in the work environment by such means as innuendoes and insults if sexual advances are refused) and *quid pro quo* harassment (when the victim is offered job advancement in exchange for sexual favours). The policy paper was expected to have been piloted through its first reading in Parliament in July 2004.<sup>1</sup> Although this deadline was not met, the required preparatory work was said to be at an advanced stage.

In preparation for the drafting of the paper, the Bureau of Women's Affairs held consultations with stakeholder organizations, such as trade unions, the Jamaica Employers' Federation (JEF), women's groups and financial institutions. The differing perspectives expressed during these consultations by the various sides of the bargaining table were taken into consideration when the policy paper was developed. The policy paper took into consideration a draft legal document prepared by the Caribbean Community (CARICOM) in collaboration with the Commonwealth Secretariat for countries in the region seeking to draft their own legislation. It is expected that the policy paper will lead to the drafting of legislation on the matter.

<sup>1</sup> *Bureau of Women's Affairs wants anti-sexual harassment law*, Omar Tomlinson, April 2004.

The Ministry of Labour and Social Security, which is responsible for protecting the rights of the country's employees, does not have a specific written policy on sexual harassment. The matter is currently treated as a workers' rights issue, but bringing cases to prosecution is difficult for reasons such as a lack of concrete evidence (which makes it difficult to prove cases of sexual harassment), the unwillingness of complainants to take legal action and a culture which tends to condone the making of unwanted advances to women. Although the Ministry does not report the incidence of the sexual harassment cases brought to its notice, it has indicated that very few complaints of sexual harassment are received.

The issue of gender discrimination has been addressed by several noteworthy educational institutions, including the University of the West Indies Mona campus in Jamaica, which has published a policy document on sexual harassment. The University has had a policy on sexual harassment since 1993 and in January 2004 an Ad Hoc Committee was set up to revise its sexual harassment policy and procedures. The University of the West Indies Department of Gender Studies also conducts research and maintains documentation on the subject.

The HEART Trust/NTA, a Government entity, and the major training institution in Jamaica, has also developed and published clear policy guidelines on sexual harassment with respect to trainees and the staff of the institution. These materials are used in the training of students. HEART is a statutory body established to regulate, accredit, finance and deliver training in all vocational areas up to level five. It is financed primarily through a tax levied on employers, and to a small extent by international donor agencies.

## 2. Sexual harassment in Jamaican enterprises

JEF is aware of the need to ensure that employers in Jamaica are compliant with high standards on this issue consistent with conventions relating to the treatment of workers. In this regard, the issue of women's rights, and specifically the subject of sexual harassment at the workplace, have been coming to the fore, particularly since the mid-1990s.

Research undertaken by JEF indicates that some companies in all sectors have developed policies on sexual harassment.<sup>2</sup> The rates range from a high of 38 per cent in manufacturing and 23.1 per cent in general services, to a low of 3.8 per cent in tourism and hospitality, transportation and utilities, media, and wholesale and retail trade.

<sup>2</sup> *Wages salaries and benefits survey for supervisory, clerical and hourly-rated employees, 2003*, Jamaica Employers Federation, 2003.

## Companies with policies on sexual harassment

Sectors	Employers with policies on sexual harassment (%)
General services	23.1
Manufacturing	38.5
Information technology and Communications	7.7
Tourism and hospitality	11.5
Transportation and utilities	3.8
Media	3.8
Wholesale and retail trade	3.8
Mining and construction, transportation and utilities	7.7
No. of companies	26.0

Source: Adapted from the JEF Wages, salaries and benefits survey, 2003

Moreover, a review of six member companies in the training, manufacturing, hospitality and distribution and wholesale sectors revealed that three of them had each received just one report of sexual harassment during the entire life of their operations (ranging from 22 to 50 years). Of these three reports, one turned out not to be a real case of sexual harassment.

The companies reporting experience of sexual harassment were all large and mainly international enterprises. Of the companies under review, four (the large international companies in the training, distribution and wholesale sectors) reported that they had developed a written policy on sexual harassment. The other companies did not deem it necessary to do so as they had had no experience of this offence.

All of the companies felt that sexual harassment could contribute to a loss in productivity, but only three of them indicated that they had adopted procedures to deal with any cases that might arise. Once again, these were the multinational companies and the training institution.

### 3. JEF's response to sexual harassment at the workplace

With a view to preparing its membership to address this issue, JEF published a position paper in 2003.<sup>3</sup> The paper opens with the words "The Jamaica Employers' Federation is very sensitive to the fact that the occurrence of sexual harassment at the workplace is something which must not be trivialized". The paper covers definitions and responses to the issue and includes a copy of the CARICOM draft legislation as an example of an appropriate legislative response.

In addition, in its *Handbook for employers*, JEF has outlined what it considers to be an appropriate response to sexual harassment.<sup>4</sup> The Handbook defines the offence, outlines reasons why it should be prosecuted and provides a methodology for policy development and a policy checklist. The items on the checklist include a policy statement, a complaints procedure and a training and communications strategy.

<sup>3</sup> *Sexual harassment: The third way forward*, prepared by Gregory Gardner, June 2003.

<sup>4</sup> *Handbook for employers*, compiled by Christopher Campbell, November 2001.

JEF has also addressed the issue of sexual harassment in tripartite discussions, in its regular public functions, its periodical publications and its training activities.

For example, JEF used the employers' forum that it organizes on a quarterly basis, known as the "Inn Chambers", for a two-part series on the problem of sexual harassment as a means of bringing the issue to as wide a cross section of employers as possible. The "Inn Chambers" constitutes an open forum which may be attended by any member of the public who wishes to participate. Invitations are sent to all the members of JEF and advertisements are placed in the media to announce each forum. The forum consists of presentations by a specially invited panel of experts representing legal and industrial relations experts, labour and employers.

JEF also airs current matters affecting employers, including sexual harassment, in its monthly periodical entitled *Trendwatch* and in the quarterly *JEF News*, which are circulated free of charge to members.

JEF uses its training activities to raise awareness of the subject of sexual harassment. Training forms an important part of the JEF calendar, with JEF holding at least two training seminars every month. A training seminar on sexual harassment was scheduled for January 2004. Although the seminar did not receive the desired level of support, the response to it provides some indication of the state of readiness of companies in Jamaica to deal with the subject. As a result of the exposure given to the issue by the seminar and in other activities, JEF has since assisted two companies to develop in-house policies on sexual harassment.

In the most recent of its annual human resources development conventions, held in May 2004, which was attended by over 400 participants mainly from Jamaica and the wider Caribbean, JEF devoted one of the sessions to sexual harassment. JEF plans to continue to use training as one of the main media for preparing employers to address the subject.

With regard to its own staff, JEF has developed a staff manual which recognizes the rights of workers. Although no explicit reference is made to sexual harassment in the manual, JEF is guided by its own *Handbook for employers*, which refers to the offence. JEF will also be taking steps to ensure that specific reference is made to sexual harassment in its manual, which is still being developed.

## Conclusions

In general terms, the formal experience of companies and the indications provided by the Ministry of Labour suggest that the problem of sexual harassment is not widely reported in Jamaica. This is likely to be a result of under-reporting by victims. Moreover, the issue does not appear to be considered an important policy matter by most companies in the country.

This highlights the need for companies and the relevant government organizations to develop appropriate mechanisms for documenting and reporting incidents of alleged sexual harassment and providing support for victims. There is also a need for the Government to consult JEF in the drafting of sexual harassment legislation and to raise the awareness of employers and workers concerning the importance of and appropriate ways of dealing with the issue.

The Jamaica Employers' Federation will continue to use its influence through lobbying, training, publications and consultancy to ensure that the issue of sexual harassment is properly aired and addressed by employers.

**For further information:**

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# Promoting gender equality in Kenya

## Federation of Kenya Employers (FKE)

### Background information

The Federation of Kenya Employers (FKE) was established in 1959 as an employers' association registered under the Trade Unions Act Cap 234. The vision of the FKE is to be the most representative employers' body advocating the interests of all employers in Kenya. The main objectives of the Federation may be summarized as follows:

- to act as a consultative forum for all employers;
- to encourage the principles of sound industrial relations and the observance of fair labour practices;
- to promote sound management practices among employers through training, research, consultancy services and the adoption of best practices;
- to advocate, promote and defend Kenya employers on matters relating to their interests; and
- to network with other employers, business organizations and inter-governmental organizations on matters of concern to employers.

The Federation acts as a secretariat to nine employers' associations, coordinates the activities of several industrial groups in negotiations with their unions and acts as a one-stop centre for its members on matters related to their concerns. The Federation has its headquarters in Nairobi, with branches in Mombasa, Nakuru and Kisumu.

According to the Constitution of the Federation, its members undertake to heed advice given to them by the Federation and not to act contrary to such advice without further consultation.

## 1. Gender, tradition and workplace discrimination in Kenya

In comparison with the situation in many African countries, Kenya benefits from relative political stability and is undoubtedly one of the countries in the region that has gone the furthest in addressing women's rights. The Constitution of Kenya provides for protection against discrimination and defines discrimination in section 82(3) as:

“affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, tribe, place of origin or residence or other local connection, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.”

The labour legislation in Kenya provides for equality in terms of pay and employment opportunities for both women and men.

Nevertheless, poverty and tradition remain serious obstacles to women's rights in the social, economic and political fields. For example, women still have to contend with violence and other forms of abuse both at home and at the workplace. Married women cannot obtain a national identity card without the consent of their husbands and customary law denies them the right to inherit land from male relatives. Even with the advent of free primary education, there are considerable differences in the educational and literacy levels of men and women, with only a handful of women going on to higher education. It is not therefore surprising that nearly 70 per cent of the illiterate in the country are women.

In the labour market, women make up almost 75 per cent of the agricultural workforce and have in recent years become more active in small businesses. Although their average income is about two-thirds that of men, only around 5 per cent of them hold land titles. For this reason, enterprises managed by women have remained undercapitalized, experience greater difficulties in obtaining credit and use fewer inputs and less machinery than male-managed companies.

The situation in the civil service is no better. Women account for fewer than 25 per cent of the higher level posts and have to overcome many stereotypical barriers to obtain administrative, managerial, professional and technical positions. Most disturbingly, their promotion is slower than that of their male counterparts, even when they are the best people for the job. When workers are laid off, for whatever reasons, women are most seriously affected because of their concentration at lower levels.

Women's representation on the Kenyan political scene is now at its highest level since independence, with 12 elected/nominated Members of Parliament. Of these, six are either in Cabinet or Assistant Minister posts. Although this is a remarkable achievement by Kenyan standards, the country is still near the bottom of the list of Eastern, Central and Southern African regions in terms of women's representation in government.

## 2. Gender and the workplace

Following a period of impressive growth during the first decade of independence, the subsequent decline in the economic growth rate has resulted in a fall in the living standards of many Kenyans and in such indicators as life expectancy, income per capita and literacy rates. The sharp fall in wage employment in the formal sector, with the attendant rise in unemployment, underemployment and inequality, have affected women more than men.

In these circumstances, women are particularly susceptible to various forms of abuse and harassment, including sexual harassment. The Kenya Human Rights Commission (KHRC, 2003) reports that rising poverty has compelled women to toil under despicable conditions, for poor wages and often without effective complaints mechanisms. As well as being more liable to arbitrary dismissal and forced to work long hours without overtime pay, they are often denied such benefits as maternity protection, accident coverage and sick leave.

Gender campaigners also point to the low representation of women in positions of power and decision-making. The socio-economic constraints which inhibit women's participation in leadership positions include occupational segregation in the labour market and the lack of gender-sensitive policies and programmes. A survey carried out by the Electoral Commission of Kenya found a serious male bias in positions of power in both the public and private sectors, notwithstanding the fact that women form the majority of the workforce.

### Distribution of positions of power and decision-making by sex (1999-2000)

	1992		1998		2000	
	Women	Men	Women	Men	Women	Men
Parliamentarians	3.5	96.5	3.6	96.4	4.1	95.9
Ambassadors	3.1	96.9	5.9	94.1	6.1	93.9
Permanent Secretaries	6.1	93.9	6.7	93.3	13.3	86.7
Deputy Secretaries	7.9	92.1	11.8	88.2	15.9	84.1
High Court Judges	8.3	91.7	10.0	90.0	8.7	91.3
Councillors	2.7	97.3	8.1	91.9	8.1	91.9
Provincial Commissioners	0	100	0	100	1.3	98.7
District Commissioners	0	100	1.5	100	1.5	98.5

Source: Electoral Commission of Kenya (1998)

Gender disparity in education is also an issue that requires special attention. Women and girls have lower enrolment rates in Kenya at all levels of education. This disparity may be attributed to the relatively higher drop-out rates due to socio-cultural factors which inhibit girls' education and female literacy. These include early and forced marriages, child labour, teenage pregnancies and out-dated initiation rights. This results in a situation in which fewer women than men graduate from university and vocational colleges, which places them at a disadvantage in obtaining jobs at the higher levels of the formal wage sector.

### Gender disparities in education

	Male	Female
Public primary school enrolment	88.1	85.7
University enrolment	3.3	1.1
Access to the mass media	33.4	14.8
Adult literacy rate	80.5	74.0

Source: Ministry of Education, Science and Technology (1998)

The reproductive role of women as mothers and wives is another factor that gives rise to discrimination against women at the workplace, as they are taken up with their caring functions. For instance, in cases of sickness in the family, they are more affected than men and lose valuable time for skills training, career development and other productive activities. These functions are used by some employers as a logical reason for dismissing women or assigning them more subordinate roles.

### 3. Corporate gender policies: What the Federation of Kenya Employers has done

As recalled above, the majority of women workers are concentrated in lower-paid jobs, mainly in the micro and small enterprises. The Federation's interventions relating to micro and small enterprises have therefore inevitably contributed to improving the situation of women. Moreover, as most of the Federation's activities in this field have been funded by donors, even though the Federation does not have a specific gender policy, these projects have applied the general donor requirement of gender parity.

One of the core mandates of the Federation is to promote sound management practices amongst employers through human resource development, policy research, management consultancy services and the adoption of best practices. This is achieved through management training and consultancy services.

The Federation of Kenya Employers (FKE), in the same way as its members, is an affirmative employer and therefore views workplace gender inequalities with much concern.

It is on this basis that the Federation wishes to associate itself with the initiative of the Kenya Human Rights Commission (KHRC) in publishing a workplace gender policy.<sup>1</sup> It proposes that the Federation and its member organizations should adopt the KHRC gender policy as an invaluable guideline to improve their gender image. The Federation also takes the position that, together with its member organizations, it should craft specific gender-friendly actions in its administration and programmes, especially in the following key areas:

- advocacy;
- management responsibility;
- staffing procedures and recruitment;
- medical coverage and maternity protection;
- career development and training; and
- workplace abuse, harassment and sexual harassment.

#### Membership of the FKE Board of Management

Membership of the FKE Board of Management is only open to chief executives of their respective organizations. Due to the fact that there are very few women chief executives, the Federation has adopted an affirmative approach by actively seeking out women chief executives to become members of the Board. Unfortunately, there are not enough women chief executives and those offered positions in the Board sometimes turn them down.

As a result, there are currently only four women members of the FKE Board of Management. The Federation nominated one of them as its representative to the Kenya Anti-Corruption Advisory Board, where she currently holds the position of Vice-Chairperson.

<sup>1</sup> Kenya Human Rights Commission, 1999. *Mainstreaming gender: A gender policy for the Kenya Human Rights Commission*, Nairobi.

## Staffing procedures and recruitment

The Federation advocates gender parity for its members in the recruitment of staff. Whenever the Federation carries out recruitment on behalf of its members, consideration is given to qualified women candidates. The Federation also leads by example, as its staffing is currently at the level of parity for men and women. However, most of its women staff are not at the executive level due to the lack of qualified candidates.

## Medical coverage and maternity protection

Both medical coverage and maternity protection are provided for by the legislation in Kenya. The Federation advises its member organizations to review their medical schemes constantly to ensure that they do not discriminate on the basis of sex and that they offer women appropriate coverage for conditions that are specific to them. The Federation has been instrumental in the introduction of maternity benefit in the National Social Security Fund Scheme.

## Career development and training

The Federation provides equal access and opportunities for career development for both men and women staff. It urges its member organizations to do the same by:

- taking affirmative action where two members are equally qualified for the same opening, which should accordingly be allocated to the sex that is under-represented in the department or context;
- basing promotion purely on merit in job performance;
- developing an atmosphere that is conducive to staff development without discriminating on the basis of sex; and
- integrating a gender perspective in all training activities.

## Workplace abuses and sexual harassment

Although the Public Officers Ethics Act, 2003, makes sexual harassment a criminal offence, it only applies to public officers. The Federation recognizes that sexual harassment in the workplace is a human rights issue and that it is an obligation for employers to discourage behaviour that may be considered as sexual harassment. In recognition of this obligation, on 23 September 2003 the Federation sent out a circular recommending that all of its members adopt a sexual harassment policy. The following policy was circulated:

### “Sexual Harassment Policy

It is X’s [organization’s name] policy that all employees must be allowed to work in an environment free from unsolicited and unwelcome verbal or physical sexual advances or sexual harassment. It is the position of the management of [X] that sexual harassment is an unacceptable conduct in the workplace and will not be tolerated. Those who may fall victim of sexual harassment are encouraged to make it known to the person indulging in the practice that the action is offensive and that should they not stop the harassment

then the incident of harassment may be reported to the relevant authorities. Sexual harassment is a violation of section 21 of the Public Officers Ethics Act, 2003. Every employee shall be protected from sexual harassment. Sexual harassment is any unsolicited or unwelcome verbal comment, gesture or physical contact of a sexual nature, therefore:

- a) No employee shall be subjected to sexual harassment either by somebody in authority over him/her as a condition of engagement, continued employment, promotion, salary progression, career advancement, reward or any other consideration or by his/her fellow workmates as a condition of social acceptance at work.
- b) Any case of sexual harassment shall be immediately reported by the victim to a designated officer and the perpetrator shall be dealt with in accordance with the organization's disciplinary procedures after having been given an adequate opportunity to defend himself/herself against the charges.
- c) Sexual harassment shall include any of the following, if the person doing it knows or ought to have known that it is unwelcome: (see the Public Officers Ethics Act, 2003):
  - i) making a request or exerting pressure for sexual activity or favours:-
  - ii) making intentional or careless physical contact that is sexual in nature; and
  - iii) making gestures, noises, jokes or comments including innuendoes regarding another person's sexuality. (see section 21 of the Public Officers Ethics Act, 2003)."

## Advocacy through development projects

The Federation has been involved in a number of projects in which the promotion of gender parity is one of the key objectives.

### **FKE/UNDP/ILO - Private Sector Small Enterprise Programme**

The programme was implemented between 1991 and 1994 as a partnership between FKE as the implementing agency, the ILO as the executing agency and UNDP as the funding agency. The main objective of the programme was to contribute to economic growth and increase job opportunities through the maintenance, growth and expansion of small and medium-sized enterprises. During the course of the programme, some 320 women entrepreneurs were provided with training (out of a total of 780 beneficiaries) and 280 women (out of total of 600 beneficiaries) received business counselling services.

### **FKE/USAID - Entrepreneurship for export promotion**

The programme was implemented between 1992 and 1994 with the objective of promoting Kenyan exports through the provision of strategic support, in the form of training, consultancy and advisory services, to small and medium-sized enterprises. During the course of the programme, 215 enterprises were provided with training in export documentation, export market research, how to start an export business and the international

business environment. Of these, 80 enterprises were headed by women. Among other results of the programme, five new enterprises, of which two were owned by women, started exporting textile and handicraft products. The FKE has now integrated training on exports into its management training courses.

#### **FKE/USAID/Techno Serve - Micro PED programme**

The programme, for which the FKE is one of the implementing agencies, began in 1997, with the first phase ending in March 2001. The objective of the programme is to create employment through strategic interventions in small agri-businesses. In the context of the programme, 280 women (out of 608 beneficiaries) received sectoral training programmes.

#### **FKE/ILO programme for Jua Kali product improvement through inter-firm linkages and subcontracting arrangements**

Due to the emerging challenges affecting enterprise performance, especially in the case of micro and small enterprises, the FKE sought the assistance of the ILO to prepare a comprehensive Small Enterprise Development Strategy. The Strategy identified a number of approaches for the SME support programme, including the development of inter-firm linkages and subcontracting arrangements. In collaboration with the ILO, the FKE is implementing a project on product development through subcontracting arrangements for the Jua Kali sector (small manufacturing enterprises), with the target of at least 20 per cent of project beneficiaries being women.

#### **Corporate FKE/DFID Project on strengthening Corporate Social Responsibility within the Kenyan private sector**

The FKE's most promising project, which is expected to have the greatest impact at the enterprise level, is its Corporate Social Responsibility Programme, which encourages the corporate sector to adopt a systematic company-wide approach for the integration of CSR. The core principles of CSR are non-discrimination and equal treatment of men and women. The FKE is developing a CSR Policy to ensure that its members are encouraged to give women the opportunity to exploit their talents.

The FKE has so far developed CSR Policies for two of its affiliated associations, the Coffee Growers Association and the Sisal Growers Employers' Association. The two Associations are currently auditing their members on the basis of a checklist. So far there have been very encouraging results, with companies competing to outdo each other.

#### **For further information:**

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# Combating sexual harassment at the workplace in Malaysia

## Malaysian Employers' Federation (MEF)

### Background information

Founded in 1959, the Malaysian Employers' Federation (MEF) currently represents over 3,900 corporations as ordinary members and 13 sectoral employers' associations. The total formal workforce employed by MEF members is around 1.36 million. MEF membership comprises of all types of economic activity in the private sector. In addition to its headquarters in Petaling Jaya, MEF has regional offices in Penang, Johor Bahru, Kuantan and Ipoh.

MEF's primary objective is to promote and safeguard the interests of employers. Over the years, MEF has taken on several new areas of responsibility with a view to enhancing its effectiveness. Today, MEF representatives are involved in discussions with Government ministries and agencies on matters relating to the country's long-term policy. By emphasizing the important role of the private sector in generating continuous development, MEF also has the opportunity to highlight its concerns, for example in the Annual Budget Consultations and the annual dialogues of the Ministry of International Trade and Industry.

MEF represents employers on the National Labour Advisory Council, a tripartite body covering issues pertaining to industrial relations and labour policies, as well as on other national councils and boards.

In defending the interests of its members, MEF has expanded its activities to help employers meet the rapidly changing economic challenges of the Malaysian economy against the backdrop of globalization and to deal with issues arising in the area of employer-employee relations. MEF's principal activities include:

- **Industrial relations:** MEF members are provided with advice, guidance and assistance on all aspects of labour law and industrial relations. MEF consultants assist members to negotiate collective agreements and represent members in conciliation meetings at the Industrial Relations Department and in industrial Court and Labour Court hearings. Representations are also made to the labour courts on behalf of its members.
- **Training:** Training is among the many activities undertaken by MEF and courses on industrial relations, labour law, supervisory management and other aspects of human resource management are conducted regularly.
- **Regional meetings:** MEF's monthly regional meetings provide a forum for members to discuss various personnel and labour management issues.
- **Research and information:** MEF maintains a library with a comprehensive collection of collective agreements, industrial court awards, books, magazines and reports. Surveys on salaries and fringe benefits for executives and non-executives are conducted annually. Ad hoc surveys are also undertaken to obtain the views of employers on labour and human resources issues.
- **Seminars and conferences:** MEF organizes national employers' conferences and seminars on topical themes.
- **Industrial Relations Panel:** The Industrial Relations Panel, which comprises personnel and industrial relations practitioners from member companies, has been established to formulate policies relating to industrial relations.

## 1. Sexual harassment in Malaysia

Between 1999 and August 2002, a total of 310 complaints of sexual harassment were lodged with the Ministry of Human Resources. For a total formal workforce in the private sector in Malaysia of 5 million, the Ministry of Human Resources currently receives about 10 complaints of sexual harassment a year. The figures therefore suggest that the reported occurrence of sexual harassment in Malaysia is relatively low.

### Legislation

With regard to sexual harassment issues at the workplace, various legislative texts provide for the punishment of sexual offences. The Penal Code (Act 574) makes specific provision for sexual harassment offences and establishes a penalty of imprisonment for 10 years or a fine, or whipping, or any two of these penalties for persons convicted of assault or the use of criminal force against a person with the intent of outraging modesty.

For those convicted of rape offences, the punishment is not less than five years and not more than 20 years imprisonment, and whipping. Those convicted of outraging decency can be imprisoned for up to two years. For uttering words or making gestures intended to insult the modesty of a person, the punishment can be imprisonment for five years or a fine, or both.

### Case law

Malaysian law providing protection against sexual harassment has developed over the years and is well established in case law, where “misconduct” is construed as meaning “(...) such act or conduct as adversely affects employees’ duties towards the employer.” The law requires that the misconduct complained of must have some relation with the employee’s work duties entrusted to him by the employer. Any breach of an express or implied duty on the part of an employee, unless it be of trifling nature, would amount to misconduct (*Syarikat Kenderaan Melayu Kelantan Berhad v Rosidi bin Zakaria*, Award No. 542/1995).

The duty of the employer is spelt out in the case *Melewar Corporation Berhad v Abu Osman* (Award No. 378/1994): “(...) when the sexual harassment was perpetrated by another employee, the employer is also constrained by contractual obligations to act appropriately and with sufficient regard to the gravity of the matter. The duty to respond to bona fide complaints of sexual harassment is founded upon the implied fundamental obligations of the employer relating to mutual trust, confidence and support. Inaction on the employer’s part clearly undermines the confidence of his staff and manifests the lack of concern on his part to render the support needed by the employee who is subject to sexual harassment.” The implied obligation of the employer in this respect has been described as “an extremely important one of female staff” (Wood J. in *Bracebridge Engineering Ltd. v Darby* (1990) IRLR 3).

The case law indicates that an employer has a contractual duty to provide a safe and conducive working environment. If the employer fails to put a stop to acts of sexual harassment, employees can leave their employment on the basis of a repudiatory breach of contract. The employer is therefore under the obligation to provide a safe workplace for the employee, investigate any complaint of sexual harassment, conduct an inquiry where necessary and act in a fair and proper manner before making any decision.

The duty of employers to take disciplinary action against sexual harassers in the workplace is expressed in the case *Sitt Tatt Berhad v Flora Gnprasagam [2002] 1 ILR 98*, in which the Court held that “(...) the dereliction of duties by the Company in not taking any remedial measures when the Claimant informed them of the sexual harassment showed that they had connived and condoned the acts of the harasser.” In the *Sitt Tatt* case, the Industrial Court ruled that the employee is entitled to consider herself to be constructively dismissed if the company fails to carry out a proper investigation of her complaints of sexual harassment by her superior.

## Code of Practice

Although there are no conclusive research findings on the incidence of sexual harassment in Malaysia, there is little doubt that such problems exist. In view of this situation, a Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace was established by the Ministry of Human Resources in 1999, with MEF making a significant contribution to its formulation. Intended for implementation on a voluntary basis, the Code serves as a guideline for employers for the establishment of an internal mechanism to handle problems of sexual harassment at the workplace. The Code also acts as a guideline to employees, trade unions and other relevant parties for the protection of the dignity of men and women at work.

The Code encourages the setting up of an in-house mechanism by employers, which should be strengthened by a policy statement prohibiting sexual harassment in the organization. The Code also urges organizations to adopt a clear definition of sexual harassment, a complaint/grievance procedure, disciplinary rules and penalties against the harasser and against persons making false accusations, protective and remedial measures for victims and promotional and educational programmes to explain the company’s policy on sexual harassment and to raise awareness among employees, supervisors and managers of sexual harassment and its adverse consequences.

The aim of the Code is to ensure that sexual harassment does not occur, and if it does occur, to ensure that adequate procedures are available to deal with the problem and to prevent its recurrence. According to statistics issued by the Ministry of Human Resources, some 4,500 (mostly multinational) companies out of about 400,000 employers registered with the Malaysian Social Security Organisation (SOCSO) had voluntarily adopted the Code in 2001.

MEF encourages employers to accept and implement the Code with a view to preventing and eradicating sexual harassment at the workplace. A workplace free of sexual harassment is a condition of work which employees of either gender are entitled to expect. Social justice demands fair treatment of all employees and due respect for their dignity. The existence of sexual harassment is a denial of a fundamental principle of social justice.

The negative impacts of sexual harassment on employers include reduced efficiency and productivity of employees, an increase in the rate of sick leave and absenteeism, high turnover (with a consequent increase in retraining costs) and an unfriendly office environment. In turn, employees who are victims of sexual harassment tend to suffer from tension, depression, deterioration of their work relationships, hostility, fatigue and a deterioration in their general health.

## 2. Issues and challenges

The Malaysian Ministry of Human Resources is currently studying the possibility of incorporating sexual harassment provisions into the labour legislation. MEF has expressed reservations concerning this proposal as it believes that the voluntary Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace introduced in 1999 is effective and that the current situation does not warrant such measures. MEF is of the opinion that the existing legislation is sufficient to address the problem of sexual harassment and that additional specific legislative provisions on sexual harassment at work would give a negative perception of the labour situation in Malaysian private enterprises.

For example, under the proposed amendments to the Industrial Relations Act, sexual harassment could be an item to be included in collective agreements, where the unions could propose a mechanism for employers to designate a special committee or person to whom victims could report in order to resolve the problem. MEF is of the belief that the application of the voluntary Code of Practice is more effective in combating sexual harassment than being negotiated in collective agreements.

Under the proposed amendments to the Employment Act 1955, employers would have to appoint sexual harassment officers, whose main task would be to investigate complaints of sexual deprivations in the workplace and make recommendations to in-house disciplinary committees for further action. MEF considers that the current practice in this respect is adequate, according to which it is the responsibility of the supervisor/manager to implement the company's policy against sexual harassment, ensure that subordinates know and understand company policies against sexual harassment and take immediate action if they became aware of any sexual harassment case.

### Training and advice

In addition to participating in dialogue with Government ministries on issues of sexual harassment at the workplace, MEF keeps its members up-to-date on the latest developments in relation to sexual harassment. A training programme entitled "Dealing with sexual harassment at the workplace" is readily available to MEF's members and its industrial relations experts provide them with advice on how to deal with issues pertaining to sexual harassment at the workplace.

The training programme covers the establishment of policies and procedures to combat sexual harassment and provide a workplace environment that respects the dignity and rights of all. The topics covered by the programme include defining and identifying sexual harassment, examples of sexual harassment and potential harassers and victims. It outlines strategies for dealing with complaints which guarantee fairness, including procedures for notifying the alleged offender and interviewing the complainant, the alleged harasser and witnesses. The programme also informs participants of the legal provisions respecting sexual harassment and the Code of Practice on the Prevention and Eradication of Sexual Harassment at the Workplace.

MEF's industrial relations experts also provide advice to members on how to deal with issues pertaining to sexual harassment at the workplace, including appropriate disciplinary action following an allegation of sexual harassment. Advice may also be given on how to handle a situation in which the complaint of sexual harassment is baseless, in which case the

complainant may be subject to disciplinary action, which may lead to dismissal. In these advisory services, employers are always reminded of their duty to take appropriate action concerning complaints of sexual harassment, as established in the *Sitt Tatt Berhad* case, as otherwise the employee may claim for constructive dismissal.

The advice normally provided covers such matters as the need, where possible, to receive any complaint of sexual harassment in writing and how to verify the complaint, situations in which it may be preferable for the alleged harasser to be suspended on half or full pay pending investigation and the conditions under which a domestic inquiry should be instituted and carried out.

**For further information:**

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# Equal employment opportunities in New Zealand

## Business New Zealand (Business NZ)

### Background Information

In 2001, the New Zealand Employers' Federation and the New Zealand Manufacturers' Federation joined to form Business New Zealand (Business NZ) with the intention of creating an organization with a greater range of interests covering all areas affecting business. This has now been achieved and Business NZ has become the country's leading business organization seeking to promote a competitive, growing economy capable of providing higher living standards through business growth.

At the same time, Business NZ has retained the status of the New Zealand Employers' Federation as the most representative organization of employers and therefore contributes, as one of the social partners, to tripartite working parties and international bodies, including the ILO, the International Organization of Employers (IOE) and the Business and Industry Advisory Committee of the OECD.

Business NZ itself is a central policy-making body with four regional business organizations composed directly of employer members, ranging from large companies to small and medium-sized enterprises. Business NZ also has a 54 member Affiliated Industries Group comprising most of New Zealand's national trade and industry associations. This breadth of membership gives Business NZ access to the views of over 76,000 employers and businesses, thereby ensuring that it truly reflects the make up of the New Zealand economy.

Business NZ's key goal is the implementation of policies through which New Zealand can retain a first world national income and regain a place among the OECD's top ten countries, which has been lost over recent years. OECD growth ranking is considered the most robust indicator of ability to deliver quality health, education, superannuation and other social services. Growth policies themselves contribute to the development of workplace diversity by ensuring that the social, economic and educational opportunities essential for effective employment participation are available for all members of society.

More specifically, Business NZ supports policies designed to achieve:

- balanced employment, economic and environmental legislation;
- low compliance costs;
- minimal governmental intervention;
- reduced taxation;
- innovation and skill development; and
- an environment that fosters the production of high value goods and services.

# 1. The development of equal employment opportunities in New Zealand

## Legislation

Equal Employment Opportunity (EEO) is a practice intended to eliminate discrimination in the workplace. The growth of EEO policies and practices in New Zealand has been encouraged by legislative developments going back over 30 years. In the public sector, equal pay for women was introduced in 1960, and similar legislation covering the private sector came into force in 1972. (It is of some interest that New Zealand was one of the first, if not the first country to give women the right to vote in 1893.)

A 1972 statute forbidding discrimination on the basis of race was followed in 1975 by more general human rights legislation. These two statutes have since been amalgamated and expanded, with the effect that since 1994 discrimination in employment and in the provision of goods and services, accommodation, education and training has been prohibited on 13 separate grounds, including race, sex and disability. The prohibition of sex discrimination also covers discrimination on the grounds of pregnancy and childbirth.

The introduction of human rights legislation was the initial impetus for the development of EEO policies and programmes, in which the Employers' Federation played a major role. Employers in the State sector, in both the core public sector and in related agencies, have for a number of years been required by their governing statutes to develop EEO programmes and to observe a "good employer" policy, recognizing the needs of the Maori people, women and persons with disabilities. The private sector has, however, always maintained that more is achieved on a *voluntary basis*, emphasizing the importance of employment on merit – employing the "best person for the job", whoever that may be, and avoiding discriminatory employment decisions made on the basis of misconception or personal prejudice.

## The Equal Employment Opportunities Trust

Towards the end of 1990, legislation requiring compulsory EEO policies was introduced. However, a change of government saw the Act speedily repealed. An inquiry was held into the whole question of EEO, culminating in the creation of an *Equal Employment Opportunities Trust* in 1992. The Trust was a joint initiative by leading private and public sector employers coordinated by the Government and the then New Zealand Employers' Federation (a founder member of the Trust) with the aim of promoting the business benefits of equal employment opportunities for all employers throughout New Zealand.

The thinking and philosophy behind the Equal Employment Opportunities Trust is to help workplaces adapt to and embrace the diversity of the workforce through the use of EEO principles and best practice. Valuing diversity in the workplace benefits both employers and workers by making workplaces more effective, efficient and competitive - and great places to work.

The Trust has four public sector and five private sector trustees, with a Chairperson elected from among the latter. The Trust is funded by Government and private sector contributions and a chief executive and staff carry out its day-to-day operations. Initially, government funding matched private sector funding on a one-to-one basis up to a specific ceiling. However, in recent years the Government's contribution has doubled and funding now also comes from membership subscriptions and sponsorship.

Since it was founded, the Trust has worked to move employers from acceptance of EEO principles to action based on those principles. For this purpose, the Trust has identified four platforms: partnership, research, information and influence.

- **Partnership** involves forming strategic partnerships between the Trust, employers, Government, unions and other allies to achieve shared EEO goals.
- **Research** focuses on the Trust's Diversity Index, which includes an annual survey of workplaces to monitor progress in achieving success through workplace diversity. The Trust is also involved in government, university and other research projects with the aim of ensuring that high quality, innovative and relevant research is available to New Zealand workplaces and jobseekers.
- **Influence** is exerted through the annual EEO Trust Work and Life Awards, which recognize outstanding achievements by employers in the work/life field. The Trust also holds seminars and briefings and, through liaison with its Employers' Group, promotes attitudes and workplace policies and practices to achieve equal employment opportunities. The members of the Employers' Group have made a commitment to the practice of EEO. The Group includes employment agencies which are prepared to acknowledge openly that their practices are non-discriminatory (as required by New Zealand's human rights legislation).
- **Information** is available in the form of an extensive list of resources, some free and some for purchase. Other resources can be downloaded from the Trust's website, from referral databases or through the information request system.

## 2. Business NZ's response to and position on equal opportunities: The rejection of quotas

The promotion of equal employment opportunities was originally the concern of the New Zealand Employers' Federation, which adopted an equal opportunity policy as long ago as 1982. The policy encouraged "positive" action to promote equal opportunity, avoiding the "affirmative action" approach popular at that time in some parts of the United States. Proportional quotas or numerical goals were considered unhelpful as a means of achieving real employment opportunity since they are more likely to cause resentment among employees and potential employees and to set back, rather than further, the spread of employment opportunities.

However, in rejecting numerical quotas and goals, the Federation nevertheless recognized that it had a "responsibility" to take positive measures to promote equal opportunity in the workplace. Its response was therefore to establish an Advisory Group made up of private sector employer representatives to assist in the production of a guide on developing equal opportunities policies and programmes. The aim was for as many employers as possible to use the guidelines to establish policies and programmes appropriate to their own workplace circumstances.

A *Positive action manual* for implementing workplace equal opportunity, published in 1985, generated considerable interest and was widely distributed. Guidelines on the employment of people with disabilities were produced in 1987, following a specific request from organizations focusing on disability, and in 1990 simplified EEO guidelines and a guide on employing people with HIV/AIDS were published.

Throughout this period, the Federation held meetings of its EEO Advisory Group through which it heard directly about the progress of EEO in the private sector. The Federation continued to strengthen this network of participating companies and prepared case studies of company experience in the design and implementation of EEO policies and programmes.

By 1988, however, it was apparent that the Government was contemplating the introduction of a statute *requiring* companies to put EEO policies and programmes in place. In its role as a lobbying organization, the Federation opposed this move by emphasizing that, if anything, legislative compulsion would have a disincentive effect and that voluntary EEO had always produced the best results. A 1989 article in the Federation's *Employer* magazine promoted EEO as an important management tool, emphasizing that EEO implementation required a written policy with senior management commitment. The article affirmed that EEO was about fair employment practice and made good business sense.

A year later, EEO legislation was introduced into Parliament. As an immediate response, the Federation appointed an EEO officer to monitor both the progress of the Bill and the development of company EEO and childcare programmes. When, after three months in force, the Act was repealed, the voluntarist approach, represented by the creation of the EEO Trust, again assumed primary importance. The Trust was set up following the holding of a Ministerial Working Party on Equity in Employment, chaired by the Federation's Labour Market Manager. In its submission to the Working Party, the Employers' Federation had recommended the creation of an EEO Trust to be funded by employers. The members of the Working Party took this a stage further by recommending a jointly-funded organization with access to the assistance of top public service managers, who could share with the private sector their experience of introducing formal policies and programmes.

The process of establishing the Trust involved the Federation requesting 30 key companies to provide a guaranteed contribution of NZ \$5,000 each for a three-year period to get the Trust underway. Twenty-five companies accepted this request, largely because of the Federation's involvement, and it was at this point that the Government agreed to provide co-funding. The Federation wrote the Trust's constitution, had it registered and organized the election of the private sector trustees. The Trust was launched in 1992 and for the first nine years of its life one of its trustees was a Federation representative, thereby ensuring that its focus was what the Federation's member organizations expected from a body with which they were inextricably linked. All the Trust's work and its publications bear employer association logos, giving it standing and credibility within the employer community.

The setting up of the Ministerial Working Party and the creation of the EEO Trust were measures taken by the incoming government to further equal employment opportunities. In addition, further prohibited grounds of discrimination were added to New Zealand's human rights legislation. As a result, in 1993 the Federation prepared new employer guidelines on the enlarged Human Rights Act, incorporating a guide to EEO and its earlier guidelines on employing people with HIV/AIDS. The introduction to these guidelines outlines the case for EEO in terms of the Human Rights Act:

*The best way to ensure compliance with the Act is to have in place policies and programmes of equal employment opportunities (...) With such programmes established and functioning, enterprise and workplace practices are far more likely to meet the Act's requirements.*

The introduction goes on to point out that:

*Giving proper recognition to EEO means making all employment-related decisions on the basis of merit, not on the basis of factors which have nothing to do with ability to perform the job. The prohibited grounds of discrimination are examples of such irrelevant factors. Meeting the standards set by the Act means taking all possible steps to remove institutional barriers which, particularly for people in the categories identified, serve to limit employment opportunities.*

The Human Rights Act Guide was endorsed by the Human Rights Commission (responsible for administering the Act) and the EEO Guidelines were published with the approval of the EEO Trust. Subsequent amendments have accommodated later legislative changes, but essentially the advice provided remains sound.

### 3. Business NZ working with its members on equal opportunities

As well as providing members with guidance on human rights and EEO, Business NZ's regional organizations hold seminars and training sessions in which attention is paid to EEO matters. Employers' obligations are spelled out and the benefits of EEO emphasized. As a result, most private sector employers now employ on a best person for the job basis. While individuals from some groups against whom discrimination is prohibited may still experience employment difficulties, this is more likely to be a reflection of their level of education and training than of employment discrimination.

Employment difficulties related to a lack of education and training continue to exist despite New Zealand's system of compulsory education and the major expansion of tertiary training for both men and women in recent years. Women's participation in university education in particular has increased markedly, although it is now recognized that women need to have greater opportunities than ever before to participate in industry training as well. To this end, Business NZ has been working with the union movement to improve the ability of both women and men to participate in workplace-based learning.

Along with its other EEO-related activities, the Employers' Federation, and now Business NZ, have continued to take part in initiatives aimed at encouraging women's participation in the paid workforce. These include helping to organize seminars on employer-assisted childcare, assisting in a study of family friendly workplace policies and helping with a recent Government inquiry into work-life balance and the Government's *Work, family and parenting study*. Business NZ is also a corporate representative on the board of an organization engaged in finding employment opportunities for people with disabilities; indeed, it was with the encouragement of the Employers' Federation that the EEO Trust itself first became concerned with disability issues.

The study of family friendly workplaces (the Work and Family Directions project) was an interesting exercise intended, in the first instance, to cover a small number of companies, each of which would send two participants to a workshop where they would devise an EEO initiative specifically for their own firm. The participants would then report to a subsequent workshop on what had (or had not) been achieved.

However, in practice the enthusiasm to take part in the project was such that, notwithstanding the public monitoring involved, 50 companies (four times the number originally planned) were accepted in two strands. The resulting publication grew into the Trust's annual Work and Life Awards. The awards cover a variety of categories, including: large organizations (with 50 or more full or part-time employees), small to medium organizations, and individual chief executives or senior managers. The success stories generated are published for the benefit of other employers. The quality of award entries has improved consistently over time, with initiatives once seen as innovative now being adopted as a matter of course.

The former New Zealand Employers' Federation laid the foundation for private sector participation in EEO and Business NZ is continuing that work. However, it should be emphasized that the EEO Trust is now the major provider of EEO advice and information. Funded specifically for that purpose, the Trust has the resources to focus all its energies on the promotion of both EEO and associated work and life policies. Above all, the Trust seeks to encourage participation in EEO as a means of valuing the diversity of all people, thereby bringing numerous business benefits to any organization, large or small, public or private. In other words, EEO, as the Employers' Federation pointed out as long ago as 1989, makes good business sense.

#### 4. Thinking ahead: A continued voluntary approach

The New Zealand Employers' Federation was one of the first organizations in New Zealand to realize that the growth of an increasingly diverse workforce and the growing legislative emphasis on human rights was making it imperative for employers to look to employ on a much broader basis than in the past. But it was also considered essential for this process to be entirely *voluntary*.

The EEO Trust is a successful example of how the EEO message can be spread effectively without recourse to legislation. Even so, in 2001, the Government set up its own Advisory Group on Equal Employment Opportunities with the task of advising "on the nature and scope of equal employment opportunities legislation to improve labour market outcomes for those groups currently disadvantaged in the labour market".

The outcome of this initiative reaffirmed the validity of the voluntary approach to EEO. The final report of the Advisory Group recognized that a great deal of workforce disadvantage is related as much, if not more, to education and training opportunities from early childhood than to discrimination. The report's recommendations include the appointment of an EEO Commissioner within the existing human rights framework to coordinate EEO research, monitoring, analysis and reporting, and to compile and publish an EEO Minimum Code bringing together all current EEO-related legislation.

Business NZ regularly provides guidelines for its own member organizations and their employer members bringing together the relevant legislation. As well as human rights and

specific EEO information, guidelines on dealing with sexual harassment (endorsed by the Human Rights Commission) have been available since 1997 and a guide to the employment of older employees since 1998. New EEO initiatives are currently under active consideration.

Business NZ is deeply committed to the voluntarist approach and is convinced that in the private sector the message of employing and promoting *on merit only* is now both well understood and put into practice.

**For further information:**

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# Women in positions of responsibility in Norway

## Confederation of Norwegian Business and Industry (NHO)

### Background information

The Confederation of Norwegian Business and Industry (NHO) is the largest representative organization of business in Norway. It has a membership base of approximately 16 000 craft, industrial and service companies, the majority of which are small and medium-sized enterprises. These companies provide around 450 000 workplaces.

The business sectors represented in the NHO collectively contribute 40 per cent of the economic value created by the Norwegian private sector. The NHO has 15 regional federations covering the whole of Norway. All member companies are members of national federations which represent their sectoral interests. Some of these national federations include several sectoral federations.

The NHO ensures that business policy issues of concern to its members are given consideration on the public agenda. When many companies join forces it is easier for their voice to be heard and for them to gain understanding by both politicians and the public. The NHO's objective is to work towards ensuring "working conditions and development opportunities which strengthen the competitiveness and profitability of the private sector, thereby creating a foundation for a good standard of life and living in an economically sound and viable society."

The NHO conducts collective bargaining with workers' organizations on behalf of its members. It also provides legal counselling in cases related to industrial disputes.

The NHO's aims include:

- wage and price growth that is not higher than that of Norway's trading partners;
- more flexible arrangements relating to the world of work;
- greater awareness among politicians of the daily concerns of smaller companies;
- a competitive policy on tax and duties;
- international agreements which benefit Norwegian companies;
- the introduction of more women into all levels of business and industry;
- an efficient education system;
- improved contacts between schools and the local private sector;
- a competitive public sector;
- increased efforts on safety, health and the environment, and a reduction in absence due to sickness (the Tripartite Agreement on a more inclusive workplace - the IW Agreement);
- a reduction of the burden resulting from excessive bureaucracy; and
- a reduction in transport costs for the private sector and increased efforts on infrastructure.

## 1. Women in management in Norwegian companies: The introduction of quotas

On 7 March 2002, the Norwegian Government announced its decision to introduce a statutory quota of 40 per cent of women members of boards of directors in all Norwegian public limited companies (PLCs) in 2005 *if* these companies failed to achieve this result by themselves. There are two main reasons behind the introduction of these quotas. Firstly, as board membership is considered to be a position of power, it is a matter of gender equality that women should have equal opportunities to hold the same positions as men. Secondly, it is argued that if companies themselves do not realize that their competitiveness will be strengthened if their board members are elected from a broader spectrum of the population, and not just half of it, this constitutes a market failure. In such a case, the Government would have to step in to correct the market through a statutory requirement for a better balance between the sexes.

On 13 June 2002, the Government submitted a proposal to the *Storting* (Parliament) for rules on women's representation on corporate boards of directors for Norwegian companies. The proposed changes in the provisions relating to the composition of boards would apply to all State-owned companies (that is State-owned limited companies, State-owned public limited companies, State companies, some hybrid State-owned companies established by law and inter-municipal companies). The proposed rules require a minimum number (approximately 40 per cent) of both men and women board members for these companies. Corresponding rules on women's representation have been proposed for privately-owned public limited companies. A clarification has also been proposed that the provisions on gender representation in the Gender Equality Act shall apply to cases in which board members of foundations are appointed by a municipality, a county municipality or by the State.

The Government has decided that, insofar as privately-owned public limited companies are concerned, the rules on women's representation will not come into force if the desired gender representation is achieved voluntarily during 2005. The intention is that the assessment of whether or not the requirement has been fulfilled will be based on how women's representation for these companies develops up to mid-2005. If the objective has not been reached by then, the provision will come into force on 15 August at the earliest. If, however, the objective has been achieved voluntarily, the Government will assess whether the provision should be repealed, or should remain for some time without coming into force, so that it can be applied at a later date if necessary.

Provisions on women's representation have not been proposed in relation to privately-owned limited companies as most of them are small family-owned companies whose owners are physical persons who sit on the board in their personal capacity. Rules on women's representation would not therefore be appropriate. In the case of privately-owned public limited companies, it is assumed that they have a more widespread distribution of shares and that their management is less personal.

When the decision to adopt legal provisions on diversity in the boardroom was announced in the spring of 2002 it provoked much debate in the media and in social as well as business circles. Conferences and seminars were held and much was written in the newspapers on the pros and cons of the use of quotas, whether or not a sufficient number of women candidates were available for board membership and the motivation of women to become board members. After the initial noise had died down, it was natural to focus on how this challenge from the Government could be met.

## 2. The NHO's response to the position of women in management: *Female future*

In response to the Government's decision, the NHO carried out a broad survey of Norwegian companies in the autumn of 2002 in which the senior management of all member PLCs took part. The survey showed that the leaders of PLCs understand the value of diversity, but consider that there is a lack of female candidates for leading positions. The survey also showed that 61 per cent of the business leaders participating agree totally or mainly with the statement that "women managers will help to improve the efficiency and quality of the company". But they experience difficulties in finding these female managers. The survey also showed that 84 per cent of companies have a positive view of including more women in senior management and on boards of directors, provided that they can find suitably qualified women.

Based on these findings, the NHO considered it an important task to take the necessary measures to ensure that its member companies could translate their intentions into results.

The NHO also identified the need to move away from the old terminology, which often had negative connotations, such as "women's rights' movement", "women's lib", "red-stocking" and "feminism", instead preferring such terms as "sound economics", "efficiency" and "value creation".

### **Women in leading positions because companies need to increase their competitiveness**

*Female future*, launched in March 2003, was the NHO's response to help its members increase the number of women in management and on boards of directors by 2005. The programme aims to increase the recruitment base and the competitiveness of enterprises by ensuring that their management is more diversified.

The NHO's focus is on mobilizing talent, business interests and creating solutions which both promote value creation and increase the competitiveness of member companies. If increased diversity in the boardroom is to contribute to better strategic choices, greater innovation and more rapid restructuring, thereby resulting in improved profitability, it is especially important to bring together different talents and perspectives. This means that it is in everyone's interests to ensure the broadest access to outstanding competence. If gender-related barriers are limiting access to outstanding individual competence, systematic efforts are required to remove these barriers, in addition to the adoption of measures to enable women to accelerate up the corporate career ladder. Increased access to leadership talent and outstanding leaders will improve competitiveness.

The NHO's guiding principle in its gender equality activities is that it should work towards achieving a win-win situation, both for companies and for capable women. There is no point in recruiting women to boards of directors at any price. Merely increasing the percentage of women sitting on boards of directors is not good enough. The goal must be to increase the standard and competence of boards of directors and to strengthen their level and competence by expanding the recruitment base. From a purely statistical point of view, increasing the availability of potential talent and the opportunities available is likely to strengthen innovation, creativity and flexibility and, as a result, competitiveness and growth.

### 3. The NHO working with its members on the issue of women in management

The core concept is that NHO member companies make a commitment, through a letter of intent, to identify, train and nominate at least three women candidates to the NHO's national network of boards. The NHO has entered into commitment agreements with companies in several areas.

In the letters of intent, the participating companies undertake to make efforts to increase the proportion of women in management and on their boards of directors within two years of signing the agreement. For its part, the NHO undertakes to administer the network and develop supporting projects, activities and arrangements. Taking the analogy of children's building sets, there are four *building blocks*, namely: board work; meeting places; storytelling; and a mentorship programme. One criterion of success was for trend-setting companies to join the project at an early stage in the hope that others would follow their example.

#### Board work

Companies nominate three candidates willing to accept a post on the board of directors of another enterprise. This responsibility is left to the companies on the assumption that they have the best knowledge of potential female candidates in their own companies who are suitable for board membership.

Based on an exchange of experience with women who are already board members, as well as with potential candidates for board membership, and in view of the fact that many potential candidates lack experience of board work, a general need was identified to improve access to knowledge development concerning board work. In *Female future* this is covered through practical experience of board work for women with some board experience and for those without any such experience. In addition, specialized practical seminars have been organized on subjects such as corporate governance, the relationship between the owner, shareholder, board and administration, boardroom ethics and crises.

The tutors in these activities are persons with a practical and/or specialist background, such as:

- industry leaders
- senior auditors
- financial analysts
- senior strategy consultants or sectoral specialists with leadership experience
- people with experience as board chairpersons
- people with experience as board members
- the managing director and chief executive (members of the administration who have sat in on board meetings).

## Meeting places

Networks are the direct or indirect means of entry into most recruitment processes at the executive level and for board membership. Access to the right forums is also an important prerequisite for the effectiveness of the chairperson and members of the board through the exchange of information that occurs in such networks, the opportunities that they offer to influence decision-making and the development of what may be called *social capital*. However, decision-makers have limited access to female resource persons in their networks. Some 66 per cent of companies covered by the 2002 NHO survey replied that there were no women in the forums in which the recruitment to the board takes place. Women leaders and resource persons face a dual problem: they are not sufficiently present in the networks of their male colleagues and they often function in a male-dominated environment in which access is also limited to other women on an equal level.

In response, the NHO has developed both physical and virtual meeting places. In addition to board work, which is arranged in four one-day gatherings, monthly events are held which are known as *Female Fridays* where former and current participants in the programme are invited to exchange professional information for a day. These are supplemented by biannual *Future Fridays*, which take the form of specialized seminars. Both of these initiatives offer participants ample opportunities to cultivate and develop their networks. In parallel, virtual meeting places have been developed offering access to CV/profile archives, documentation, a knowledge base and discussion forums.

## Storytelling

Storytelling is an ancient communication tool that has followed humans from the oral tradition, through the written language to today's high-tech computer age. It is a well-proven tool that is known to work. In *Female future*, storytelling is used as an integrated instrument throughout the course to assist in the following areas:

- how to influence others
- how to understand and change identity and culture
- how to present a message
- why stories work?
- what is meant by a narrative language? and
- what are metaphors and why are they so effective?

## Mentorship programmes

In Greek mythology, a *mentor* was an older friend and faithful adviser. Leaders can often be lonely at the top and may themselves need encouragement, support, professional input and someone to throw ideas around with. Through so-called “mentorship programmes”, a relationship is created between a junior and a senior person with the aim of exchanging experience, promoting development and providing support.

As a participant in *FemaleFutureMentor*, the *Female future* candidate has her own personal mentor for an entire year. Having access to such a partner handpicked on an individual basis represents a unique opportunity. The candidate receives support in developing both her career and her role as a leader.

Participants are also offered assistance in the following areas by a professional tutor, selected by the Research Institute of the Norwegian School of Economics and Business Administration:

- personal management development;
- increased awareness and confidence as leaders;
- help in coping with job-related challenges;
- increased understanding of cultures and processes at the workplace;
- help and support in their career development;
- increased job satisfaction and motivation; and
- the opportunity to build networks.

#### 4. Status of *Female future* in the summer of 2004

In the summer of 2004, the second in a series of four planned national programmes was concluded with very positive feedback from the participants. The list of participants included a number of top executives, several middle managers and several candidates for executive positions from some of the largest companies in Norway, such as Aker Kværner, Norsk Hydro, Statoil, Telenor and Norske Skogindustrier. However, a number of smaller companies also took part, providing a good mix, which had been sought by both the NHO and the companies.

The participating companies are satisfied with the programme and have continued to send new participants. However, it is the NHO's aim that as many of the largest public limited companies as possible in Norway will have had the opportunity to participate in the programme before its conclusion in the summer of 2005. The NHO is therefore actively seeking to attract more new companies to its portfolio.

The companies cover the direct costs involved in arranging such a high quality programme. The NHO does not profit financially from *Female future*, as the programme is intended as a service to its members.

In addition to the national programmes aimed at the largest companies in Norway, the NHO also arranges regional programmes.

Until the autumn of 2003, *Female future* focused on persuading PLCs to sign letters of intent. Since 2004, its scope has been expanded to include smaller companies. The national and central project will continue to concentrate on PLCs, while the regional projects will define their target group based on size, sector and turnover. In the case of regional and sectoral federations, the goal is to initiate pilot projects inspired by *Female future*, but in which the measures are tailor-made to suit specific regional needs and conditions.

#### **For further information:**

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# Work-family issues and initiatives in the Philippines

## Employers' Confederation of the Philippines (ECOP)

### Background information

The Employers' Confederation of the Philippines (ECOP) is the officially recognized umbrella organization of employers in the Philippines which deals with the Government on labour and socio-economic policy issues. It was established in 1975, pursuant to the State policy of tripartism, as articulated in the 1974 Labour Code. ECOP therefore plays an important role in tripartite bodies together with its counterparts in the labour and government sectors.

The primary objective of ECOP, as set out in its by-laws, is “to unify employers and employers' organizations in order to safeguard and enhance employers' interests in all areas of labour-management relations, including social and economic policy matters affecting such relationships, and to promote industrial harmony, social justice and national growth.”

With globalization and the entry of the country into the WTO, labour and industrial relations issues are becoming increasingly implicated in economic and trade policies. The new challenges posed by these developments have led more and more employers and employers' groups to join ECOP in the hope of forging a stronger voice to contend not only with labour issues, but also to address both macro and micro socio-economic policies and concerns.

The current services offered to by ECOP to its members include:

- surveys on compensation and benefits, collective agreements and workplace concerns;
- the collection and dissemination of information on labour and social policies, and the formulation of position papers on labour and social policy issues;
- representation in tripartite bodies;
- policy advocacy through the articulation of the positions of employers on labour and social matters in public hearings, forums, consultations and meetings;
- the organization of training programmes;
- the provision of advice to members on the implementation of labour laws and the formulation of company policies;
- the holding of the annual national conference of employers; and
- guidance on corporate social responsibility.

ECOP has now evolved from an organization that merely reacted to traditional industrial relations issues as they emerged, to a leading organization that is heavily involved in promoting corporate social responsibility, gender and development, population planning and family welfare, the environment and the fight against child labour, HIV/AIDS and drug abuse, and which enjoins members to initiate programmes to help balance work and family responsibilities.

## 1. Work-family issues in Philippine enterprises

The Philippines has an extended family system. With this system, Philippine enterprises are probably not as affected by work-family issues as those in Western countries. Relatives help to look after young children and the elderly and can lighten the work and family burden. There are nevertheless differences.

Women workers have not completely transcended their traditional domestic roles. This translates into long hours of work (as a result of the combination of productive work and family responsibilities) which can result in absenteeism, frequent leave days, lateness, low levels of concentration and low productivity at work. Some women workers are therefore reluctant to do overtime, holiday work or to work in far away places.

Many observers note that the division of labour in the home is evolving for young married couples. Men are often increasingly willing to stay at home. However, when things do not go well in the home, the woman is blamed. This may induce the women to resign, thus disrupting her career advancement opportunities. When crisis situations occur involving the family, women are often expected to take leave of absence, leave work temporarily or stop working altogether, generally leaving men to move on in their careers.

Moreover, in the Philippines the man is still considered to be the main breadwinner. Men with wives who earn more than they do may experience problems of reduced self-esteem. This may in turn lead to more work-family issues for women, who may become victims of their husband's self-esteem problems, including domestic violence and deceit.

For male workers, work-family pressures are not as great as those experienced by women. They may indeed worry about whether their children are well looked after by maids or whether they are fetched from school on time. But they are less likely to take leave of absence and other family-related types of leave. The fact that they are not generally responsible for household tasks also means that they can work longer hours.

The attitudes of men are, however, evolving, and their engagement in family issues is increasing.

For many workers, work-family issues are compounded by financial problems. In the case of senior employees, who are often also financially well off, the needs of the family and the home are attended to by maids and male servants. Work-family pressures are therefore considerably lessened. Such persons nevertheless tend to be subject to greater demands from their organizations, which may mean long hours or days away from home to attend meetings, conferences or social events within the country or abroad.

Non-married employees are not spared work-family problems. They often take on the burden of caring for sick or elderly parents or relatives. If they are not well off, they may have multiple jobs, one on weekdays and one at the weekend, to augment the family income.

Older workers are also plagued by work-family issues. With the advent of call centres and other companies requiring night shifts (which often prefer younger workers), older workers are often requested by their children to care for their grandchildren. This means that they have to hurry home before the children's parents leave for work. These types of workers are often absent or take leave because the parents of their grandchildren cannot afford to take time off from their jobs. The fact that a growing number of women are taking jobs overseas is also forcing older workers to increase their role in parenting their grandchildren.

In view of the above situation, Philippine enterprises are confronted with the effects of work-family demands on their employees. The following are some of the work-family issues that they have to address:

- Absence and leave for family reasons, including not only child and elderly care, but also the need for employees to attend family events, such as funerals and baptisms. In unionized firms, as many as 16 different types of leave provisions may be set out in collective agreements.
- Presenteeism, a phenomenon that is often undetected. To avoid penalties due to unexcused absences, employees go to work even if they are sick or their minds are preoccupied by family matters.
- Turnover/resignations when workers cannot cope with work-family demands or family pressures are too great.
- Greater demands for increased wages and benefits to cover family needs.
- An increase in disciplinary cases because of absences and the inability of workers to meet company targets.
- Stress and fatigue.

Some companies have established labour-management committees (LMCs) to work on projects which may include work-family balance initiatives. In others, especially those without unions, it is entirely up to the management to institute such initiatives. ECOP therefore has an important role to play in supporting the development of work-family programmes in such companies.

## 2. ECOP response to and position on work and family issues

ECOP recognizes that employees cannot entirely relegate family issues to the background while at work. If work-family issues are not taken seriously, they may therefore cause problems in the workplace that could affect work performance. When an employee is worried about a child or parent, or preoccupied by family matters, the likelihood of committing mistakes due to poor concentration is greater. This in turn affects the ability of the company to meet its objectives.

In a highly competitive world, such problems can affect the ability of companies to remain competitive. These realities can no longer be ignored. ECOP therefore encourages its members to develop work and family programmes/initiatives that take into account the varying needs of different workers in balancing work and family responsibilities. These efforts may be costly, of course, but the long-term effects if not addressed properly may be more costly for companies. Action in this field therefore makes good business sense.

ECOP recognizes that workers will now and then take some time out from work to focus on the care of children and elders. ECOP recognizes diversity in the world of work and the fact that family needs vary by age, gender, civil status, region, economic status and position. It further recognizes that all employees will be affected by obligations related to work-family obligations in one way or another at one time or another, if not managed well. Employers are therefore urged to assist in their workers' struggle to balance work and family responsibilities by providing support services (such as child and parent care centres, medical care,

supplemental livelihood activities) and by adopting other measures (such as flexible work arrangements).

Women, because of their particular role in society, require special support to help them meet both personal and professional needs. They need assistance in making the transition from child bearing and rearing back to work. In addition, women are vulnerable to sexual harassment, employment discrimination and to employer actions that can prejudice their health and well-being if all the demands on their personal time are not given due consideration. ECOP is of the opinion that one way to make employers and managers aware of these aspects is to make them sensitive and responsive to gender needs.

ECOP is also alarmed at the high rate of population growth and of poverty in the Philippines, which could increase pressure on employers. High population growth means that families require increased income to meet their obligations. It may also result in a high dependency ratio, thereby depressing the real wages of workers. This can lead to greater demands for wage increases, improved benefits and more expansive employee assistance programmes.

Based on its research,<sup>1</sup> ECOP believes that encouraging its members to adopt work-family balance initiatives leads to the following benefits:

- increased employee satisfaction;
- greater employee commitment to the attainment of work goals and company objectives;
- lower grievance rates;
- minimized absences;
- increased employee loyalty;
- increased internal and external customer satisfaction;
- improved quality of products and services; and
- increased income for the company through greater added value.

### 3. ECOP activities with its members on work and family issues

In the 1990s, ECOP set up a Committee on Women (now the Committee on Gender and Equality in Employment) to focus on training, advocacy and research on gender and development issues. Through this Committee, in collaboration with the Clark Development Corporation, ECOP conducted a training needs analysis among women employees in selected companies in the Clark Special Economic Zone. This paved the way for the design of a training module entitled *Strengthening personal capabilities: A course for women* and a programme to accredit trainers for the use of the course in their companies. Research was conducted with the assistance of professors from the University of the Philippines in the following areas:

- **Gender and development: views from the top**, which sought to determine the views of top management regarding gender and development so as to help ECOP formulate a gender and development programme attuned to the needs of its members;
- **Women and the financial crisis**, which looked into how the financial crisis of the 1990s affected the human resources practices of ECOP member companies and whether

<sup>1</sup> ECOP, *Cases on business initiatives on work-life*, Makati, Lodestar Press Inc., 2004

gender is a factor that is considered in hiring, career advancement, downsizing and lay-offs; and

- **Child labour**, with the aim of discovering the level of awareness of the issue of child labour within and across industries as a basis for formulating a strategy of advocacy and direct interventions.

### Some specific initiatives on work and family

With a view to obtaining baseline data on specific work-life policies and practices in the Philippines, in 2001, with the support of the Ayala Foundation Inc. (AFI), ECOP prepared case studies of six firms. In 2002, AFI commissioned ECOP to carry out a further six case studies to improve knowledge of good work-life practices. In these latter case studies, additional information was gathered in the following areas:

- CEO perspectives on work-life balance and its advantages;
- employee awareness, involvement and the perceived benefits of work-life programmes; and
- a cost-benefit analysis of work-life programmes in two companies of different sizes.

The research identified the best practices on work-life initiatives in selected firms.<sup>2</sup> It is hoped that this research will motivate other members to benchmark their work-life balance initiatives with those of companies that have successfully established work-life programmes. A synthesis of the cases shows that some of the respondent companies did not realize that their programmes fall within the work-life or work-family context. Some programmes were negotiated with unions, while others were initiated by management in recognition that human resources are the company's most important asset. Examples of union initiated programmes include various types of leave of absence (including emergency leave to allow employees to attend to family needs), bonuses, insurance and health care systems that cover dependents. Those initiated by management include flexible working arrangements, child care and group and medical insurance schemes for employees and their families, some of which allow cost-sharing arrangements for dependents. One example of an innovative good practice is the implementation of a *family day* to allow employees' families to visit the company, get to know more about their work and meet their superiors and colleagues.

In 2001, ECOP collaborated with the Personnel Management Association of the Philippines (PMAP) to carry out further research on the various work-life initiatives adopted by 135 companies. Respondents to the survey claimed that they are sensitive to the lives of their employees outside work, as illustrated by their paternity and personal leave policies, medical benefits for dependents and training in work-related skills and personal interests.

ECOP is currently intensifying its advocacy concerning corporate social responsibility by offering assistance to member companies and affiliate organizations in relation to CSR programmes and services that may be of relevance and interest to them.

As a preliminary activity, in 2003-2004 the Corporate Social Responsibility Division conducted a survey of the CSR concerns of 22 member firms in the manufacturing and service sectors. Of these companies, 13 are unionized. The study sought to assess their interest in CSR programmes and identify possible interventions or activities that ECOP could carry out to assist them.

<sup>2</sup> Ibid.

The suggestions made concerning potential areas for collaboration show that its members look to ECOP for both financial and technical support in helping them adopt their own CSR programmes. They indicated that specific guidelines would be useful in assessing whether they are doing enough in relation to CSR. They also manifested the desire for greater knowledge concerning CSR initiatives in other firms and good practices for the purposes of benchmarking. ECOP will use the findings of this study as a basis for formulating strategies to convince firms that they should intensify their efforts for the adoption of work-family initiatives for their employees.

ECOP is aware of the need to build up its CSR activities, and particularly its advocacy on work-family balance. For this purpose, it has embarked on networking activities, particularly with agencies that can assist in the implementation of its planned programmes and activities. It also hopes to expand the membership of its CSR committees. ECOP will hold consultation meetings with member organizations so as to respond to their need for technical assistance in this area.

**For further information:**

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# Action by the Saudi Chambers of Commerce and Industry and the Council of Saudi Chambers to serve businesswomen and the national economy in general

## Background information

The Council of Saudi Chambers of Commerce and Industry was established as an institution to work for the common interests of the Chambers of Commerce and Industry in the Kingdom. It represents the Chambers at the local and international levels and seeks to develop the role of the private sector in the national economy. The Council of Saudi Chambers is considered to be one of the basic pillars of the private sector in Saudi Arabia in view of the role that it plays in creating an enabling environment in which the Saudi business sector can contribute effectively to the national economy. Through its role as a link between the public and the private sectors, it has made a major contribution to ensuring partnership and harmony between the sectors and to the development of the economic and cultural prosperity currently prevailing in Saudi Arabia.

Since its creation, with a view to achieving its objectives, the Council of Saudi Chambers of Commerce and Industry has continued to develop its means of action and its Executive Board has persisted in strengthening its capacities in a wide range of fields. As a result of the vital role played by the Council in supporting and promoting the economy and laying the foundations of prosperity and development witnessed by the private sector over the past two decades, it has earned the trust of State officials, who have welcomed initiatives by its members in drafting several regulations on private sector activities and their input in formulating economic plans and policies. The Council has assisted in strengthening the capacities of the Chambers, promoting cooperation between them and developing channels of communication and coordination in their activities with the aim of mobilizing their full technical potential so that they can fully serve the business sector and the national economy.

Economic developments and changes at the local and international levels have made it necessary to keep the Council's orientations, priorities, structure, activities and means of action under constant review. The intensification of competition and conflict at both the local and international levels will require the further development and renovation of the Council's Secretariat and the development of innovative means of action to help the Chambers and their Council provide modern services to meet the changes and developments in the economic arena.

## 1. The role played by the Saudi Chambers of Commerce and Industry and the Council of Saudi Chambers in serving businesswomen

The Chambers of Commerce and Industry and the Council have played a pioneering role in meeting the needs of their members by eliminating the obstacles that they face and in furthering the interests of both businessmen and businesswomen. The cooperation and communication established between the Chambers and their members ensures that businessmen and businesswomen enjoy wider access to information and the requirements of industry, trade, agriculture and other fields, especially in terms of regulations and legislation that does not discriminate between small and large enterprises or between businessmen and businesswomen.

Based on the belief of the Chambers and the Council in the important role of businesswomen in developing the national economy, the Saudi Government issued several decisions in May 2004 respecting work and investment by Saudi women, the most important of which are the following:

- all public institutions which issue permits for the carrying on of economic activities by parties according to their competence have to accept applications by women and deliver the necessary permits;
- all public institutions which provide services related to women have to establish women's units and sections according to the requirements and nature of the work;
- the authorities responsible for the allocation and development of land and areas in cities should establish industrial projects for women;
- the Human Resources Development Fund is requested to pay special attention to the training of Saudi women and to employ them in its plans and programmes;
- only Saudi women should work in stores selling women's goods and the Ministry of Labour is requested to establish a timetable for this purpose and to ensure its follow-up;
- the Ministry of Labour is requested to coordinate with the Ministry of Public Services and the Ministry of Social Affairs to take adequate measures for the implementation of telework as one of the new fields in which women may find employment opportunities, to implement the programme for productive households and to provide the assistance required for their success;
- the Ministry of Labour, in collaboration with the Ministry of Economy and Planning and the Ministry of Public Services, is requested to establish an integrated national plan for Saudi women workers to identify the real needs of women workers in the various fields within one year of the date of the decision;
- the Ministry of Labour, the Ministry of Trade and Industry and the Council of Saudi Chambers of Commerce and Industry are requested to examine the duration of maternity leave for working women with a view to motivating women and providing them with further benefits in a manner which does not prevent their employment.

In accordance with the support provided by the Government to strengthen the capacities of Saudi women, the Saudi Chambers of Commerce and Industry and the Council have placed emphasis on the provision of services to their members with no distinction between small and large enterprises or between businessmen and businesswomen. Among the major services that were and are being provided by the Chambers and the Council to businesswomen, reference may be made to the following:

### **Information services**

The Chambers and the Council provide women who request it with a booklet providing guidance on how to establish and manage the projects and containing information on various activities and regulations, including examples of activities carried out in the private sector. The Chambers' information centres provide businesswomen with information by telephone or through women's delegates. The information consists of guidance, answers to questions, data collection, the preparation of reports, statistics, studies and investment opportunities.

## Legal services

The Chambers and the Council inform businesswomen about the legal rules governing economic operations. They also provide clarifications on existing and new legislation, regulations and decisions. They offer legal counselling and provide any clarifications requested on legal issues related to the private sector. They also settle conflicts and disputes arising between women's institutions and other local and international institutions.

## Training and rehabilitation services

The Chambers and the Council organize training for women in collaboration with the competent authorities and women's associations with a view to strengthening the experience of businesswomen so as to develop their skills and capacities to manage and operate enterprises and enable them to work in the private sector. The Chambers and the Council give the highest priority to the training and rehabilitation of young Saudis, both male and female, so that they can work in the private sector in accordance with its philosophy and requirements. They also establish programmes in line with labour market needs in various fields.

### Training programmes of the Chambers of Commerce and Industry targeting women

Number	Name of the programme
1	Public relations and information
2	Introduction to computer skills
3	Introduction to computer and software skills
4	Basic software and its application in management
5	Management of social services
6	Management of voluntarily action by associations
7	Banking services
8	Small enterprises
9	Communication skills in public relations
10	Planning and managing small enterprises
11	Basics of public relations
12	Developing the capacities of bank tellers
13	Accounting and financial analysis for female non-accountants
14	Selling banking services and strengthening the capacities of women employees in Saudi banks
15	Modern basics for the marketing of banking services
16	Economic feasibility study for investment enterprises

Source: Reports of the Saudi Chambers of Commerce and Industry.

## Studies and research

The Chambers and the Council conduct and publish studies on businesswomen and women in general, particularly focussing on potential fields for work and investment for Saudi women.

## **Enterprise and investment development services**

The Chambers and the Council endeavour to develop SMEs and encourage investment initiatives by those wishing to enter the business sector. Some Chambers have prepared feasibility studies for a series of investment opportunities for which women would be responsible for the management and operation. As the projects are intended to be undertaken by women, they offer new job opportunities for women graduates and other women workers.

## **Services available on the websites of the Chambers and the Council**

Websites have been designed by the Chambers and the Council containing information on the Kingdom, its economy, the names and addresses of the Chambers and the Council, Saudi exporters and importers, trading companies in the country, general information on the investment climate and commercial and industrial opportunities in the Kingdom, as well as economic news.

## **Participation in forums and conferences**

Women take part in forums and conferences organized in the country by public or civil authorities through closed circuit television and modern means of communication. In such cases, there is usually prior coordination with the organizer concerning the participation of women to see whether the event is only targeted at women, in which case the same methodology is used as for conferences and seminars for businessmen. Saudi women also take part in events held outside the Kingdom.

## **Participation of women in visiting and travelling delegations**

A large number of trade delegations formed of businesswomen visit the country and can meet Saudi businesswomen. Some Chambers have started establishing women's sections and committees for businesswomen. Women's delegations are received by women's sections, while general delegations participate through closed circuit television on the premises of the Chamber.

In the case of travelling delegations, Saudi Chambers of Commerce and Industry and the Council may form independent women's delegations covering specific disciplines following prior coordination with host countries so that they can meet businesswomen there.

## **2. Latest developments in the services provided by the Chambers and the Council for businesswomen**

### **Creation of women's sections in the Chambers**

One of the challenges that has emerged with economic and social progress in Saudi Arabia and the changes at the regional and global levels resulting from globalization is the activation of women's participation in social and economic development.

In view of business developments at the local, regional and international levels and the growth in the number of businesswomen, which require the improvement of the services provided by the Chambers and the Council to their members, in the knowledge that such

sections are in the process of being established in other chambers and wishing to see women contributing to their activities, the Chambers of Riyadh, Djeddah, Medina, the Eastern Region, Taef and Qoreiat have established women's sections to serve businesswomen members.

### **Establishment of a Women's National Committee in the Council**

Following the noble request made to the Saudi Council of Chambers to form a committee consisting of competent and experienced women to coordinate with the relevant parties with a view to encouraging civil sector organizations to find fields of activity for Saudi women and offering opportunities for the training and rehabilitation of Saudi women to work in those activities and fields, the Secretariat of the Council formed a Women's National Committee. The Women's National Committee has the following main objectives:

- to safeguard the interests of Saudi women and seek to create job opportunities for them;
- to activate the role of women in the national economy;
- to increase the contribution of Saudi women in economic activities;
- to increase the participation of Saudi women in the national labour market and to seek to mobilize capital for small, medium and large enterprises;
- to guarantee the nationalization of the female labour force;
- to create new job opportunities for Saudi women;
- to communicate between Saudi women and their professional counterparts;
- to strengthen the scientific, intellectual and economic capacities of Saudi women by increasing their participation in specialized training courses and programmes organized by the relevant parties;
- to provide efficient means of identifying the problems and obstacles faced by Saudi women;
- to find adequate solutions to the problems faced by Saudi women and discuss them with all relevant parties.

In view of the increasing numbers of working women and businesswomen in the country, the Secretariat of the Council has also recently established a General Administration for Businesswomen.

As a result of the effective and distinctive efforts made by Saudi women, a businesswoman has been appointed for the first time to the board of directors of a local bank and another businesswoman now chairs the first board of directors of a female real estate company, which is composed totally of women.

#### **For further information:**

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# Women in the Syrian Chambers of Commerce and Industry

## Damascus Chamber of Industry and Damascus Chamber of Commerce

### Background information

This case study focuses on the recent efforts of businesswomen in the Syrian Arab Republic to achieve recognition and integration in the Damascus Chamber of Industry and the Damascus Chamber of Commerce, and more generally in the Federation of Syrian Chambers of Commerce.

The Federation of Chambers of Commerce is the only federation of Chambers of Commerce in the Syrian Arab Republic. The Chambers of Commerce and Industry are combined in all the cities of the Syrian Arab Republic, except for Damascus and Aleppo, although recently there has been discussion on the establishment of a new Federation of Chambers of Industry at the national level. The case study concentrates on the situation of women in the Damascus Chamber of Industry and the Damascus Chamber of Commerce, which were the first two Chambers to establish women's committees in the Syrian Arab Republic in 1999 and 2000, respectively.

### The Federation of Syrian Chambers of Commerce

The Federation of the Syrian Chambers of Commerce was founded in Damascus in 1975 and comprises 14 Chambers of Commerce and Industry (with the exception of the Damascus Chamber of Industry and the Aleppo Chamber of Industry, which were established separately from the Chambers of Commerce in those cities). As a supervisory authority, the Federation promotes the commercial, economic and trade interests of its members, represents the Chambers of Commerce and holds economic conferences and trade fairs. The Federation's role is both to interact with the Government and to support the business activities of its members.

The Federation's representative activities in relation to the Government include:

- representing the economic and commercial interests and coordinating between Chambers of Commerce;
- representing Chambers of Commerce and Industry in conferences and forums;
- acting on behalf of Chambers of Commerce in relation to the authorities and in economic discussions with foreign delegations and international organizations at the request of the authorities concerned;
- engaging in discussions of issues of a commercial nature, offering views and proposals on laws and regulations and circulating such information to the concerned departments in the Syrian Arab Republic and abroad; and
- maintaining direct liaison with Government offices to obtain all relevant information and instructions.

The services offered to businesses by the Federation include:

- arbitrating in disputes between Chambers of Commerce or businesses, where requested to do so, provided that the parties to the dispute are not from the same Chamber jurisdiction;

- holding economic conferences and fairs;
- issuing certificates of origin, introductory letters for visas and testifying to foreign certificates of origin issued by Chambers of Commerce throughout the world;
- conducting economic and market surveys;
- providing training for the private sector on international commercial terms of trade;
- establishing branches to promote exports and attract foreign investment;
- providing advocacy services, consultancies and guidance; and
- providing trade information services.

### **Damascus Chamber of Industry**

The Damascus Chamber of Industry is a public entity and works closely with the Ministry of Industry. Its members include industrialists from both the public and private sectors. The Chamber of Industry's Board of Directors is composed of 18 members, of whom the General Assembly elects 12 and the Minister of Industry appoints six from among the industrialists whose industries are not represented on the Board.

### **Damascus Chamber of Commerce**

The Damascus Chamber of Commerce is one of the oldest and most well-established Chambers of Commerce in the Arab World. It is a non-profit, public interest institution which has the objectives of representing, safeguarding and promoting trade interests. Its Board of Directors is composed of 18 members, two-thirds of whom are elected every four years by the General Assembly, with the other third being appointed by the Minister of Supply and Internal Trade, taking into account the professions and trades which are not represented among the elected members of the Board.

In addition to fulfilling representative functions for their members, the Damascus Chamber of Industry and the Damascus Chamber of Commerce carry out a series of administrative tasks, including: issuing certificates of origin: attesting to trading documents, invoices, commercial guarantees and the authenticity of members' signatures for official documents. The Chambers appoint experts and arbitrators in trading disputes. They are responsible for providing commercial information, including the prices of basic items, current foreign exchange rates and data on trade standards. They also publish trade directories and studies on legal and economic matters.

## **1. Women's participation in the public sphere**

Women in the Syrian Arab Republic are more politically active than those in many other countries in the region. There have been women cabinet ministers and several women members of the People's Legislative Assembly. The last three Ministers of Labour and Social Affairs have been women. In the 2003 elections, 30 women were elected to the national Parliament out of a total of 250 seats. One female ambassador has served in the Syrian Government.

The labour force participation rate of women is around 21 per cent, primarily concentrated in agriculture, health and teaching. Women's share of non-agricultural wage employment has

been around 17 per cent for over a decade. The ratio of employed women working in agriculture stands at approximately 80 per cent, while only 52.5 per cent of employees in the service sector and 40 per cent of workers in the industrial sector are female. Women comprise 57 per cent of the nation's teachers, but they tend to be under-represented in higher education. Women occupy 39 per cent of the professorships in the national university system. They comprise approximately one-fifth of all government workers, although they are mostly in clerical and staff positions.

The activities of businesswomen have been invisible until recently in the Syrian Arab Republic. Many businesses that are registered in women's names are not necessarily run by them, while others that are registered in men's names may be managed by the women of the family. In addition, a large number of businesses that are owned and run by women are not registered and are not therefore represented in formal associations, such as Chambers of Commerce and Industry, or supported by existing government or other donor initiatives.

### Syrian women in public life

Labour Market	Year	Female	Male	Total	Source
Labour force participation rate	2001	21.3	83.3	53.0	ILO 2003
Unemployment rate (total)	2001	23.9	8.0	11.2	LABORSTA
Unemployment rate (youth:15-24)	2001	40.4	17.9	23.5	LABORSTA
Economic activity rate	2001	18.5	67.2	43.8	LABORSTA
Dependency ratio per 100 (%)	2002		70.0		WHO 2003
Share of women in non-agricultural wage employment (%)	2001		17.0		GLOBALIS 2003
Self-employment rate (% of non-agricultural employment)	1990-2000	15.0	31.0	29.0	ILO 2002
Employment in the informal economy	1994-2000	35.0	43.0	42.0	ESCWA-SDD 2003
<b>Education</b>					
Gross enrolment ratio (all levels)	1999-00	61.0	65.0		HDR 2003
Adult literacy rate	2001	61.6	88.8	75.3	HDR 2003
Youth literacy rate	2001	79.7	96.0	87.7	HDR 2003
Literacy rate (15+)	2002	60.4	88.3		WB 2003
Ratio of girls to boys - primary	2000-01		0.89		HDR 2003
Ratio of girls to boys - secondary	2000-01		0.87		HDR 2003
Ratio of literate females to males (15-24)	2001		0.83		HDR 2003
Expenditure on education (% of total budget)	2000		6.8		ESCWA 2003
Expenditure on education (% of GDP)	1998-2000		4.1		HDR 2003
University graduates (% of total)	2000-01	42.9	57.1	100	ESCWA 2003
<b>Politics</b>					
Seats in Parliament held by women (lower and upper house - % of total)	2003		10.4		HDR 2003
Women's right to work (legal provision)	Article 45 of the Constitution states: "The State guarantees women all opportunities enabling them to fully and effectively participate in political, social, cultural and economic life (...) The State removes restrictions that prevent women's development and participation in building the socialist Arab society."				
Year women received the right to vote	1949				
Year women received right to stand for election	1953				

## 2. Businesswomen's Committees in Syrian Chambers of Commerce and Industry

The initial step in the development of Businesswomen's Committees in the Syrian Chambers of Commerce and Industry was the establishment of an Industrial Businesswomen's Committee in 1999, in accordance with the recommendation made by the General Assembly of the Damascus Chamber of Industry. The Board decision to establish the Businesswomen's Committee indicated that "if we want to ensure the prosperity of our nation and achieve the desired success, we have to enhance the role of women. Our task is to work on all factors that can help them achieve this objective. As long as women do not play their natural role in our society, a vast breach will remain open (...)". The Board also defined the goals and objectives of the Committee as:

- promoting institutions managed by women;
- preparing an economic and social climate to help businesswomen play their role in economic development;
- representing businesswomen in international events and economic and cooperation congresses and coordinating with similar Arab and foreign organizations;
- helping businesswomen understand the importance of the various economic laws and regulations through the organization of conferences, publications and training;
- improving the skills and capabilities of women's committees and the image of Syrian products; and
- adopting projects that aim to preserve the environment and raising the environmental awareness of businesswomen.

The creation of the Industrial Businesswomen's Committee was followed in 2000 by the establishment of the Businesswomen's Committee of the Damascus Chamber of Commerce. In addition to the leadership of these two initial Businesswomen's Committees, the Syrian Arab Republic's First Lady, Asmaa al-Akhras, wife of President Bashar al-Assad, was instrumental in the establishment of Businesswomen's Committees in all the Chambers in the country by 2002.

The Industrial Businesswomen's Committee of the Damascus Chamber of Industry is entrusted with promoting the role of industrial businesswomen. Shortly after it was established, members of the Committee received some ILO training to enhance their capacity for the design and implementation of strategies and action plans. However, during the interviews conducted for the purpose of this report, the members of the Board of the Committee suggested that there has been little follow up in agreeing on the specifics of a strategic plan of implementation.

The Committee's current members include professional women from the public and private sectors involved in various industries, ranging from pharmaceuticals, chocolate manufacture, plastic moulds, textiles and apparel, cosmetics and hair care, dairy products, shoe polish and food processing, to computer-assisted embroidery. The Committee has 450 members, of whom 120 participate actively in its activities. The Board of the Committee consists of between 12 and 15 women who meet once or twice a month. The Committee is not provided with an office or a regular budget by the Chamber. The Committee's members have participated actively in the campaign for new by-laws and the results of this initiative are likely to bear fruit in the 2005 elections in the Syrian Chambers of Commerce and Industry.

The Businesswomen's Committee of the Damascus Chamber of Commerce was established in 2000 with the support of the Syrian Arab Republic's First Lady, following the example of the Industrial Businesswomen's Committee. The Board of the Committee consists of between 10 and 12 businesswomen.

The overall membership of the Committee includes the dues-paying businesswomen who are members of the Damascus Chamber of Commerce. In contrast to the Industrial Businesswomen's Committee of the Damascus Chamber of Industry, the Businesswomen's Committee of the Damascus Chamber of Commerce has a budget. In addition to paying dues to the Chamber, the businesswomen who are members of the Committee, and who constitute its General Assembly, also pay dues amounting to US\$40-50 a year directly to the Committee. These funds are used for activities for members, such as training seminars. In addition, the Committee has undertaken certain social activities, including the establishment of a health clinic in one of the poor neighbourhoods of Damascus. The members of the Businesswomen's Committee of the Damascus Chamber of Commerce mainly have businesses in engineering, export/import, pharmaceuticals, tourism, advertizing and hospital and medical equipment.

### **First Regional Forum of Arab Businesswomen (21-23 April 2003, Damascus)**

The Industrial Businesswomen's Committee of the Damascus Chamber of Industry took the lead in organizing the First Regional Forum of Arab Businesswomen, entitled "Enhancing the Role of Women in Economic Development and Business Management". The Forum was held under the patronage of the Syrian Arab Republic's First Lady, Asmaa al-Akhras, wife of President Bashar al-Assad.

With a view to ensuring that the Forum was highly visible in the region, the Industrial Businesswomen's Committee of the Damascus Chamber of Industry convened a series of meetings with the Presidents of all the Businesswomen's Committees of the Chambers of Commerce and Industry in the country. These preparatory meetings discussed the role of businesswomen in industry and commerce and held brainstorming sessions on possible measures to enhance the role of Syrian women in economic development. Seven committees, with responsibilities ranging from coordination, organization and research, to the management of resources, supported by individual volunteers and consultants from among the members of the businesswomen's committees, prepared the First Regional Forum of Arab Businesswomen.

Representatives from fourteen Arab countries (Bahrain, Egypt, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Oman, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates and Yemen) took part in the Forum, during which studies were presented describing and analysing the status and real situation of women in Arab countries, development initiatives for the empowerment of women and plans to mainstream gender in general development processes.

During the Forum, emphasis was placed on the need to train women on how to start their own businesses and overcome any related obstacles. The participants also discussed empowerment measures to make women's economic participation possible and effective. Ideas were exchanged concerning feasibility studies for possible projects, sources of funding, marketing

schemes and essential legislative and administrative decisions to facilitate the involvement of women in economic activity.

During the Forum, the Industrial Businesswomen's Committee of the Damascus Chamber of Industry presented a study on the economic status of Syrian women. A series of specific sectoral workshops were also held, for businessmen and women, for the textiles, foodstuffs, chemical and engineering industries. As a side event, an exhibition was held with pavilions for Syrian and Arab businesses to promote Syrian products, increase the volume of inter-Arab trade and facilitate the development of joint industrial and commercial ventures.

The Forum brought visibility to the activities of businesswomen in the Syrian Arab Republic and the region and highlighted the experiences of successful Syrian and Arab businesswomen. It also offered an opportunity for Syrian businesswomen who are planning to found new ventures, especially if they have prepared feasibility studies, to find partners who can contribute to the capital or financing of their projects, as well as for the exchange of expertise on training.

### **Modernizing and Activating Women's Role in Economic Development (MAWRED)**

Established under the patronage of Mrs Asma al-Assad in 2003, upon the recommendation of the Businesswomen's Committees of the Syrian Chambers of Commerce and Industry, and with the support of the Syrian-European Business Centre (SEBC), MAWRED is a Syrian NGO dedicated to enhancing and activating the economic contribution of Syrian women and men as entrepreneurs. MAWRED is a concrete outcome of the First Regional Forum of Arab Businesswomen, during which the needs of Syrian businesswomen were discussed and specific areas of action identified.

The MAWRED Business Incubator advises, directs and helps launch businesses in the service sector that will independently contribute to the Syrian economy and the overall welfare of women and their role in the business community. MAWRED also helps to organize English language and computer courses for businesswomen. MAWRED has several committees covering areas such as science, training, the media, consultancy, information, promotion, foundations and international committees. While most of MAWRED's activities are targeted at businesswomen, the NGO also accommodates requests from businessmen.

MAWRED seeks to:

- assist women in determining the feasibility of business projects;
- train women in business project development (including planning, financing, start up, action plans, strategy formulation, administrative and legal issues, and product launch);
- employ the necessary tools and capacities (technical, consultancy) to transform business women's projects into success stories; and
- help develop and upgrade existing businesswomen's projects through the application of modern technology and contemporary management practices, and help businesswomen overcome obstacles and learn to manage emergency situations.

## Campaign for new by-laws for the Chambers of Commerce and Industry in the Syrian Arab Republic

In the summer of 2004, the Businesswomen's Committees initiated a campaign for new by-laws so that they are more fully integrated into their respective Chambers of Commerce and Industry. Supported by the Syrian First Lady, they have formulated three key demands as a basis for the new by-laws, namely:

- the establishment of a quota of one or two women members on the Board of each Chamber to be nominated by the respective Businesswomen's Committees;
- the allocation of a certain percentage of women members' fees (the exact percentage is yet to be determined and would be discussed separately for each Chamber, but would be between 10 and 20 per cent) as a budget for the Businesswomen's Committees in each Chamber; and
- the establishment of Friends of Businesswomen's Committees, consisting of women and men who are not business people, but who support the activities of the Businesswomen's Committees in the Chambers and would contribute some dues (the exact amount is still to be determined and would be discussed separately for each Chamber).

The leadership of the individual Chambers of Commerce and Industry have agreed to these requests in principle. For these three items to be formally recognized as new by-laws, they would have to be approved in the elections of each of the Chambers to be held in 2005.

## Conclusions

The Businesswomen's Committees of the Syrian Chambers of Commerce and Industry have made a promising start over the past five years. They have engaged in highly visible activities, including the organization of the First Regional Forum of Arab Businesswomen and the establishment of MAWRED, an NGO which assists in the start up, development and expansion of business activities by women. Their campaign for new by-laws which are more responsive to the needs of women members is also expected to bear fruit during the elections to be held in 2005 in the Chambers of Commerce and Industry in the Syrian Arab Republic. However, despite this progress, the Businesswomen's Committees still have a long struggle ahead for the full integration of gender concerns in their Chambers in the Syrian Arab Republic. The next steps include organizing a national conference of Syrian businesswomen to seek the establishment of a National Businesswomen's Committee.

The leaders of the Businesswomen's Committees who were interviewed for this report voiced strong interest in receiving ILO support in the very short term to assist in the organization of this national conference (preparation of the agenda, provision of resource people, drafting and translation of key documents). While the leaders of the Businesswomen's Committees have identified marketing skills, market information and market access as key constraints, they still feel that a comprehensive survey is needed of the members of the Businesswomen's Committees in the Syrian Arab Republic to assess their strengths, constraints and opportunities. In the medium term, they would also appreciate receiving technical assistance to strengthen the Committees through capacity-building activities and the development of pilot project initiatives.

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# Women in the Federation of Yemeni Chambers of Commerce and Industry

## Federation of Yemeni Chambers of Commerce and Industry (FYCCI)

### Background information

The first Chamber in Yemen, called the Commercial and Industrial Chamber, was established in 1958 in Sana'a. In 1963, it was re-established by a Republican Decree and mentioned in the 1979 Constitution of Yemen. The tasks and the role of the Chamber in Sana'a were specified in 1982 (Law No. 27) as an establishment contributing to the economic development of the country.

Some years later, following unification, a Decree was issued to establish Chambers of Commerce and Industry in all governorates. The Decree also defined the tasks and role of the Chambers in the 20 governorates, as well as providing for a Federation of Chambers.

The goals of the Federation of Chambers include:

- coordinating the work of the Chambers in Yemen;
- representing Yemeni Chambers in national, regional and international discussions;
- supervising the registration of commercial entities; and
- analysing the situation of the private sector in Yemen and providing advice to the relevant national bodies.

The Chambers provide their members with services which include publishing commercial directories and bulletins and issuing the certificates and documents required for national and international commercial operations. The following are some of the activities carried out by the Chambers:

- collecting and publishing data and statistics on the private sector in Yemen;
- providing government institutions with information on the private sector;
- informing members of the decrees and regulations that are relevant to their operations;
- reviewing the Government's position regarding international competition;
- advocating laws, decrees and regulations that are conducive to private sector activities;
- providing trade-related advice to importers and exporters;
- organizing visits by foreign commercial delegations;
- providing arbitration in disputes between members of Chambers;
- organizing and participating in national and international symposiums, conferences and exhibitions; and
- raising awareness among Yemeni and foreign investors of investment opportunities in Yemen.

## 1. Women's participation in the public sphere

Yemen is one of the least developed countries in the world, ranking 148th out of 175 countries in the UNDP Human Development Index (2003). It has a per capita GDP of US\$460. Some 42 per cent of its population live in poverty and one-in-five is malnourished. Yemen's 18.5 million population, which is predominantly rural, faces enormous economic and social challenges. The major problems include limited access to basic services, a very high fertility rate (6.7 per cent), high illiteracy rates, especially among women (73.5 per cent), high unemployment (40 per cent), significant gender inequality and a non-renewable water supply, which is dwindling at an alarming rate.

### The status of women

Despite the achievements in Yemen, there is still a sizable gap between men and women in a number of key areas, including education, health and employment. The illiteracy rate among adult women (75 per cent) is over double that of men (33 per cent). Among the young, the difference is over threefold, with illiteracy rates of 17 per cent for young men and 54 per cent for young women.

The population growth rate is 3.5 per cent a year, which is amongst the highest in the world. With an average total fertility rate of over 6.5 children per woman, and a dependency rate of 41.6 per cent, the care burden on Yemeni women limits their mobility and the time available to pursue education or acquire skills that would enable them to earn an income. In addition to care pressures, there are cultural restrictions on the mobility of women. These result in a lack of opportunities for appropriate training to facilitate employment in the modern sector and a highly gender segregated labour market.

Yemen trails most nations in the Arab region in gender and employment indicators. It is estimated that labour supply, measured in terms of the number of persons of working age in the labour force, is increasing at a high rate of some 3.8 per cent a year, with figures of 3.3 per cent for men and 5.3 per cent for women. This essentially reflects three factors:

- the effect of past high birth rates;
- the return of migrants from neighbouring countries after the first Gulf War; and
- the increasing readiness of Yemeni women in recent years to enter the labour force.

Women represent 25 per cent of the total workforce. According to the first Labour Force Survey (LFS) carried out in 1999, the labour force participation rate of women was 22 per cent, with 72 per cent of women being engaged in agriculture as unpaid family workers in rural areas. A total of 62 per cent of women's work is unpaid. Remunerated job opportunities for women in the non-agricultural sector are limited. In the formal sector, women are more likely to be in public sector jobs, for example as teachers or nurses. Most other female employment, with the exception of unpaid family work in agriculture, is in self-employment or informal work. According to the LFS (1999), the gender wage gap, expressed in terms of women's wages as a percentage of men's wages, is 62 per cent across all occupations in Yemen. The gap is lowest in administration (84 per cent), while it is 75 per cent in agriculture and is highest in services and sales (36 per cent).

## Institutional responses

The status of women in Yemen has improved over the past decade as the attention paid by the Government to a range of issues from legal rights to employment has increased. The National Women's Committee, in collaboration with key Government ministries and international agencies, has played a leading role in achieving these changes. Yemen's first female ambassador and minister (the Minister of State for Human Rights) have been appointed in recent years and amendments to various discriminatory statutes have been drawn up and approved by the Council of Ministers. In addition, a Gender Mainstreaming Strategy was developed in conjunction with the second Five-Year Plan ending in 2005. Many women's NGOs have been founded and the number of female members of political parties has increased. Advances have also been made in fostering entrepreneurship among women with the recent establishment of a businesswomen's association.

A number of laws have been amended to include more gender equitable provisions. For instance, the labour legislation in Yemen now takes working women into account by recognizing that work is a right of all citizens. Section 5 of the Labour Code emphasizes the principle of equality between women and men without discrimination in relation to working conditions, rights and duties and labour relations. This provision also prescribes equality between the sexes in matters of employment, promotion, pay, training, qualifications and social security.

Yemen was one of the first Arab countries to ratify a range of key international conventions relating to women's rights. These include the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the ILO Equal Remuneration Convention, 1951 (No. 100). Now there is a clear need to enforce these laws and apply the commitments made under international treaties more actively.

Programmes and mechanisms for gender equality and mainstreaming in the national development framework have also been on the agenda in Yemen since the early 1990s. The National Strategy for Women adopted in 1994 emphasizes legal rights. The Five-Year Plan, 1996-2000, included several policies and procedures relating to women's employment. In 1996, one year after Yemen had participated in the Beijing Fourth World Conference on Women, the Council of Ministers established the National Committee for Women. Since then, the Committee has convened national conferences for women and the Government has approved a number of gender-related national strategies.

## Yemeni businesswomen

The issues cited below emerged as priorities in a series of individual and focus group interviews held with Yemeni businesswomen.

**Reasons for business start-up:** Only a few of the businesswomen interviewed started their own businesses to become economically independent, make an income or fulfil their potential as productive individuals. The majority of women in business are struggling micro and small entrepreneurs with limited access to capital, skills, market knowledge and the other types of information necessary for success. In practice, they are mainly driven by the need to support their families as a result of being widowed, separated or divorced. They only make a limited level of reinvestment in their businesses, as their priority is their family needs.

**Obstacles faced:** Most of the businesswomen interviewed identify cultural and social barriers as the main obstacles faced in their work. One of the obstacles encountered by women in the development of their businesses and entry into non-traditional fields is their continuing fight against customs and traditions relating to their perceived gender roles and stereotypes. The businesswomen say that they also find it a strain to balance business and household care responsibilities. Businesswomen who wish to expand their businesses indicate that their growth options are affected by these negative attitudes and perceptions of their work and capabilities, which extend from their immediate family to other relatives, neighbours and clients. Other impediments include the lack of capital, business and skills training and complications with licensing.

**Needs identified:** Yemeni businesswomen indicate that they lack experience of networking, which could help them with their businesses and in gaining access to markets. While there are some signs of informal businesswomen's networks emerging, these are based more on family ties and friends rather than on sectors of activity or location. Their connections with persons in positions of economic and political power are limited or non-existent. The businesswomen add that they are in need of training in business management, accounting and marketing. They also identify the need for market and feasibility studies to help them target their businesses more effectively.

## 2. Women in the Federation of Yemeni Chambers of Commerce and Industry

Interviews with Yemeni businesswomen in the context of a recent ILO study show that, until recently, they had very few relations with the Yemeni Chambers of Commerce. The new leadership of the Yemeni Chambers of Commerce has expressed a commitment to achieving a more dynamic presence of businesswomen in Chambers of Commerce and Industry.

The leadership has voiced its commitment to including a series of activities in the forthcoming strategic plan to achieve the goal of integrating gender concerns. These include:

- determining the number of female members of Chambers of Commerce and Industry;
- supporting the formation of women's committees in Chambers of Commerce and Industry to help businesswomen voice their concerns more collectively and systematically; and
- collaborating with the necessary parties to give effect to the recommendations made in the ILO study on women members of the Yemeni Federation of Chambers of Commerce and Industry.

### The Aden Chamber of Commerce and Industry

The number of businesswomen registered with the Federation of Chambers of Commerce and Industry is highest in the Aden region at nearly 200. These businesswomen work in the service and trade sectors. There are plans among the women members of the Aden Chamber of Commerce and Industry to form a women's committee and the leadership of the Chamber has expressed its commitment to supporting such an initiative.

## The Taiz Chamber of Commerce and Industry

There are no more than 12 female members of the Taiz Chamber of Commerce and Industry. They mainly operate in small-scale enterprises in personal and social services, including hair-dressing and embroidery for dowries. Social attitudes towards businesswomen in Taiz are reportedly more restrictive than those in Aden.

## The Sana'a Chamber of Commerce and Industry

While there are some active and highly visible businesswomen in Sana'a, with close ties to the leadership of the Chamber of Commerce and Industry, they are not yet registered as members of the Sana'a Chamber of Commerce and Industry. These women business leaders report communications with the leadership and members of the Chamber for the purposes of obtaining business advice and other forms of support. Moreover, the Chamber's leadership is committed to changing this situation by launching an outreach programme for businesswomen in the region and providing them with support for the establishment of a women's committee.

## Conclusions

Yemeni businesswomen face cultural constraints on their mobility and restrictions which prevent them from working in close proximity to men who are not members of their families. Combined with their extensive care responsibilities, these restrictions have the result of limiting their access and opportunities for appropriate training and employment opportunities. However, it is important to note that such constraints are not absolute and that they can change with time and between different communities and settings. The changing attitudes to female-owned businesses can help increase their employability. With a supportive institutional and policy environment, and appropriate programmes, these positive trends can be nurtured. The Yemeni Federation of Chambers of Commerce and Industry, with its new active leadership, can play a broader role in supporting the businesses of its female members.

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### For further information:

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