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**Promoting gender equality
through social dialogue:
Global trends and
persistent obstacles**

**Linda Briskin
Angelika Muller**

December 2011

Industrial
and Employment
Relations
Department
(DIALOGUE)

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Foreword

Gender equality and social dialogue are both fundamental values and cross-cutting issues for the International Labour Organisation. In 2009, the International Labour Conference concluded its discussion on “Gender equality at the heart of decent work” by reaffirming that social dialogue and tripartism are essential policy tools to advance gender equality in the world of work.

This paper is a part of a comparative research project whose objective is to demonstrate that gender equality and social dialogue are mutually beneficial and their promotion should go hand-in-hand. Despite several separate studies on each topic, there is a knowledge gap worldwide on how gender equality at work is advanced through social dialogue. The topic is examined from qualitative and quantitative aspects:

- participation on an equal footing of men and women in social dialogue, in particular in the national tripartite bodies, as well as within government units, trade unions and employers’ organisations;
- gender equality issues on the agenda of social dialogue, including collective bargaining.

This paper addresses in a comparative perspective these two areas of concern. A central argument is that advancement in both directions is inextricably linked; however, the nature of this connection needs further investigation. Despite efforts deployed in many countries worldwide, progress seems limited and new measures and approaches are needed to move beyond what is clearly a representational plateau. The paper has explored several ideas for comparative research to highlight best practices and provide guidance for developing new policy initiatives and innovative mechanisms for implementation.¹

The comparative study confirms that women are undeniably and persistently under-represented at all levels and in all arenas of social dialogue, which is undoubtedly related to their under-representation within government units, trade unions and employers’ organizations. This under-representation may also explain the scarcity of meaningful discussion and initiatives on gender equality issues in the social dialogue fora.

The lack of gender representativeness at all levels has a domino effect on patterns of representation in social dialogue. Both vertical obstacles and horizontal segregation are widespread and are intimately connected, each supporting the other in producing and reproducing women’s under-representation. This paper suggests three directions for developing new approaches for addressing such deficits and moving toward representational democracy: rethinking the ‘glass ceiling’; tackling silos and developing strategic portability; and confronting the challenge of quotas.

This comparative study was prepared by Linda Briskin, Professor, York University in Canada, and Angelika Muller, Gender Coordinator of the Social Dialogue Sector of the ILO. The paper is the result of collaboration between the Industrial and Employment Relations Department and the Bureau for Gender Equality, developed with support from the Government of Sweden.

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¹ This paper was presented at the International Labour and Employment Relations Association (ILERA) Congress in São Paulo, Brazil, in August 2011.

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1. Introduction

Tripartite social dialogue and collective bargaining have undoubtedly great potential as vehicles for promoting gender equality. To promote gender equality means, first, addressing issues of representation and participation in tripartite bodies, as well as within government units, trade unions and employers' organisations; and second, ensuring that equality issues are on the social dialogue agenda, including within collective bargaining. The paper addresses these two areas: participation and representation, on the one hand, and promoting gender equality, on the other. A central argument is that advancement in these two areas is inextricably linked.

1.1 Framing assumptions

This paper is informed by two sets of assumptions. First, in both social dialogue and collective bargaining discourse, there is a tendency to consider issues over process, that is, what is negotiated rather than how negotiations take place and who is involved in them. This paper suggests an intrinsic link between the two. It draws a distinction between equality bargaining and negotiation which refers to the process of bargaining, bargaining strategy, and includes attention to the gender of negotiators; and *bargaining equality* which refers to the issues on an equality agenda (Briskin, 2006).

Disaggregating process and issues helps to problematize the relationship between them. In fact, equality bargaining, that is, process, may well be the foundation for successfully bargaining equality issues. Without a shift in the culture of bargaining itself, and who is negotiating and how they negotiate (which highlights leadership style), there may be little change in what is negotiated. To put it more broadly, the struggles around diversity, equality, inclusive representation, and democratizing leadership *inside* institutions need to be linked to the collective bargaining and social dialogue agenda.

Second, this paper suggests that it may be useful to disentangle *leadership* from *representation*, and to link the first to enhancing democracy, and the second to social justice more broadly. So measures of 'representational democracy' highlight the number of women in leadership positions; 'representational justice' on the other hand, speaks to representing women's interests. This language of democracy and social justice highlights a vision for the future. It presents a contrast to the language of democratic deficit which focuses on what is missing but does not necessarily call for social transformation.

1.2 Variety of social dialogue forms

Social dialogue [SD] refers to information sharing, consultation and in-depth dialogue, negotiation, joint actions, and in some cases, the conclusion of binding and non-binding agreements among a variety of stakeholders on issues of common interest relating to both economic and social policy. SD has lofty goals: "to promote consensus building and democratic involvement among the main stakeholders in the world of work. Successful social dialogue structures and processes have the potential to resolve important economic and social issues, encourage good governance, advance social and industrial peace and stability and boost economic progress" (ILO, 2010).

Tripartite SD involves governments, employers' associations and workers and their organisations. Sometimes the term 'social partners' is used to refer to employers and workers, or it may also include governments or public authorities. In many countries, civil society representatives, mainly from non-governmental organizations, are a part of so-

called tripartite plus SD. Representations from organized interest groups, such as feminist and women's organizations, are of particular importance to influence discussions on gender equality.

SD can occur at a variety of institutional levels: cross-national, national, regional, inter-sectoral (cross-industry), sectoral, and company. The map of SD geographies and institutions is complex and multilayered, and the boundaries between levels and institutions often permeable and blurred. In fact, degrees of institutionalization and informality are also relevant: SD may "take place in a clearly defined forum, possibly set up by legislation or ... happen in ad hoc working groups, or at the edges of negotiation" (EPSU, 2008, p. 15).

Although some forms of SD exist in many regions and countries, SD is most deeply institutionalized in the European Union context. During the last two decades, tripartite commissions and social and economic councils have also been established in most transition countries of Eastern Europe, the Caucasus and Central Asia. Similar institutions have been created in many countries in Africa and Asia. Although some forms of tripartite consultations take place around economic and social issues, there is virtually no SD tradition in North America where employer resistance to union certification and systematic union busting are widespread.

1.3 Social dialogue and gender equality

The International Labour Organisation (ILO) has consistently promoted the idea that social dialogue is "an essential tool for advancing gender equality in the world of work" (ILO, 2009). In its one-year campaign devoted to gender equality in 2009, one of the twelve topics was "Social Dialogue at Work: Voices and choices for women and men". At the International Labour Conference in 2009, tripartite delegations discussing "Gender equality at the heart of decent work" emphasized that social dialogue is fundamentally about equitable participation.

It is through participation that women and men can achieve decent and productive work in conditions of freedom, equity, security and human dignity... The challenges of promoting gender equality through social dialogue are twofold. First, there is the matter of increasing the participation and status of women in the process. Second, there is the challenge of introducing a gender perspective into the content so as to reflect the changing nature of labour markets and patterns in the world of work. (ILO, 2009a, p. 161)

The paper offers an overview of gender issues in social dialogue, and of patterns of representation in social dialogue institutions. The first part of the paper presents some comparative trends on the promotion of gender equality through social dialogue worldwide. It draws on positive initiatives in European Union and the experience of tripartite gender equality commissions in Latin America. The second part of the paper explores vertical obstacles and horizontal segregation which impede women's participation. To address the complex patterns of progress, plateau and backlash, it suggests three directions for developing new approaches for addressing the democratic deficit and moving toward representational democracy: rethinking the glass ceiling; tackling silos and developing strategic portability; and confronting the challenge of quotas.

2. Gender issues and social dialogue

Social dialogue operates at many levels and in different geographies. Gender issues have been taken up in the social partner framework agreements of the European Union, in the sectoral social dialogue arenas via the European Industry Federations (EIF), and at the company level through joint agreements signed via the European Works Councils (EWCs). Gender issues are also relevant in national-level social dialogue institutions in countries outside of Europe, and through global framework agreements (GFAs) and World Works Councils (WWCs).

Although there is considerable permeability across many of these levels and arenas, and many cross over with collective bargaining, the discussion below disaggregates these levels in order to highlight vehicles with potential to address gender equality issues. With the exception of the few studies noted below, there is minimal research on gender in these social dialogue arenas. Yet it is important to mainstream gender into emerging discourse and practices since, undoubtedly, the expansion of social dialogue arenas, especially at the global and transnational levels, offer new vehicles for addressing gender equality.

2.1 Gender equality in national social dialogue

Comparative trends in national social dialogue fora

Breneman-Pennas and Rueda Catry consider social dialogue in national-level institutions in Africa, Asia, Europe and Latin America (but not North America). They found that 47.72% of the institutions reported having mainstreamed gender in the agenda of dialogue (2008, p. 23).

Europe holds the highest percentage of institutions that have placed gender in the agenda of dialogue, with an average of 64.71%. While no significant differences are found in terms of women's participation in Eastern vs. Western European countries, 77% of the Western European institutions, some dating back to the 1940s and 1950s, reported that gender had been in the agenda of dialogue, while this percentage was 50% when it comes to Eastern European countries. The lowest share of gender mainstreaming in the agenda of dialogue, 27.27% can be found in Latin America and the Caribbean.

A study prepared for the *European industrial relations observatory (EIRO)* (Grünell and Schaapman, 2005) identifies some bipartite and tripartite bodies which have addressed equality issues. For example, in Greece, the tripartite Social and Economic Council advises government and the social partners on promoting the principles of equal treatment and anti-discrimination, and encourages dialogue with representative organisations. In Spain, the tripartite Social and Economic Council (Consejo Económico y Social, CES) has dealt with the implementation of equality provisions in collective agreements. Such bodies are usually initiated by governments “to serve as advisory and consultative bodies for its policy and legislation ... rather than to promote and monitor equal opportunity provisions in collective agreements”.²

Some governments have taken legislative initiatives to prompt social dialogue on gender issues. In Italy, equal opportunity advisors (originally set up following a 1991 decree and updated in 2000 with expanded resources and authority) are responsible for promoting female employment and enforcing sex equality law at the workplace. Relevant for the discussion here is the fact that equality advisors sit on national, regional and provincial tripartite committees for the concertation of labour policies and collaborate with

² www.eurofound.europa.eu/eiro/2004/10/study/tn0410101s.htm

regional and provincial labour offices (the local branches of the ministry of labour) to jointly devise effective procedures for the investigation of complaints of violation of gender equality law (Barbera, 2001).

In April 2004, a national inter-sectoral agreement on gender equality and gender balance in workforce composition was signed by France's main employers' organisations and trade union confederations. It covers "narrowing the gender pay gap, preventing maternity leave from adversely affecting women's careers and addressing labour market segregation". The accord aims to provide a framework for lower-level bargaining; however, it does not include any concrete targets or sanctions (Meilland, 2004).

Grünell and Schaapman also find that "joint employer-union bodies specifically addressing the issue of equal opportunities are rare" (2005). However, in Sweden, as a result of the 2004 bargaining round, bipartite working groups were created at the sector level to survey and analyse wage differences between men and women in engineering, the steel and metal sector, the mining sector, and the chemical sectors (ibid). In Finland, there is a tripartite body on equal pay,³ and a bipartite Round Table on Equality on which three trade union confederations and four employer confederations (private, state, local authorities and church) have representatives. The Round Table evaluates collective bargaining from equality and gender perspectives, and highlights new initiatives in collective agreements (recently, paternal leave with full pay for one or two weeks). This body is only consultative: confederations send these recommendations and information to their member organizations.⁴

Tripartite gender commissions in Latin America

Despite its diversity and rapid growth, Latin America, faces similar social and economic difficulties removing gender inequities. Notable changes towards gender issues in public policies are progressively accompanied by demographic shifts in governance, such as women elected heads of State in Argentina, Brazil, Chile and Costa Rica. For instance, Brazilian women executives report progress in equality, as their numbers increase in traditionally male-dominated sectors, such as finance and engineering.⁵

To overcome resistance to gender issues in industrial relations, regional innovative changes have occurred in the field of social dialogue. In 1995, the ILO Training Centre in Turin gathered tripartite delegations from Latin America to discuss employment policies and equal opportunities. This initiative led to the creation of the Tripartite Commission for Equality of Opportunities for Women at Work in Chile in 1995. In Brazil, a Working Group for Elimination of Discrimination in Employment and Occupation was established in 1996. Similar Tripartite Commissions for Equal Opportunities at Work were then created in Uruguay in 1997, and in 1998 in Argentina and Paraguay. All these commissions – called "Tripartitas" by their members – have the same structure: the government represented by the Ministry of Labour and the Women's Council, representatives of trade unions and employers' associations. The ILO has supported the Network of Tripartite Commissions of the South Cone as a sub-regional strategy for exchange of experience and collaboration. As a result, in 2010, new commissions were created in Bolivia and Costa Rica, as well as a preliminary agreement was concluded to create one in the Dominican Republic (CTIOTE, 2011).

Special attention should be paid to significant achievements of the Tripartite Commission for Equal Opportunities at Work in Uruguay, in particular, its successful

³ www.stm.fi/en/gender_equality/equal_pay

⁴ Email correspondence with Tapio Bergholm (30 May 2011), Senior Researcher for Central Organisation of Finnish Trade Unions (*Suomen Ammattiliittojen Keskusjärjestö, SAK*).

⁵ "Gender gap narrows in Brazil", *Financial Times*, 16 February 2011.

legislative initiatives. This tripartite body prepared the 2006 Law on Domestic Workers and the 2009 Law on Sexual Harassment (Espino and Pedetti, 2010). In Brazil, promoting gender and race equality is the emphasis of the Tripartite Commission. The Commission in Argentina has initiated several pilot projects to establish tripartite commissions in some provinces and municipalities. Most tripartite commissions are also involved in elaboration and implementation of the Decent Work Country Programmes and the national plans for gender equality. Recently, a particular focus has been on decent work for domestic workers, and the promotion of work-family balance.⁶

2.2 Social dialogue in the European Union

Many argue that European social dialogue and social partner framework agreements are the most sophisticated and successful.

Social partner framework agreements

To date, the European social partners have concluded a variety of cross-industry framework agreements. Two different procedures exist for their implementation: first, “the European social partners ask the Council to adopt a decision ... In this way, the agreement becomes part of EU law.” Three agreements have been implemented by Council Directive, all of which are specifically significant for women: the parental leave (1996) and revised text in 2008, the part-time work (1997) and fixed-term contracts (1999) agreements. Second, the European social partners can conclude what are called autonomous agreements, “whereby the social partners themselves take responsibility for implementing measures at national, sectoral and enterprise level.” Four autonomous agreements, also significant for women workers, have been negotiated: the telework (2002), the work-related stress (2004), the harassment and violence at work (2007) and inclusive labour markets (2010).

These Directives and autonomous agreements are not specifically identified as part of gender equality dialogue which has been shaped by the “Framework of actions on gender equality”⁷ signed in 2005. This document was concluded by the European social partners – the European Trade Union Confederation (ETUC), BusinessEurope (formerly UNICE), the European Association of Craft, Small and Medium-sized Enterprises (UEAPME) and the European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (CEEP). The joint text highlighted four priorities for the national social partners: to address gender roles, promote women in decision-making, support work-life balance, and tackle the gender pay gap (Eurofound, 2009).

To monitor the implementation of social partner framework agreements at the national level, the national social partners – about 25 European countries each did annual reports on national actions in 2006, 2007 and 2008. In 2009 national evaluation reports spanning all the years were adopted by the European Social Dialogue Committee.⁸ The 2009 report includes case studies which address national level initiatives, and although beyond the scope of this paper, are certainly worthy of some detailed analysis.

In line with the aims of the Framework of actions set up by the European social partners, the European Commission adopted a Roadmap for equality between women and men (2006–2010) which pinpointed six priority areas for EU gender actions: equal economic independence for women and men; reconciliation of private and professional

⁶ “Actividades Tripartitas” on the Web-site of the ILO DWT and Country Office for the South Cone of Latin America.

⁷ www.etuc.org/IMG/pdf/framework_of_actions_gender_equality_010305-2.pdf

⁸ www.etuc.org/IMG/pdf_Final_Evaluation_Report_Framework_of_Actions_on_gender_equality_2009_EN.pdf

life; equal representation in decision-making; eradication of all gender-based violence and trafficking; elimination of gender stereotypes in education, training and culture; and promotion of gender equality outside the EU. The European Union Strategy for equality between women and men for 2010-2015 decided on actions to be undertaken in six priority areas: equal economic independence; equal pay for equal work and work of equal value; equality in decision making; dignity, integrity and an end to gender-based violence; gender equality in external actions; and horizontal issues.⁹

European Works Councils (EWCs) and multinational companies

A 2007 study on 90 joint texts signed in 60 multinational companies via the EWCs found that 44 per cent (34/90) did, in some way, promote equal opportunities. Although only two of these 34 social charters (from Areva and Danone) are specifically devoted to gender equality, all provide declarations against discrimination and unequal behaviour, and some include reference to sexual harassment, professional equality, promotions and advancement opportunities, discrimination in recruiting, and non discrimination in the remuneration: the principle of equal pay for equal work (Monaco, 2007).

In 2006, the Areva management, the European Works Council and the European Metalworkers' Federation signed the European framework agreement on equal opportunities within the Areva Group in Europe. It covers non-discrimination at the recruitment stage, equal access to career promotion for all employees, as well as equal access to pay and training. It also establishes a Women's Forum which includes a hundred women from all areas and positions who will meet twice a year (Monaco, 2007, p. 21). "This innovative agreement is not a mere declaration of intent. It expresses a genuine commitment on the part of the signatories to improve standards of equal opportunities for men and women and for the professional integration of disabled people within all the structures of the Areva Group in Europe" (Monaco, 2007, p. 19).

Sectoral social dialogue and European industry federations (EIFs)

Although no exhaustive search was done of all the EIF websites for this paper, the European Federation of Public Service Unions (EPSU), the largest federation of the ETUC comprising eight million public service workers from over 250 trade unions¹⁰ did a major project on *Trade Unions, Collective Bargaining and Social Dialogue in Local and Regional Government in the EU Member States, EEA and Candidate Countries* in 2008.¹¹ Although 40 per cent of their membership are women, the report does not include any reference to women or to gender, although it does note equality and diversity issues have been addressed in social dialogue arenas in Norway and the UK (17). However EPSU has also taken extensive initiatives on the issue of women's pay and gendered pay gaps. In 2009, EPSU passed a many-pronged resolution calling for action by its affiliates on equal pay, including campaigning and political lobbying, negotiating and educating, and changing union structures to enhance women's representation and highlight equal pay. They have also surveyed their affiliates on successful negotiating interventions around women's pay.¹²

⁹ www.ec.europa.eu/social/main.jsp?langId=en&catId=418

¹⁰ www.epsu.org/r/1

¹¹ www.epsu.org/a/4443

¹² Although the full report is not yet available, here are reported successes: www.epsu.org/IMG/pdf/Equal_Pay_CB_7.12.10_Compatibility_Mode_.pdf

2.3 Gender equality and collective bargaining

This section considers gender in international framework agreements and some of the legislative interventions at the national level to support gender equality bargaining. It is beyond the scope of this paper to consider the many initiatives in bargaining equality at the enterprise level, but it is worth noting that collective bargaining has made significant contributions to improving the conditions of women workers and supporting gender equality in many developed countries. In fact, the advances in collective agreement provisions and in the overall bargaining agenda over the last thirty years demonstrate that collective bargaining can be a flexible, responsive and creative process, one that can offer much support for the equity project, especially when combined with measures to support *equality bargaining* (that is, attention to the bargaining process and the gender of negotiators), and in the context of a strong movement of union women. In Canada, for example, a decades-long struggle on the part of the movement of union women has successfully pressured unions to take up issues of child care, reproductive rights, sexual/racial harassment and violence against women, pay equity, and employment equity among others.¹³

International (global) framework agreements (IFAs)

As transnational corporations dominate world labour markets, international trade union organizations are increasingly seeking to negotiate international framework agreements (IFAs), sometimes called global framework agreements (GFAs) with transnational enterprises (TNEs). IFAs are mainly a European phenomenon, with just eight non-European agreements (IOE, 2007).

A relatively new initiative is establishing World Works Councils modeled on the EWCs (Rüb, 2002). In order to support and facilitate building transnational and internal vehicles for industrial relations, the Council of Global Unions (CGU)¹⁴ was set up in 2007 “to encourage closer co-operation among Global Unions in order to act more effectively at the international level to build a more favourable, enabling environment for organising and collective bargaining.”¹⁵

These negotiated agreements are distinguished from voluntary codes of conduct that corporations were increasingly adopting unilaterally to ostensibly demonstrate their commitment to corporate social responsibility (CSR). While codes of conduct represent unilateral initiatives, the negotiation of IFAs can be seen as the start of collective bargaining at transnational level. Furthermore, most IFAs provide procedures whereby the signatories may jointly develop implementation and monitoring procedures while corporate codes of conduct are implemented and monitored only by the companies themselves.¹⁶

¹³ See for example, Briskin (2006) and special issue on gender and collective bargaining of *Transfer: European Review Of Labour And Research*, Vol. 6, No.2 (2000). Also “The Issues and Guidelines for Gender Equality Bargaining”, Booklet 3 of the ILO’s 2002 study *Promoting Gender Equality: A Resource Kit for Unions from the International Labour Organization* offers a comprehensive list of issues for bargaining equality organized under five categories: ending discrimination and promoting equal opportunities, wages and benefits, family-friendly policies, hours of work, and health and safety. For each issue, there is an explanation, checklists for working with and thinking about the issue, text from relevant ILO documents, and examples from many countries. Available at www.workinfo.com/free/links/gender/cha_0.htm

¹⁴ www.global-unions.org/about-us.html?lang=en

¹⁵ A list of all global agreements are posted on their website www.global-unions.org/framework-agreements.html

¹⁶ www.eurofound.europa.eu/areas/industrialrelations/dictionary/definitions/internationalframeworkagreement.htm

However, there are no legal enforcement mechanisms at the global level. “This means that any enforcement of IFAs provisions relies on the readiness of management to cooperate or on the capacity of trade unions to compel companies to resolve complaints.”¹⁷

Although there are variations in the contents of IFAs, most agreements are based on ILO core labour standards.

The majority of the IFAs refer to Conventions No.87 on the freedom of association and No. 98 on the right to collective bargaining. A number of IFAs also refer to Convention No. 135 on the non-discrimination of workers' representatives. Most of the IFAs explicitly recognise the ILO conventions No. 29 and No.105 on the abolition of forced labour, No. 100 and No. 111 on the prevention of discrimination in employment and equal pay for work of equal value, as well as No. 138 and No.182 on the elimination of child labour. Various agreements go beyond the recognition of the ILO Core Labour Standards in ensuring also decent wages and working conditions as well as a safe and hygienic environment.¹⁸

A key goal of the IFAs is to ensure respect for and adherence to international labour standards and the same obligation is imposed on its subcontractors.¹⁹ These international labour standards are of particular importance to women workers, many of whom work in free trade zones and face troubling working conditions at the bottom of supply chains. The IFAs have potential as an equality vehicle, even without legal enforcement measures.

The reading of some selected IFAs shows that they mainly take the form of general statements. For instance, the IFA between PSA Peugeot Citroën and the International Metalworkers' Federation (IMF) and the European Metalworkers' Federation (EMF) stipulates a commitment to internationally recognized human rights and ILO fundamental conventions, in particular not to “operate any discrimination” and “to provide equal opportunities to all employees”.²⁰ Not only is a gender analysis of these agreements needed, but also further comparative research to examine if IFAs are followed by detailed implementation plans of action to improve gender equality.

Legislative interventions to support collective bargaining on gender equality

Despite gains made through collective bargaining, there is no doubt that legal incentives are often required. Likely the greatest success will come from a multi-pronged strategy. In a comparative analysis of collective bargaining agendas and structures in Austria, Britain, Germany, Sweden and the United States, Cook, Lorwin and Daniels (1992) found that collective bargaining is more effective in situations of strong equity legislation, even in countries with centralized bargaining systems. In Sweden, for example, during the period when centralized bargaining dominated industrial relations, they concluded that “it is not centralization that has benefited women but a social policy that has placed [equality] at the center of national welfare” (p. 105). A major project on equal opportunities and collective bargaining in the countries of the European Union (sponsored by the European Foundation for the Improvement in Living and Working Conditions) emphasized the “importance of the legislative framework for equal opportunities”. It concluded:

¹⁷ Ibid.

¹⁸ Ibid

¹⁹ Concerning the application of IFAs, by October 2008 nearly half of the agreements required that the TNEs inform their subcontractors and suppliers and encourage them to respect the principles laid down in the IFA. Even though 14% of the IFAs contained measures to ensure that suppliers comply with the IFA, only 9% were obligatorily applied to the whole supply chain, with the TNE assuming full responsibility (ibid).

²⁰ www.imfmetal.org/files/10052511431579/Avenant_ACM_5_mai_2010_EN.pdf

A legal framework favourable to equality measures appears to have been necessary, if far from sufficient, to get the social partners to address equality issues in bargaining. Legislation may actually require the social partners to take equality action (or empower or allow them to do so), or – less directly – it may give equality issues prominence. Legislation can symbolise public policy concern for equality and play an agenda-setting role in collective bargaining. The pursuit of equal opportunities through collective bargaining is likely to be aided if legislation enacts positive measures to promote equality, requires specific action by the social partners – procedural or substantive – and provides for the monitoring of results and effective sanctions. (Bleijenbergh, de Bruijn and Dickens, 2001, p. 11)

In fact, some collective agreements simply repeat legal provisions and do not go beyond statutory requirements. This was, for instance, confirmed by findings of a survey on bargaining councils in South Africa. Maternity protection was the main gender issue, followed by paternity leaves and more rarely sexual harassment (Budlender, 2010).

Evidence suggests, then, that an adequate legal framework does play a primary role in encouraging social partners to negotiate on gender equality. Some countries have taken significant initiatives in this direction, for example, the Spanish Organic Law of 2007 on Effective Equality between Women and Men (Valdes Dal-Ré, 2010). Some legislative initiatives have also focused on advancing collective bargaining on gender equality at the enterprise level.

For example, France's 2001 update of its 1983 law on equality in employment obligated employers and unions to negotiate and to report about equality at work. Negotiating equality became compulsory at company level (every year) and at sector level (every three years). Incorporating equality in all other bargaining topics (time, pay and classification, etc.) was also mandated (Silvera et al, 2004). In 2006, a legal obligation was introduced to negotiate on measures to reduce the gender pay gap. In 2010, a new legislative amendment was adopted to oblige all the enterprises with 50 and more employees to put in place a collective agreement or an action plan on gender equality. Collective bargaining must result in concrete objectives and indicators to measure the progress. By 1 January 2012, non-compliant employers will be subject to sanctions, a fine of up to 1 per cent of the total pay bill.

In Australia, under the Equal Opportunity for Women in the Workplace Act 1999, all the companies employing at least 100 employees have to develop and implement specific programs to promote equal opportunities for women in the workplace. The employers must report annually using the detailed guidelines prepared by the Equal Opportunity for Women in the Workplace Agency. Failure by an employer to respect this statutory requirement may result in sanctions, such as exclusion from tenders for public contracts. Moreover, the Federal Government publishes a report to "name and shame" non-compliant enterprises. In China, the law prescribes the negotiation of collective agreements on protection of women workers. In 2008, 557,800 such specific collective agreements were concluded covering 770,000 enterprises and over 40 millions of women workers (Lei, 2009).

Despite the value of such interventions, without legal obligations to report and sanctions for non-compliance, the impact of such laws may be seriously undermined. In Ukraine, there is a legal obligation to insert provisions on gender equality in collective agreements. However, Chepurko (2010, p. 16) notes that "it is practically impossible to assess whether or not this legal provision is being complied with. There is neither State- nor trade union-level reporting on the subject, and practical implementation of this provision is not compulsory".

Undoubtedly, collective bargaining should be more actively used by social partners to promote gender equality in practice. And further research is required, in particular to illuminate the interconnections between equality bargaining and bargaining equality.

3. Representational democracy

WHEREAS, The working woman, equally with the working man, has a right to share in the control of conditions under which she works; be it

RESOLVED, That we hereby call upon the United States Government, the American Federation of Labor, and all of its constituent bodies, to guarantee to women workers adequate representation by women responsible to their organizations on all policy-making councils or bureaus, boards, or committees that deal with conditions of employment or standards of life.

Resolution No. 70, National Women's Trade Union League,
Philadelphia, June 1919 (quoted in Eaton, 1993, p. 171)

The struggle to increase women's representation in leadership and decision-making is a long-standing one. Concerns about women's representation are widespread across many geographies, cultures, institutions, and decades -- even centuries as the above resolution from 1919 suggests. The right of women to participate in decision-making is acknowledged in the Universal Declaration of Human Rights and was recognized in the 1995 Beijing Platform of Action at the Fourth UN Conference on women: "Women's empowerment and their full participation on the basis of equality in all spheres of society, including participation in the decision-making process and access to power, are fundamental for the achievement of equality, development and peace."²¹

In the European Union, the 2005 *Framework of actions on gender equality* signed by the European social partners, highlighted four priorities, one of which was to promote women in decision-making; the 2006-2010 and 2010-2015 *Roadmap for equality between women and men* pinpointed six priority areas for EU gender actions one of which was equal representation in decision-making.²² In March 2010, a Women's Charter was announced by the European Commission with five key areas for action, one of which is equality in decision-making through EU incentive measures.²³

The recognition that under-representation reflects a serious democratic deficit, and undermines both the functioning of institutions and their legitimacy is also widespread. Undoubtedly, participatory forums such as social dialogue institutions depend on what this paper refers to as representational democracy. This part considers women's representation in social dialogue institutions. Overall, very limited data are available, and for many of the multiple arenas and levels at which SD operates, that is, at the multinational, national, inter-sectoral, sectoral, cross-industry, regional and company levels, no data have been collected. Unfortunately, then, patterns of representation at different levels (local, sectoral, cross-industry, national, cross national and international) are not well documented. Furthermore, data on women's representation in relation to age, sexuality, ability, class, ethnicity, citizenship status, and race are virtually non-existent; yet the mainstreaming of intersectional approaches suggests the importance of disaggregating data.

Four general conclusions emerge from the available literature and data: i) women are undeniably and persistently under-represented at all levels and in all arenas of SD; ii) interventions to date have led to progress, but new measures and approaches are needed to push beyond what is clearly a plateau; iii) in contrast to governments/public authorities and trade unions, employers' organizations are consistently the least likely to have women's representation in social dialogue arenas and to take initiatives around gender equality; and

²¹ www.un.org/womenwatch/daw/beijing/platform/decision.htm

²² www.eurofound.europa.eu/areas/industrialrelations/dictionary/definitions/GENDEREQUALITY.htm

²³ ec.europa.eu/commission_2010-2014/president/news/documents/pdf/20100305_1_en.pdf

iv) a commitment to the collection of data on women's representation is necessary for all levels in and in all arenas of SD. On the fourth point, the extensive data on women's participation in parliaments around the world offers a sharp contrast to the paucity of SD data.²⁴

3.1 Women's participation in social dialogue and partner institutions

Social dialogue institutions are delegated bodies with representatives from employers' organizations, trade unions and governments. To assess women's representation in social dialogue means examining to what extent each partner is sending women as delegates to the SD bodies. Further, given mechanisms for appointing SD delegates, women's representation in SD depends on patterns of representation *inside* trade union institutions, governments and employers organizations. It is from these bodies that representatives to SD arenas are likely to be selected.

Gender balance in the International Labour Conference

The International Labour Conference (ILC) is a major global forum which gathers tripartite delegations of 183 ILO member States every year in June in Geneva. The Resolution concerning gender equality at the heart of decent work adopted by the International Labour Conference in 2009 called specifically for improvements in the representation of women in all ILO meetings. Despite a steady increase over past years, the critical mass target of 35 per cent recommended by the ILO Director-General has still not been reached.

The ILO has regularly monitored the representation of women and men in sessions of the ILC. In 2009 and 2010, women represented respectively 28,5 and 28,3 per cent of the total number of delegates. At the ILC session in 2010, the government group had the strongest gender balance with 31,8 per cent of women, followed by the trade unions representatives with 25,9 per cent and the employers group with 19,7 per cent. The North American region had the highest ratio of 59 per cent of women delegates, and the Arab States had the lowest with 13 per cent. The average percentage of women delegates from Europe was 36,3, from Latin America and the Caribbean – 30,9, from Africa – 23,4, and Asia and the Pacific – 21,3 (ILO, 2010a).

At the 100th Session of the ILC in 2011, women represented 27,8 per cent out of 3096 delegates. The four elected officers of the ILC (Chair and Vice-Chairs) were all men. The gender balance by groups was 32 per cent for governments, with almost equal figures of 23,52 for employers and 23,11 for workers. The delegations with more than 50 per cent of women came principally from Europe, North America, the Caribbean and Australia. The average of female participation in the delegations from Latin America was around 32 per cent.

Comparative trends on representation in social dialogue

In one of the very few studies directly on SD representation, Breneman-Pennas and Rueda Catry (2008) examined data on representation in 94 national-level institutions worldwide, except North America. They considered the profile of women's participation in social dialogue institutions as representatives of each of the participating groups: the social partners, the government and other interest groups. As their study demonstrates, women

²⁴ www.ipu.org/wmn-e/world.htm

account for approximately 15 per cent of total members – governments, workers and employers – of social dialogue institutions. Governments show the highest rates of female participation in these bodies (19 per cent), followed by workers’ representatives with about 13 per cent, and employers’ representatives with 10 per cent. Overall, civil society groups have the highest percentage of women’s participation (20 per cent). Noteworthy also is that the proportion of women (26 per cent) of female government representatives from Latin America and Caribbean countries surpasses that of all other areas, including Europe.

Disparate data from national studies confirm similar trends in different parts of the world. In the former Yugoslav Republic of Macedonia, the tripartite National Economic and Social Council created in 2010 was composed exclusively of men. In Ukraine, the National Tripartite Social and Economic Council counts 15,2 per cent of women among its members: six from the governmental side, three representing trade unions and one employer representative (Chepurko, 2010, p. 25). In the National Labour Council of Rwanda, seven out of 20 members are women, thanks to the legally imposed quota of 30 per cent (Rutabagaya, 2010). In Nigeria, there are three women out of seventeen members of the National Labour Advisory Council. In South Africa, the National Economic Development and Labour Council (NEDLAC) has only three women out of eighteen principals, all of whom come from the community constituency (Budlender, 2010).

Women’s representation in the European Union

A major report, and likely the first, on women and European social dialogue published in 1996 by the European Commission mapped the under-representation of women in SD structures. The author concluded, not surprisingly, that women are “seriously under-represented on the various decision-making bodies in the social partner organizations and in social dialogue processes” (Cockburn, 1996).

Women are half of the population of the member states of the European Union and 40 per cent of trade union membership. Yet on the delegations of the social partners they are typically no more than 5-20 per cent. Women seldom have more than half the seats they would if proportionality were observed, and usually a good deal less than half. Women are least well represented on higher status bodies to which delegation is ex officio from leadership positions. They are better represented among secretariat staff or on working groups and sub-committees, to which they are appointed for expertise and competence. It is particularly worrying that women are seriously under-represented in the newly developing fora of sectoral social dialogue and European works councils.

Fifteen years later, the problems and patterns remain, although the figures have improved somewhat. The European Commission examined trends in women’s representation in employers and workers’ organizations at the European level. Data from 2009 on members of the highest decision-making bodies of these organizations show that women are better represented in trade union organizations which have also demonstrated a gradual improvement from 2004.

In 2009, women are better represented in the European level trade union organisations, where they account for more than a fifth of the members of governing bodies, than in the employers’ organisations where men still occupy nearly nine out of every ten positions. The trade unions also have more women at the top with more than a quarter of organisations (28 per cent) having a woman president compared to just 3 per cent of the employers’ organisations. (European Commission, 2010, p. 30).

These data also show a relatively steady increase in trade unions: in 2004, 16.7 per cent of trade unions had women presidents; by 2009 the figure has risen to 27.8 per cent.²⁵

²⁵ On trade union leadership, there are some detailed studies at the country level, particularly by the TUC (UK) in its biannual equality audits (see for example TUC, 2007)). The ETUC does a yearly update (see ETUC, 2010). In the USA in 2009, the AFL-CIO passed a historic motion on building a diverse and democratic labor movement

The comparative figures for employers' organisation show a decline from 5.7 to 3.4 per cent, although as the table below demonstrates, employers' organisations have performed better on the proportion of women on governing bodies where the figures rose from 7.7 to 11.7 per cent.

The proportion of women among presidents of trade union organisations (European level only)	2004	2007	2009
Average of European trade union organisations	16.7%	18.8%	27.8%
The proportion of women among members of governing bodies of trade union organisations (European level only)			
Average of European trade union organisations	19.8%	23.3%	22.7%
The proportion of women among presidents of employers' organisations (European level only)			
Average of European employers' organisations	5.7%	1.9%	3.4%
The proportion of women among members of governing bodies of employers' organisations (European level only)			
Average of European employers' organisations	7.7%	8.0%	11.7%

Source: European Commission, 2010, p. 31.

A 2008 European Commission report also noted that “three of the trade union organisations have more than 40 per cent women in decision-making positions ... On the other hand, 18 of the employers' organisations (or 35 per cent of the total) have no women at all in their highest decision-making body” (European Commission, 2008, p. 41). At the same time, trade unions have not been exemplary in sending women as delegates to SD arenas, and in contrast to excellent data available for the unions at many national, regional and European levels, the data on SD bodies is paltry.

Some ETUC data are available on trade union women's participation in European Industry Federations (EIFs) and European Works Councils (EWCs) (Sechi, 2007). The pattern of under-representation is evident in both. Nine EIFs took part in the survey, seven of which indicated that they have adopted specific policies to increase the presence of women in EIF decision-making bodies. Despite such policies, the average representation of female delegates in Executive Committees was 24 per cent (with a range of 3.5 to 40 per cent), and 28 per cent on EIF steering committees, the same as in 2002. Two out of nine presidents are women. In some cases these numbers have improved since the last survey in 2002, and in other cases declined.

The same report looked at women's representation on European Works Councils (EWCs) and also found low representation and limited data: “None of the interviewed EIFs monitor the composition of their EWCs ... Most of them stressed the lack of human resources at their disposal to deal with this specific task. Consequently, there are no reliable data on the number of members sitting in these transnational fora, nor about the

including a requirement for documentation. “Annual reports should be made to the AFL-CIO regarding the ethnicity/race, age and gender demographics of officers, staff and executive boards and on the affiliation of constituency groups.” For the full resolutions, see www.aflcio.org/aboutus/thisistheafclcio/convention/2009/upload/res_7amend2.pdf

In Canada, data on union membership in Canada, including the gender breakdown of membership and leadership used to be collected under the auspices of the Corporations and Labour Unions Act (CALURA) until 1995 when the Act was repealed. At the present time, no systematic overall data are available on women in trade union leadership although some unions do collect data on their own leadership profiles. At the time of writing, the Canadian Labour Congress (CLC) is developing a questionnaire modeled on the TUC Equality Audits.

proportion of female EWCs representatives” (Sechi, 2007, p. 53).²⁶ The ETUC report concludes that:

Assessing the degree of ‘representativeness’ of trade union decision-making bodies is not an easy exercise, given the few statistics available for women members and the fact that often the proportion of women in these bodies, or in the general EIF membership is only estimated. However, on the basis of the rough figures provided and opinions gathered, EIFs decision-making bodies are still not representative of their female affiliates. More efforts should be jointly made by Industry Federations at all levels: national, European and international. (Sechi, 2007, p. 50)

It is clear that increasing representation inside trade union structures is not translating into these social dialogue arenas. The lack of more deeply embedded representational democracy in SD institutions such as EIFs and EWCs is particularly troubling given the changing gender profile of union membership. Not only has restructuring led to declining union densities in most countries, but also to significant shifts in the sectoral, age and gender balance in union membership. For example, the European Industrial Relations Observatory (EIRO) reported in 2006 that “the proportion of female union members has now surpassed that of male union members in a number of EU Member State.”²⁷ A March 2010 ETUC report pointed to the “gradual increase in female trade union membership since 2006”. In fact, eight ETUC affiliated-confederations reported more female than male members (EAKL-Estonia, LBAS, LDF, LPSK/LTUC Lithuania, YS-Norway, TCO-Sweden, UNIO-Norway, STTK-Finland), and twenty national confederations have a gender-balanced membership (comprising between 45 and 51 per cent).²⁸ In Canada, by 2002, women were half of the more than four million Canadian union members and since 2004, the unionization rate for women has been slightly higher than for men (“Unionization”, 2009). A research project done under the auspices of the European Commission concluded:

All studies emphasize persisting discrepancy between rates of unionisation of women and their participation in union leadership bodies. No country escapes this observation – even in unions where the rate of women’s unionisation is higher than that of men, women are under-represented in the leadership. (Silvera et al, 2004, p. 6)

3.2 Persistence of vertical obstacles and horizontal segregation

Over the last two decades, scholars have identified barriers which prevent women from taking up leadership positions. Regardless of institutional context, an extensive literature highlights a familiar list of impediments to women advancing in leadership. For example,

²⁶ A report by Waddington (2005: 1) on 400 EWC representatives from 24 countries reported that 83.7% of delegates were men. A 2005 Eurofound study also concluded that “the under-representation, and in many cases non-representation, of women in EWCs is striking, even in long-established and well functioning EWCs like Volkswagen”. Furthermore, “although there were clear questions regarding both the gender composition of the workforce and the gender composition of the EWC in the questionnaire, answers were forthcoming in only half the cases”. In fact, “of the 23 case studies for which any data on the gender composition of the workforce and/or the EWC committee were provided, only four case studies (**Amersham, Boehringer Ingelheim, Generali, SKF**) reflect the gender composition of the workforce in the representation of women in the EWC. **Boehringer Ingelheim** is the only case study where the EWC is chaired by a woman. In the case of **Whirlpool**, men and women are equally represented on the management team while all the employee representative members of the EWC are male. Seven EWCs do not have any female members” (Weiler, 2005, p. 18).

²⁷ See European Industrial Relations Observatory (EIRO), a monitoring instrument offering news and analysis on European industrial relations. www.eurofound.europa.eu/eiro/about_index.htm and www.eurofound.europa.eu/eiro/2006/03/articles/eu0603029i.htm

²⁸ www.etuc.org/IMG/pdf_8_March10_analysis_FINAL_EN-2.pdf

the comprehensive 1995 report on national trade union confederations from thirty-one countries “Women and Decision Making in Trade Unions” prepared by Braithwaite and Byrne for the European Trade Union Confederation (ETUC) identified four major barriers: family responsibilities; job segregation; masculine union cultures, and traditional stereotypes (see also AFL, 2004 and Ciaizza, 2007). Although each set of barriers requires a unique set of strategies, these barriers are also woven together in a complex and surprisingly tight tapestry, which in turn helps to explain the difficulties in pushing beyond the current plateau in women’s representation.

Specific research on barriers faced by women in collective bargaining and social dialogue is limited; however, the widely-identified obstacles identified above are also relevant to both CB and SD arenas. For example, the 2010 ETUC survey on gender equality asked union confederations to list the three main factors “that limit the presence of women in collective bargaining units.” The majority of respondents (60 per cent) “affirmed that it is the lack of time of female trade unionists (due to unequal sharing of family responsibilities) that is the barrier to their participation in collective bargaining.” The survey also found that 40 per cent of confederations identified “discouragement or hostile reactions from male colleagues and how bargaining meetings are organised” as a key factor. Since such barriers were identified in a coherent way more than fifteen years ago, initiatives have certainly been taken in some areas, but undoubtedly not enough has changed.

It is beyond the scope of this paper to address these barriers in any detail or strategies to address them; however, the following discussion will focus on two particular patterns which have significant impacts on women’s participation in SD – vertical obstacles and horizontal segregation – both undoubtedly about power, and both also requiring specific strategic interventions.

Vertical obstacles

Australian researcher Barbara Pocock’s 1995 comment continues to hold true today: “Women’s share of positions falls in direct inverse relationship to the position’s level of power” (Pocock, 1995, p. 15). Identified in many reports, and for all jurisdictions is what the ETUC aptly called ‘women’s pyramid of exclusion’ (ETUC, 2003, p. 27). As one moves up through the ranks of union structures, employers’ organizations and governments, one finds fewer women. In her discussion of union women’s participation in European SD institutions, Cockburn comments: “The gender democracy deficit in unions is magnified in the European social partner organizations. A post or seat at European level is frequently filled by an individual by virtue of a post or seat held in an affiliated confederation or union. This refers not only to leadership posts but also to membership of ‘important’ union committees” (Cockburn, 1996, p. 61). And further, “How does anyone (man or woman) get delegated to the ETUC and its European Industry Federations? The answer is that people are sent mainly *ex officio* — that is to say they fill a role in Europe because of a role they fill in their own country... It is not surprising if the failure to get proper representation for women at branch and regional level is amplified at national and international level, for the competition for seats intensifies with elevation” (Cockburn, 1997, p. 461).

This process of magnifying and multiplying problems with representation as one moves up institutional ladders and from national to regional to international bodies highlights the need to focus attention on the source institutions which send delegates to SD institutions. Although the record of unions has improved, women’s under-representation in two of the key SD structures – EWCs and EIFs – is deeply problematic, as demonstrated above. Weiler (2004, p. 18) confirms Cockburn’s point: “The reasons given for the absence or significant under-representation of women in EWCs were predominantly the national procedure of election or appointment of EWC members, and the fact that women do not hold key positions in company employee bodies at national level or trade union

organisations.” In their discussion of the procedures to appoint representatives to SD institutions across many continents, Breneman-Pennas and Rueda Catry (2008, p. 18) come to the same conclusion:

There is a close link in women participants in social dialogue institutions and women in leadership position in the workers and the employers’ organizations and the government. An increase in women leadership is therefore likely to have an effect on the participation of women in social dialogue institutions.

Horizontal segregation

In their 1995 study of European unions for the ETUC, Braithwaite and Byrne found women concentrated “in certain committees and departments: women’s, social policy, training, and health and safety. Conversely, women are rare as committee members and department officials in the significant areas of economic and wages policy, collective bargaining and finance”(52). They call for “desegregation” to achieve a better representation of women across areas and conclude that this goal is “just as important an objective as increasing the overall proportions of women in decision-making” (ibid).

The problem of horizontal segregation crosses many jurisdictions and arenas. More recent data confirm that this continues to be a problem in unions. A 2004 study (Silvera et al , 2004:, p. 6) noted: “Even if about a third of union ‘departments’ are headed by women, in most cases the departments concerned are either ‘devoted to women’ or concern ‘soft’ activities (social affairs, youth, health or working conditions) and more rarely, legal or economic activities.” The ETUC 2010 update found “women are generally in charge of the International/European, Equality/Women, Training/Education departments, while men more commonly lead departments dealing with economic issues, trade union action (such as organising and recruitment) and legal affairs.” However, the update did find a balance between women and men managing policy departments in the area of: Health and Safety, Collective Bargaining/Social Dialogue Environment/Sustainable Development, Social Policy, Employment, Press & Communication, Finance & Administration (p. 6).

In trade unions, collective bargaining may well be the area most in need of desegregation, not only because of the limited participation of women and members of other equity-seeking groups, but also because “the unions’ collective bargaining structures and the persons who participate in negotiations ... emerge as the source and seat of internal union power,” a comment made in 1992 which remains true today (Cook, Lorwin and Daniels, 1992, p. 80). In a 1993 survey of many Canadian unions, White concluded, “Bargaining committees are especially important, and in my interviews with unions it was stressed repeatedly that this was the route both to higher elected positions, and into many of the staff positions. Negotiating experience is often considered essential. As one person put it: ‘The key to all the structural things are the bargaining committees. That’s where people develop authority and credibility in the union’” (p. 112). Through a review of sectoral collective agreements in India, Sankaran and Madhav (2010) similarly concluded that women’s presence within the negotiation teams was an important issue.

Horizontal segregation is evident in other arenas. For example, a recent European Commission report “More Women in Senior Positions” (2010, p. 56) identifies the enduring trend which limits women ministers to certain government portfolios and “a persistent gender bias in the allocation of ministers ... Data collected from 2004 onwards confirm that women ministers tend to be given the so-called ‘soft’, socio-cultural, portfolios and that the disparity seems to be widening. [I]n October 2009, women hold approaching 43 per cent of socio-cultural positions compared to 26 per cent of all ministerial posts and are particularly under-represented in positions with basic and economic functions.” There is no doubt that horizontal segregation is part of a larger pattern of “institutional separation of economic and social policy, and a concomitant hierarchy amongst Ministries within a Government. If Ministries of Labour are often weak and under-resourced, Ministries of Gender and Women’s Affairs or Social Welfare are

often even more marginalised and have little influence over national policy agendas” (ILO, 2009b, p. 22).

The call to desegregate has also been widespread. For example, the Beijing Platform for Action encourages “efforts by trade unions to achieve equality between women and men in their ranks, including equal participation in their decision-making bodies and in negotiations in all areas and at all levels” (paragraph 192 d, p. 113) (quoted in Lim, Ameratunga and Whelton, 2002). And it does appear that some progress has been made, and yet some patterns remain resistant to change.

3.3 Progress, plateau or backlash

Undoubtedly, the lack of gender representativeness at lower levels and in less powerful portfolios and committees has a domino effect on patterns of representation in SD and speaks to the hierarchical structures of representation which currently exist. Both vertical obstacles and horizontal segregation are widespread and are intimately connected, each supporting the other in producing and reproducing women’s under-representation.

Examining the data on women’s representation in SD institutions, and the institutions of the social partners suggests a complex pattern of progress, plateau and backlash. Given the apparent commitment to addressing the lack of representational democracy, and the number and kinds of interventions, the current figures are particularly discouraging. Certainly there are sufficient data to confirm that progress has been made in the last decades, yet it appears that the numbers are stagnant and a certain plateau has been reached which current strategies have not been able to budge.

Further, some anecdotal evidence suggests that not only is the rate of change slowing but perhaps a degree of backlash against representational initiatives is setting in. In Europe, a 2010 European commission report on women in senior positions notes the rate of change is slowing (p. 52). A 2008 survey of UK’s ten largest unions found that “progress towards women becoming fully represented throughout union structures is low and patchy. In fact, at national executive level, the situation has worsened, with women’s representation actually falling and some unions also reporting a drop in representation among national and regional officials” (“Women’s union profile...”, p. 10). The ETUC update for March 2010 on women’s representation concluded:

In terms of trade union leadership, the presence of women remains very limited with almost no progress with respect to past years. The number of women presidents (4 out of 42) has worsened since last year when 6 Presidents were recorded. As for the number of women who are General Secretary (8 out of 39) no significant changes have to be observed with respect of last year survey, when 7 female General Secretaries were reported in total. The survey shows that the level of female representation in ETUC affiliates’ decision making bodies is lagging behind. This is the main rule, with some exceptions in the Nordic unions. Only a limited number of organisations have a number of female delegates in their General Council which reflects or is close to their trade union female membership. The same situation is observed in the composition of trade unions’ Executive and Steering Committees. The situation seems to be more critical in some Southern and Central Eastern Europe confederations where a percentage comprised between 0 – 10 per cent of women seating in decision making bodies has been registered.

Although there is limited systematic documentation in Canada and the US, recent US scholarship speaks to the low numbers (Kaminska and Yakura, 2008). Sue Genge from the Canadian Labour Congress (CLC) comments about women in leadership positions, particularly at the national level: “People are worried that we’re starting to slide backwards” (quoted in Shanahan, 2006, p. 30).

Cockburn’s comments on her 1996 study for the European Union *Women and the European Social Dialogue* are sadly prescient:

[T]here are difficulties in moving on from the ‘plateau’ achieved by the first phase of positive action – shifting beyond that 20 per cent of women ... [I]t will be no surprise to see, even where there is

acknowledgment of the justice of 'equality', improving the representation of women and women's interests is not on the agenda (24) ... What is more, once a few gains are won by women this is often used to de-legitimize further action. Demands for positive action come to sound extremist long before equality is achieved. Thus women may climb from zero to perhaps 50 per cent of their rightful proportion on decision-making bodies – beyond which calls for full proportionality are felt to be out of order. The stage currently reached in some trade unions, national and international confederations, after a number of years of positive action, is thus a difficult one for women. It is a kind of plateau far short of equality from which it is particularly hard to make further advances. (p. 62)

To date, it is clear that the many interventions to address democratic deficits have not been adequate to the task. This paper suggests three directions for developing new approaches for addressing such deficits and moving toward representational democracy: rethinking the 'glass ceiling'; tackling silos and developing strategic portability; and confronting the challenge of quotas. It is beyond the scope of this paper to discuss these interventions in any great detail, but here is a brief commentary.

Rethinking the 'glass ceiling'

In the foreword to the 2008 European Commission report *Women and men in decision-making*, Vladimir Spidla notes that "women are still under-represented in all spheres of power in most Member States and in the EU Institutions." He concludes that "we must break the glass ceiling once and for all" (p. 3). The widely-used metaphor of the glass ceiling suggests an "invisible barrier that prevents many women and minorities from advancing into senior ... positions within organizations" (Murrell and Hayes James, quoted in Bendl and Schmidt, 2010, p. 612).

However, researchers are now calling for new metaphors which more fully reflect the complexity of both discrimination and resistance: "It is time for new metaphors to capture the subtle, systemic forms of discrimination that still linger. It's not the ceiling that's holding women back; it's the whole structure of the organizations in which we work: the foundation, the beams, the walls, the very air. The barriers to advancement are not just above women, they are all around them" (Meyerson and Fletcher, quoted in Bendl and Schmidt, 2010, p. 613).

Bendl and Schmidt (2010, p. 623) argue for the metaphor of the firewall which is a technical term in computer science "for preventing outsiders from entering the system." The firewall protects "'a virtual intangible space from inside' and denies access to the outsiders, whom the insiders regard as not belonging to the system." The metaphor of the firewall "portrays discrimination as complex, fluid, incoherent and heterogeneous" and highlights "elasticity and permeability". Furthermore, in contrast to the glass ceiling, the firewall "represents invisible boundaries that can be changed quickly by altering the codes of the firewall. However, as a consequence of this flexibility of the system, the codes and the boundaries remain quite obscure for those who are outside the system"(p. 627). This new way of thinking about the resistances and blocks to women's leadership may help to identify the complexity of discrimination and resistance, and support strategizing around the persistent reproduction of discrimination. Firewalls offer a tool "to identify catalysts and sources of discrimination and strategies for addressing or solving them" (p. 629).

Tackling silos and developing strategic portability

It is clear that the increase in women's representation inside trade union structures is not translating into the social dialogue arenas. Such an impasse is particularly discouraging given extensive and illuminating research about, and union interventions to tackle this democratic deficit. These have addressed barriers which prevent women from taking up

leadership positions (see for example, Braithwaite and Byrne, 1995; AFL, 2004; Caiazza, 2007); vehicles to support prospective women leaders, such as women only education and mentoring programs (see for example, the Anna Stewart Memorial Project in Australia²⁹ and the Starlet Programme in Denmark [Hansen 2004]); Greene and Kirton (2002); career paths and progression through the ranks (see for example, Kirton, 2006; Kaminski and Yakura, 2008;); women's leadership styles (see for example, Briskin, 2006a); and structural strategies to increase women's representation in leadership such as designated seats, fair and proportional representation (see for example, Healy and Kirton, 2000; McBride, 2001; Trades Union Congress, 2007; Sechi, 2007).

Rather than continuing to focus on under-representation itself, perhaps it is timely to examine how to move interventions across silos, a form of mainstreaming of representational strategies. There is certainly lack of precedents and no research to guide this process. A revealing finding in Breneman-Pennas and Rueda Catry's 2008 study is that only 29 per cent of these institutions reported policy competence in gender affairs, compared to, for example, 83 per cent in the area of employment policy (p. 6). Vehicles for the sharing of policy competence within and across countries need to be more fully addressed.

Strategic portability speaks to increasing vertical and horizontal co-ordination inside institutions; cross-institutional co-ordination; cross-sectoral co-ordination; and co-ordination with civil society organisations. Although there is a recognition of the importance of strategic planning and interventions at various levels, geographies and institutions, little research considers how to operationalize mainstreaming across levels and arenas. How portable are strategies across levels, geographies and institutions? So for example, why aren't the EWCs and EIFs adopting measures which have been successful at the union confederation level? Beyond the obvious benefits of sharing expertise and best practices, what is the impact of initiatives at one level on other arenas? What mechanisms would provide leverage to develop cross-silo initiatives, and to pro-actively use reciprocal pressures? What structures and new forms of governance are needed to facilitate such co-ordination?

Confronting the challenge of quotas

Much of what has been written about quotas has been negative. Yet evidence is indisputable that quotas work. One has only to look at the impact of quotas on the representation of women in parliaments around the world.³⁰

Defined as a mandatory percentage of women candidates for public elections, quotas are seen to have been an effective tool to increase women's access to decision-making. Sixteen of the twenty countries that have reached the target of 30 per cent women in national legislatures use some type of quota. (Mazur, 2006, p. 5)

It is also instructive to track the impact of quota rules on the gender demographics of corporate boards. Although many countries are still working with voluntary measures,³¹ Norway's decision to institute such quotas after voluntary measures did not work is now being followed by other countries. For example, in January 2011, France set quotas for women on large company boards.³² And for the Davos meeting in January 2011, organizers insisted that "the meeting's 'strategic partners' – global sponsors that include Google Inc.,

²⁹ www.vthc.org.au/your-rights-at-work/vthc-womens-officer/anna-stewart-memorial-project/index.cfm

³⁰ www.quotaproject.org/index.cfm

³¹ A major UK report on the topic was released in February 2011. www.bis.gov.uk/assets/biscore/business-law/docs/w/11-745-women-on-boards.pdf

³² www.reuters.com/article/2011/01/13/us-france-equality-idUSTRE70C5ZA20110113

Goldman Sachs Group Inc. and Bombardier Inc. ... send at least one woman in every group of five senior executives” (Agrell, 2011). And unlike the absence of data for many social dialogue arenas, there is considerable tracking for the corporate world, for example, the 2010 report on the *Corporate Gender Gap Report* prepared by the World Economic Forum (Zahidi and Ibarra). Also for many decades, trade unions have used a variety of quota-like measures: places reserved for women with voting rights in decision-making bodies; setting up rules ensuring a quota of seats reserved for women at elections; and double candidatures.

It is more than timely to consider the use of quotas in social dialogue arenas. As Spidla noted, women’s under-representation is “a major challenge for our democracies. If we believe in the values of democracy based on the representation and participation of citizens, then we cannot leave half of the population outside the structures of power ... As progress in this field has been too slow, a more strategic action involving all stakeholders is needed to improve the situation” (European Commission, 2008, p. 3).

Conclusions

Undoubtedly tripartite social dialogue and collective bargaining have great potential as vehicles for promoting gender equality. This paper has addressed two areas of concern: participation and representation, on the one hand, and promoting gender equality, on the other. A central argument is that advancement in these two areas is inextricably linked; however, the nature of this connection needs further investigation.

Women are undeniably and persistently under-represented at all levels and in all arenas of social dialogue, which is undoubtedly related to their under-representation within government units, trade unions and employers’ organizations. And it may be that this under-representation explains the scarcity of meaningful discussion and initiatives on gender equality issues in the social dialogue fora. However, further research is needed to confirm the degree to which increasing the participation of women in leadership, that is, addressing representational democracy, can ensure representational justice, that is, the representation of women’s interests. It is clearly an important first step. However, unproblematically assuming such a causal link may limit the capacity to envision the social transformations which are required to ensure gender equality.

Despite efforts deployed in many countries worldwide, progress seems limited and new measures and approaches are needed to move beyond what is clearly a representational plateau. The collection of statistics on women’s representation on a systematic basis is a minimal requirement. Comparative research will also highlight best practices and provide guidance for developing new policy initiatives and innovative mechanisms for implementation.

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