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Rapid Assessment on Raising Awareness on Women Workers' and their Rights in Zambia

Charlotte Wonani

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International Labour Organization
Lusaka, Zambia

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LIST OF ACRONYMS

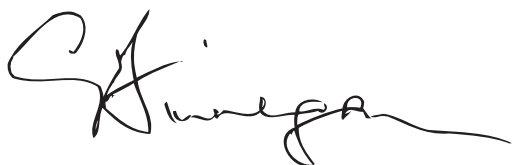
AIDS	Acquired Immune Deficiency Syndrome
ART	Anti-retroviral Treatment
COMESA	Common Market for Eastern and Southern Africa
FES	Fredrich Ebert Stiftung
FNDP	Fifth National Development Plan
HIV	Human Immune Virus
IEC	Information, Education and Communications
ILO	International Labour Organization
LASF	Local Authority Superannuation Fund
MLSS	Ministry of Labour and Social Security
NAPSA	National Pension Scheme Authority
NGO	Non-governmental Organisation
NGP	National Gender Policy
PSPF	Public Service Pension Fund
VCT	Voluntary Counselling and Testing
WWR	Women Workers' Rights
Z-DWCP	Zambia Decent Work Country Programme

FOREWORD

The ILO's global Decent Work Agenda has four core pillars: Rights and Work; Employment and Enterprise Development; Social Protection and Social Dialogue. In emphasizing the attention that the ILO gives to gender equality in the Decent Work Agenda, in June 2009 the International Labour Conference held a Special Discussion on "Gender Equality at the Heart of Decent Work", with a dedicated campaign in the 12-months prior to June 2009. In this connection, in 2009 the ILO Lusaka Office at the request of the Zambian trade Union movement attracted the valuable support of Irish Aid to give a special momentum to issues relating to the rights of women workers in Zambia. The first thing to be done was to carry out a rapid assessment on the status of women workers' rights in Zambia, and the findings of the rapid assessment informed further supportive actions by both the ILO and the trade union movement in Zambia, such as the development of a training manual on Women Workers' Rights (WWR). This work received the support from the Irish Aid to the ILO in Zambia, and the ILO remains grateful to the Government of Ireland for this valuable and timely contribution, which should contribute to the implementation of Irish Aid's Global Gender Policy. It is hoped that the outputs from the Women Workers' Rights project will contribute to related ILO in countries such as Angola, Mozambique as well as elsewhere, particularly in the Africa region.

Oftentimes, the plight and the rights of women workers get overlooked in the broader movement towards gender equality. As "workers" they are perhaps not seen as the poorest of the poor, and they tend to be neglected when it comes to supporting poor and disadvantaged women. This is not true, as in a country like Zambia more than 80 per cent of workers are in the informal economy, and women make up the majority of these vulnerable and poorly protected workers. Therefore, ILO's support for women workers and their rights goes right to the heart of the nation's efforts at poverty reduction and gender equality, and in particular MDGs 1 and 3. However, much more is needed to make these rights well known, accepted and acknowledged, and enforced at the level of Zambian workplaces.

Special thanks go to the ZCTU and FFTUZ for partnering with the ILO in this initiative. In addition, Ms Merebi Mushibwe provided leadership for the national WWR project. The report itself was produced by Ms Charlotte Wonani, who put together an impressive rapid assessment within a relative short time-frame, and the ILO Lusaka Office is grateful to her for her time, effort and dedication throughout.



Gerry Finnegan

ILO Director/Representative - Malawi, Mozambique & Zambia
April 2010

Quotable Quotes

'We are scared to get pregnant because we may not have our contracts renewed. This is threatening our marriages'. (Respondent commenting on maternity benefits in the private sector)

'Pregnant women are seen as a liability to the organization'. (Respondent commenting on maternity benefits in the private sector)

'I used to work for a lodge which offered good conditions of service, but the moment I got pregnant my contract was terminated'. (Respondent commenting on maternity benefits in the hospitality industry)

'We are afraid to claim our rights for fear of victimisation. If I challenge management, the chances of my contract being renewed are slim. There is a high level of insecurity'. (Respondent commenting on conditions and benefits of employment)

'There is nothing I like about my work. Conditions are bad. We start working at 06 hours and finish at 17 hours. Management is more concerned about what time we report and not about our long working hours. If you work longer than expected we are not paid overtime'. (Respondent commenting on conditions and benefits of employment)

'If our guests take things from the room or if they break things we pay for the loss and damages. Even when they take a coat hanger or towel you have to pay. Although we are entitled to the service charge, it is not paid monthly. We are told that service charge is only paid when we have workshops' so if there are no workshops we lose out. What happens to the service charge that is collected from the guest rooms and the restaurant?? We don't know our rights so we can't question management'. (Respondent commenting on conditions and benefits of employment in the hospitality industry)

'I was planning to leave my job due to bad conditions, but because of the global crisis, it is not easy to get jobs in the hospitality industry so I just have to stay on. If you were to give me a job right away I would leave'.

'We don't even know what sexual harassment is as an institution and as individuals. Besides what if it is your boss who is sexually harassing you, what are you supposed to do? Although the code of conduct stipulates the grievance procedure, sometimes it is difficult to pursue it in the case of sexual harassment. Most of the people that sit on these panels are men and would want to protect their fellow men. In addition how do you report the chief executive if he is the one harassing you?')Respondent commenting on sexual harassment)

'Women don't participate in union work because management intimidates them. People and husbands see unionism as an avenue for prostitution and for women pursuing men'. (Respondent commenting on participation of women in trade union activities)

EXECUTIVE SUMMARY

In line with the ILO Declaration on Social Justice for a Fair Globalization (2008), the ILO's Irish Aid-funded project on Women Workers' Rights (WWR) concentrates on supporting and assisting efforts by Zambia to make progress on a tripartite basis towards the Zambia Decent Work Country Programme (Z-DWCP) objectives, in particular creating greater opportunities for women to secure decent employment and income. This project will help to identify and meet funding gaps in key elements of the Z-DWCP, with particular reference to the role of women in the world of work. In line with the objectives of the Zambia DWCP, this project also works to integrate gender equality and non-discrimination as cross-cutting issues in all of the ILO's programmes, projects and activities at the country level in Zambia.

In setting the project in motion, the International Labour Organization engaged a consultant to carry out a Rapid Assessment on the knowledge and awareness on women's workers rights in both the formal and informal sectors of the economy. The objectives of this assessment were as follows:

Objectives of the Study

- I. To establish baseline information on the extent to which women as workers have sufficient and equal access to and information regarding their rights, entitlements, responsibilities and support mechanisms with respect to entering the Zambian labour market and progressing to achieving decent work in all its aspects.
- II. Identify and review any support mechanisms targeting women entering and progressing in the labour market
- III. To propose a more supportive environment within which the tripartite constituents could play an effective role in promoting and protecting Women Workers' Rights and making gender equality a reality in their policies and operations.

Theoretical Framework for Situating Women Workers' Rights

The ILO adopted the Declaration on Fundamental Principles and Rights at Work in 1998, which committed government, employer, and worker constituents to achieving universal workers' rights. Furthermore, as part of the Organization's dedication to gender equality, the International Labour Conference held a Special Discussion on the theme of "Gender Equality at the Heart of Decent Work" at its Session in June 2009. As a build-up to this discussion,

Women's rights have also been reframed as human rights in parallel with the civil rights movement, the women's movement, and the disability rights movement, all of which have played important roles in expanding our notion of social rights and justice. Coupling the struggle for equity rights with the struggle for collective labour rights, and resolving the tension between these struggles will open the way for a more radical approach to the question of workers' rights in the global economy (Clawson, 2003).

The ILO considers it extremely important to increase knowledge of the legal aspects of gender equality in the world of work. While legal instruments for promoting gender equality and protecting Women Workers' Rights are steadily expanding in number and being improved at both national and international level, there is still a gap between the rights set out in national and international standards and their implementation in real situations. Even the best legal provisions cannot be of much use if they not

known and not put in practice. People need knowledge about legal rights and the machinery to enforce them if they are to combat discrimination and fight for a fair balance of opportunity, treatment, pay and representation between men and women in all areas of paid and unpaid employment and in work-related decision-making. However, many workers around the world are only hazily aware or even unaware of their rights, and this is perhaps the greatest obstacle to their exercising those rights.

According to the ILO, there are four core pillars to Gender Equality, and these pillars provide a useful starting point for considering issues relating to women workers and their rights. They are: (1) Equal Opportunity and Non-Discrimination; (2) Equal Remuneration; (3) Maternity Protection, and (4) Workers with Family Responsibilities. These are underpinned and supported by the respective International Labour Conventions and accompanying Recommendations: the Discrimination (Employment and Occupation) Convention, 1958 (No.111); the Equal Remuneration Convention, 1951 (No.100); the Workers with Family Responsibilities Convention, 1981 (No.156), and the Maternity Protection Convention, 2000 (No.183). (See Annex 2 for a succinct summary of the four Conventions.)

The ILO's ABC of Women Workers' Rights and Gender Equality, clarifies definitions and understanding around these four pillars, particularly as they impact and are impacted on by the world of work.

It is women in particular who need social rights and protection as they have remained, despite their growing role as income earners, among the most vulnerable. Their access to the labour markets in general and to decent jobs in particular is still limited by the prevalence of multiple discrimination in education, family, politics, culture and religion in many places. They have much to gain from decent employment, social rights, social protection and social dialogue as they continue to raise children and care for the elderly and the infirm. Women are among the first to lose their jobs or continue working in precarious conditions. To reduce those and numerous other imbalances, we need more dialogue and participatory approaches. We need to reach consensus in our societies about the direction we want to take, and how much social stability and justice we want. Trade unions, women's organizations and civil society organizations (like the Friedrich Ebert Stiftung-FES) have, alongside the ILO with its tripartite structure, a crucial role to play.

METHODOLOGY AND TOOLS

Study Sites

The study was conducted in four provinces, namely, Lusaka, Copperbelt, Southern and Central Provinces. In each province, one district was selected as sites for in-depth analysis. The districts included, Lusaka (Lusaka Province), Kitwe (Copperbelt Province) and Kabwe (Central Province) and Livingstone (Southern). These provinces and accompanying districts were selected on the following basis:

A total of 102 respondents were interviewed. These included key informants as well as participants in the focused group discussions. Key informant interviews were held in all the sites. Two workshops were held in Lusaka and Kitwe. Focused Group Discussions were held in Lusaka, Kabwe and Livingstone.

Both primary and secondary data was collected during the rapid assessment. The study was focused on collecting qualitative data only.

Sampling methods

Public sector organizations, private sector institutions, informal sector enterprises, (local and international) were sampled using purposive sampling in the formal sector and random sampling in the informal sector.

Tools Used

Semi-structured questionnaires were administered to key informants such as labour leaders, organizational Chief Executive Officers, Human Resource Directors, ILO staff and other stakeholders deemed as key informants. Focused Group Discussion Guides were used in discussions with domestic workers, commercial sex workers and other women workers in the hospitality and agriculture industries.

Gender Analytical Tools such as Roles and Activities Profiles, Access to and Control over Resources and Benefits Profile, and Force Field Analysis were used to gather and analyse the data during workshops, which were held with women workers in Lusaka and Kitwe.

Major Findings and Recommendations

Extent to which women workers have sufficient access to and information regarding their rights, entitlements and responsibilities

Women workers in Zambia do not have sufficient access to information regarding their rights, entitlements, and responsibilities at the work place in both the formal and informal economy. The study revealed that although women workers do not have sufficient access, those in the formal sector have more access to information than those in the informal economy. Furthermore the study revealed that within the formal sector, there is a difference between the types of information that women workers in higher positions are able to access, compared to those in lower levels. Those in upper echelons have more access to information than those in the lower ends, due to higher educational levels and greater access to the sources of information.

Women workers in the informal economy have little or no access to information on their rights, entitlements and responsibilities. This is due to their low levels of education, and the absence of unions and any form of organized representation. The fact that the informal economy is unregulated results in women workers experiencing challenges in claiming their rights and entitlements.

It is also noteworthy that not all employers in the formal and informal economy know the rights, entitlements and responsibilities of women workers. Those who know them are not always willing to allow women workers to claim their rights because they often regard them as a “cost” to the organization in terms of human resource hours and in terms of financial costs.

Women’s access to HIV Support and Counselling

Some of the organizations in the formal economy have developed HIV and AIDS Workplace Policies which are benefiting women workers. These policies enable women workers to go for VCT, access ART, and also to access counselling services. The informal economy is very limited in its offer of HIV Support and Counselling, and therefore informal sector women workers have little or no access to these services. There is sometimes misinformation and misconceptions about HIV and AIDS which leads to stigma, discrimination and marginalisation of those that are HIV positive.

The situation gets worse for female domestic workers, who are often isolated and marginalised and have little or no access to information on awareness, care and support. Domestic workers are more vulnerable to contracting HIV and AIDS in the workplace because they are in a vulnerable position, and are often unable to resist sexual advances from male members of the household (who may be infected and HIV+) due to their subordinate position and domestic confinement.

Forms of discrimination and deficits in addressing Decent Work in the workplace

Women workers face a wide range of discrimination and deficits in achieving what the ILO defines as Decent Work, some of which are common in both the formal and informal sector. Discrimination ranges from the inability to have easy and equal access to employment, career opportunities, education, training, personal and professional development. Casualization of labour, and poor conditions and benefits of employment have a bearing on discrimination and present themselves as deficits as well. Other forms of discrimination and deficits in realising Decent Work include, inflexible hours of work regardless of family responsibilities, long hours of work, denial of leave and indiscriminate dismissals.

Women workers are often victims of sexual harassment, sexual exploitation, as well as human trafficking in extreme cases. This is most pronounced in the informal economy and especially amongst the female children. Other deficits include lack of child-care and inadequate gender friendly facilities.

Very little is being done to address these forms of discrimination and deficits that women workers face in the workplace.

Existence and assessment of effectiveness of those mechanisms that support women with respect to entering and progressing in the labour market

According to the ILO submission to Parliament¹, inadequate education and training are the core issues feeding into gender disparities. The education system continues to be discriminatory against girls at all levels to enable them qualify for jobs at decision making levels. Examples of this bias are that: (a) early marriages are still being practised among families, especially in the rural areas; (b) choice of educating boys at the expense of girls is still being practised in many families, especially in the rural areas; (c) many schools are not girl friendly; (d) lack of sufficient investment in rural education; and (e) girls are often expected to do household chores while boys are studying.

Whilst parity has to some extent been achieved in enrolment at primary school, as children progress through formal education drop-out rates become higher for girls. In general, girls are still relegated to pursuing academic disciplines which perpetuate the gender division of labour, and which clusters them in “feminine” sectors of the job market with less pay. Traditional apprenticeship systems which are passed on from generation to generation continue to perpetuate stereotypes concerning women’s work. Although increased opportunities have been created for women’s participation in the education system, there are still some gaps in achieving equality of opportunity and choice, particularly at secondary and tertiary levels.

¹ The submission was made to the Parliamentary Committee on Legal Affairs, Governance and Human Rights and Gender Matters

Progress made at the work-places towards achieving Decent Work for women in all its aspects

Decent Work, according to ILO, is a sum total of the aspirations of people in their working lives. It entails opportunities for work that is productive and delivers a fair income, security in the work place and social protection for families. Decent Work means better prospects for personal development and social integration, and freedom for people to express their concerns, organize and participate in the decisions that affect their lives. It entails equality of opportunity and treatment for all women and men. Decent Work is the key to eradication of poverty. If women have access to Decent Work, they can share in the gains brought by increased international economic integration. Extending opportunities for Decent Work to more women is a vital element in making globalisation more inclusive and fair. Creating decent employment must therefore be at the heart of development policy.²

The majority of organizations interviewed fall short of providing or achieving Decent Work for women in several aspects. There are still very limited opportunities for full-time productive work in the economy in general, and for women in particular. Across the globe, women continue to earn lower wages compared to their male counterparts, and even in the absence of hard statistics, there is no reason to think that Zambia is any different or any better. Job insecurity in the work-place is experienced by women workers, especially in the informal economy and particularly as it relates to maternity protection, including maternity leave. If a woman worker takes maternity leave she may not be guaranteed of a job later. There is very limited social protection for families in formal economy, and the situation worsens for those in the informal economy. Women still have limited opportunities for personal development and social integration. Women worker representation in unions – particularly when it comes to leadership positions - remains very low and non-existent in some, leaving little room for women to freely express themselves and advocate for their rights.

Extent to which ILO Conventions (including the 4 equality Conventions on Women Workers' Rights) have been domesticated in Zambia

Since becoming a member of the ILO, in 1964, Zambia has ratified a total of 43 conventions of which 39 are currently in force. The ILO's 4 equality Conventions are:

- (a) Convention 100 Equal Remuneration, (1951)
- (b) Convention 111 Discrimination in Employment and Occupation (1958)
- (c) Convention 156 Workers with Family Responsibilities (1981)
- (d) Convention 183 Maternity Protection (2000)

Zambia has ratified two out of the 4 Equality Conventions, being C100 and C111. Zambia. Government has also ratified the earlier Maternity Protection Convention (C103), although it is yet to ratify the latest Convention (C183) of 2000, as well as the Workers with Family Responsibilities Convention (C156) of 1981.

Non-ratification of Conventions 156 and 183 has the effect of limiting women's and men's access to provisions that relate to family responsibilities. The need for Government to ratify this Convention, or at least domesticating core components of the Conventions, is therefore cardinal in guaranteeing Women Workers' Rights. Furthermore, although Conventions 100 and 111 have been ratified, implementation and enforcement, as well as monitoring and reporting, have met with challenges.

² ILO, 2007, The ILO at a Glance

With regards Convention 111, the Industrial and Labour Relations Act Cap 269 states that if an employee feels discriminated against, they can report to the Industrial Relations Court within 30 days. Due to limited access to information and legal services, women workers who have experienced discrimination are not always able to seek legal redress.

Impact of the Global Financial Crisis on the rights of women workers, including their right to equal pay.

Whilst it may be premature to effectively assess the full and wide-ranging impact of the global financial crisis, it is justified to conclude that women workers are bound to suffer more of the consequences than men. This is due to their relatively lower levels of education, as well as limitations on their opportunities to engage in meaningful bargaining processes. Most women work in sectors that are closely linked to the global economy and are bound to suffer. They work in agriculture, tourism and hospitality, and manufacturing. The global economic crisis has resulted in increases in casualization of labour, and women are more likely to be employed as casual workers due to their weaker socio-economic position. It can be seen that the global economic crisis has resulted in further exploitation of women workers.³

The trading sector has been negatively affected by the global economic crisis. Special mention can be made of the female cross-border traders who engage in international trading through importation of foreign goods such as clothing, equipment, automotive spares, hardware, etc. The depreciation of the kwacha to the US Dollar has led to increases in the import price of their commodities, thereby making them less competitive on the Zambia market. Furthermore, women traders have become more vulnerable in their quest for services – which often become “favours” - in the administration of their businesses. This results in their offering sexual services in return for ease of transportation and clearing of their goods, and reduced payment of taxes at points of entry. Whilst this is practised even in normal economic situations, the global financial crisis has worsened the situation.

The role of worker constituents (trade unions) in promoting the rights of women in the formal and informal economies. The role of worker constituents in promoting the rights of women in both the formal and informal economy include: conceiving and articulating Women Workers’ Rights; facilitating the participation of women in union activities; and sensitising employers and other stakeholders about Women Workers’ Rights. The trade unions’ role also includes lobbying the Government to domesticate and implement all Conventions and Protocols relating to Women Workers’ Rights. Unions should also lobby government to vigorously pursue social protection, which can be most beneficial to the women workers in the informal economy.

Extent to which women workers participate in leadership positions of worker constituents (trade unions) and identify prevailing barriers to their progression

There is very low participation of women in the leadership positions of worker constituents due to the stereotypes that inform the unions, which are still largely seen as male reserves. Women do not have adequate information on how to participate effectively in union leadership. The relatively lower levels of education among some women deny them the confidence and academic background to be able to participate

³ See ILO report on Women Workers and the Global Financial Crisis, March 2009.

as equals. Furthermore, they do not receive the much-needed support from their fellow women, from their spouses and or the family at large. Some of the trade unions do not adhere to all the principles of democracy when it comes to gender equality and participation of women, and therefore often do not include women.

Mechanism(s) and policies aimed at creating more supportive environment within which the tripartite constituents play an effective role in promoting and protecting Women Workers' Rights and making gender equality a reality in their policies and operations.

Zambia has ratified several international Conventions and Protocols, and has a National Gender Policy which provides the framework for addressing gender issues in the country. Notable amongst the conventions are CEDAW⁴, the Beijing Platform for Action, the SADC Protocol on Gender and Development, and the African Union (AU) Declaration on 50% women participation in decision-making. As mentioned above, Zambia has ratified and domesticated the most of the ILO Conventions which focus on the rights of women workers. The challenge however is the implementation of these Conventions and Protocols. There appears to be little political will to address these shortcomings, and this is evidenced by the gross under-resourcing of the gender machinery in the country.

RECOMMENDATIONS

TRADE UNIONS (ZCTU and FFTUZ) are recommended to:

- a) Embark on an intensified sensitization campaign on Women Workers' Rights, Entitlements and Responsibilities, in conjunction with key partners such as the ILO, and targeting women in both the formal and informal economy. The campaign should also target Government (e.g. MoWGID) and employers' organisation as well as the women workers themselves. Particular attention should be paid to the informal economy and specifically to women in domestic work and the agriculture sector where violations are rampant.
- b) Ensure sufficient and equal access available to information on Women Workers' Rights. Information should be available through clearly written conditions of service (in both English and local languages) and through print and electronic media. Trade unions should lobby the Government and employers to sensitize women workers on their rights, and should endeavour to actualize these rights with workers.
- c) Develop structures and tools for gender analysis and gender mainstreaming to monitor, evaluate and report the adherence to Women Workers' Rights, and this to be achieved through collaboration with ILO, the private sector, gender- and labour- based NGOs, and women workers in both formal and informal economy.
- d) Facilitate collective bargaining training for women, as well as gender equality training for trade unions. The gender equality training should be conducted (in line with the National Gender Support Programme) with technical guidance from ILO.

4 UN Convention on the Elimination of all forms of Discrimination Against Women.

- e) Articulate well the concerns of women workers and give them the prominence they deserve so that collective bargaining can be effective and equitable. Bargaining teams should be trained in gender awareness and analysis in order for collective responsibility on gender-related issues to be reinforced, and women should be represented in bargaining teams. It should not be assumed that women's presence in bargaining teams will guarantee their issues being addressed, as it takes the appreciation of all parties involved to address women's issues.
- f) Lobby for the development and enhancement of social protective schemes which are contributory or non-contributory where they do not exist. Such schemes should include among others, health insurance, maternity benefits (cash benefits during leave), social transfers, micro-insurance and credit and savings, and should target both formal and informal economy workers. This will mitigate the impact of global financial crisis and other circumstances that negatively affect women workers.

THE GOVERNMENT is recommended to:

- a) Develop tools to be used in monitoring, evaluating and reporting the adherence to Women Workers' Rights, and to be achieved through the Ministry of Gender/ GIDD and MLSS, and work with labour movement (ZCTU and FFTUZ) and gender- and labour-based NGOs, private sector and women workers both in formal and informal economy to, and these reports should be distributed among stakeholders for follow-up action. It should also develop an incentive and reward structure for those employers who guarantee these rights, and this can be a means of motivating all employers and stakeholders.
- b) When making provision for education, Government and other institutions should focus on skills training/development that will contribute to the professional and human resource development of girls and women. The education system should focus on addressing gender imbalances in all aspects of human life, so that there is a shift in the mindset of both male and female Zambians on the need for women to become equal partners in development process. Investing in girl's and women's education (both formal & informal) will contribute significantly to enabling Women Workers' Rights to be claimed.
- c) Develop enhanced Social Protection Schemes, contributory or non-contributory where they do not exist. Such schemes could include among others, health insurance, maternity benefits (cash benefits during leave), social transfers, micro-insurance, and credit and savings, and should target women workers in both formal and informal economy, thus helping to mitigate the impact of the global financial crisis and other circumstances that negatively affect women workers.
- d) Jointly implement and monitor the Z-DWCP with trade unions and employers, particularly as it relates to Women Workers' Rights. The recently constituted DWCP Advisory Committee should be the appropriate body, and reports can be prepared and presented to the Employment and Labour Sector Advisory Group (EL-SAG), as well as to the Tripartite Consultative Labour Council (TCLC). An incentive structure should be developed by GIDD and MLSS.

- e) Compel all organizations to develop workplace HIV & AIDS programmes that are easily accessible and all-inclusive in content and structure. Such initiatives should be based on the ILO's Code of Practice (2001) and the forthcoming ILO Recommendation on HIV and AIDS, due for adoption in June 2010. Special provisions should be developed for the informal economy, with the aim of ensuring that women workers access HIV and AIDS care support.
- f) In collaboration with ILO, TUs, employers' organizations, ensure sufficient and equal access to information on Women Workers' Rights, to be available through clearly written conditions of service (both in English and in Vernacular languages), and compel employers to sensitize their workers on their rights and endeavour to actualize these rights in association with their workers.
- g) Ratify the remaining two of the four ILO equality Conventions, and monitor full implementation.
- h) Promote Participatory Gender Audits to monitor the domestication of ratified conventions.

THE EMPLOYERS' ORGANIZATION, being ZFE, is recommended to:

- a) Embark on sensitisation campaigns on Women Workers' Rights, Entitlements and Responsibilities to ensure that members have sufficient and equal information, and information be presented in clearly written form (in both English and vernacular/local languages) and through print and electronic media, and members be compelled to sensitize their workers on their rights and endeavour to actualize these rights in association with their workers.
- b) Recognize workers' organizations and the concerns of women workers, which should be well-articulated and given the prominence they deserve. Bargaining teams should be trained in gender awareness and analysis in order to reinforce collective responsibility on gender-related issues. Employers should appreciate and address women's issues in collective bargaining.
- c) Develop social protection schemes which are capable of mitigating the impact of the global financial crisis which negatively affect women workers. These schemes should address issues of health, maternity benefits, micro-insurance and credit and savings.
- d) Jointly implement and monitor the Zambia Decent Work Country Programme with Government and Trade Unions, particularly where it relates to Women Workers' Rights.

THE INTERNATIONAL LABOUR ORGANIZATION (ILO) is recommended to:

- a) Work with key partners to design and embark on an intensified nationwide sensitization campaign on Women Workers' Rights, Entitlements and Responsibilities, targeting women in both the formal and informal economy. The sensitization should target trade unions, government, employers' organizations as well as women workers themselves, and should make full use of the findings of this Rapid Assessment, as well as the new ILO Training

Manual on Women Workers and their Rights (2010).

- b) Pay particular attention to the plight of women working in the informal economy, and specifically domestic work and agriculture, where violations are rampant.
- c) Encourage all key partners to develop workplace HIV and AIDS programmes that are easily accessible and inclusive in content and structure. Special provisions should be developed for workers in the informal economy, taking account of the dynamics involved, but aimed at ensuring that women workers in the informal economy access HIV and AIDS care and support. These should be based on the ILO's Code of Practice (2001), and on the forthcoming ILO Recommendation on HIV and AIDS, to be adopted in June 2010.
- d) Work with key partners and facilitate training in collective bargaining for women, as well as gender equality training for trade unions, other social partners and various government units. This should be conducted in line with the National Gender Support Programme, with ILO offering guidance including facilitating development of tools for gender analysis, gender mainstreaming and gender audits, whose outcomes can be used in the bargaining process by partners.
- e) Encourage tripartite partners to use gender sensitive tools to monitor the domestication and enforcement of all related ILO conventions, including the four (4) equality Conventions, making sure that challenges faced by Government in implementing these conventions are well articulated and mitigating measures developed.

1. INTRODUCTION



1.1 RATIONALE FOR THE STUDY

In line with the ILO Declaration on Social Justice for a Fair Globalization (2008), the ILO Irish Aid-funded project on Women Workers' Rights concentrates on supporting and assisting efforts by Zambia to make progress on a tripartite basis towards the Zambia Decent Work Country Programme (Z-DWCP) objectives, in particular creating greater opportunities for women to secure decent employment and income. This project will help to identify and meet funding gaps in key elements of the Z-DWC. The project also integrates gender equality and non-discrimination as cross-cutting issues in the promotion of the strategic priorities of the Zambia DWCP.

In setting the project in motion, the International Labour Organization engaged a consultant to carry out a Rapid Assessment on the knowledge and awareness on Women Workers' Rights in both the formal and informal sectors of the economy. The objectives of the assessment were as follows:

1.2 OBJECTIVES OF THE STUDY

- i. To establish baseline information on the extent to which women as workers have sufficient and equal access to and information regarding their rights, entitlements, responsibilities and support mechanisms with respect to entering the Zambian labour market and progressing to achieving Decent Work in all its aspects.
- ii. Identify and review any support mechanisms targeting women entering and progressing in the labour market
- iii. To propose a more supportive environment within which the tripartite constituents could play an effective role in promoting and protecting Women Workers' Rights and making gender equality a reality in their policies and operations.

1.3 BACKGROUND TO WOMEN WORKERS' RIGHTS

Since the 1990s, the concept of a human rights-based approach (HRBA) to development has gained in prominence, and set a framework which is relevant for the ILO with regards international labour standards. The rights-based approach incorporates eliminating all forms of discrimination. The ILO's Declaration on Fundamental Principles and Rights at Work identifies the following areas within which fundamental rights and principles are to be promoted and realised:

- a. Freedom of association and the effective recognition of the right to collective bargaining;
- b. The elimination of all forms of forced or compulsory labour;
- c. The abolition of child labour;
- d. The elimination of discrimination in respect of employment and occupation.⁵

The protection and promotion of equality between women and men are recognised as fundamental concepts in the major international human rights instruments, including the Universal Declaration of Human Rights (1948); The International Covenants on Civil and Political Rights (ICCPR), and on the Economic, Social and Cultural Rights (ICESCR) (1966); the Elimination of All Forms of Discrimination Against Women (1979); the Convention the Rights of the Child (1989); the UN Declaration on the Elimination of Violence Against Women (1993); the Beijing Declaration and Platform for Action (1995); the Millennium Development Goals, and most recently the UN Convention on the Rights of Persons with Disabilities (2006).

1.4 THEORETICAL FRAMEWORK FOR SITUATING WOMEN WORKERS' RIGHTS

The world today is still dominated by systems based on patriarchy, which is a social system which is based on the belief that men are more superior to women and therefore should be given the major decision-making power. It is a social system in which descent is traced through the male line in the family and which serves men's interests. It means that men have taken and have been given rights over women. These include rights over women's labour, women's bodies, women's child-bearing, and women's identity. This system of male authority oppresses women through its social, political and economic institutions. It further accounts for the discrimination that women face in the labour market, as well as their limited opportunities to claim their rights as they relate to the world of work.

Another area of contention which contributes to the low participation of women in the labour market is the idea of whether men can be as good at parenting as women. It is argued that whilst women's parenting skills may seem biological, they are actually a product of social orientation. Proof that mothering skills are learnt and not inborn can be showcased when men end up with the responsibility for raising children alone. When there is a woman around, it is assumed that she is better at child-care than any man, and so women end up doing most of the physically and emotionally intensive work of bringing up children. The assumed role of the mother's primary responsibility for child-care undermines the accomplishment of gender equality in paid jobs, when support structures, policies and related measures are not available, measures such as those which can allow women as well as men with family responsibilities to balance the demands of paid work with unpaid care work. This is an important

⁵ The ABC of Women Workers' Rights: 2007 p7

aspect, as it re-frames issues around Maternity Protection so as not to focus on how employers feel, but rather on what measures are lacking that help address the problem in a satisfactory manner. This includes child-care facilities, working time arrangements and leave policies, and it should be the state that has the lead role in providing and supporting these.

During the commemoration of International Women's Day, on the 8th March 2009, His Excellency the President, Mr Rupiah Bwezani Banda, added a voice of support for paternity leave, in order that men share the responsibility of raising children. The President further emphasised the need to overcome stereotypical customs and traditions which negatively affect women. Such high-level signals and messages can make contribute significantly to breaking stereotypical molds, and creating a more conducive environment to make gender equality a reality.



Another problem working against gender equality is that socialising agents such as parents, schools, the media and the community at large continue to encourage boys to be masculine and girls to be feminine, even when they see adult women and men acting in more gender-neutral ways. There has been a deliberate effort to change the curricula in Zambia to show gender neutrality in text books, but the practice in the classroom sometimes presents a contradiction. Gender inequality is built into this socialisation, because supposedly male characteristics, such as assertiveness, are more highly valued than feminine characteristics, such as emotional supportiveness. The desirable situation is to promote non-sexist socialisation and education of children, as well as media presentations of women and men in non-traditional roles. The labour market, and specifically the work-place, is an arena where changes have been made from a gender perspective, but where women are still a long way from gender equality. However, pressure has resulted in more and more women entering fields formerly dominated by men, such as the sciences, and women in positions of authority are no longer the big news that they once were. Nevertheless, it is common to see sexist patterns of hiring and promotion which still produce work-places where women and men work at different jobs, and where most of the top jobs are the preserve of men. There is persistence of the gender-segregation of jobs (men work with men, and women with women) and the gender stratification of organizational hierarchies (the top of the pyramid is invariably almost all men).

The theory of 'gendered job queues' argues that the best jobs are kept for men. When a job no longer pays well or has deteriorating working conditions, dominant men leave for other work. Occupations remain segregated, but the person who does the job changes. In this way, some jobs have changed from being traditionally men's work to predominately women's work. A case in point could be the job of teller in the bank, which attracts so many more women than in the past.

With regards to gender, the change in the numbers of women in a workplace is supposed to have a psychological effect on both men and women. Earlier theories have argued that women were not aggressive about competing with men on the job or in school, because they feared that success would make them be disliked to the extent that they would have no social life. This still holds true for a lot of women in Zambia. It was however argued that it was the token status as the lone woman among men, where she was visible and vulnerable, that contributed to women's fears.

Affirmative action has been introduced in organizations to encourage women to enter the labour force. It was and continues to be assumed that there would be a positive attitude change when a workplace becomes gender-balanced. However research has shown that as more women enter the organization, there is often a backlash in the form of increasing sexual harassment and denigration of women's capabilities, as a form of defence against what is felt to be an encroachment of women into men's territory. The increase in sexual harassment can be confirmed by the revelations identified during fieldwork, that sexual harassment has become rife in the financial services sector as more women (particularly the young ones) seek employment. It was reported that in some situations one of the conditions for employment is provision of sexual services to those men who are responsible for recruitment.

There are gender-related concepts that have been devised to identify and analyze work-place situations, such as the concept of the 'glass escalator', which illustrates how men who may be "tokens" in women-dominated jobs, such as nursing, tend to be pushed into administrative positions where they have more authority and earn more income. The glass escalator is in addition to the concept of the "glass ceiling", which keeps women from the top jobs in male-dominated occupations. The "glass ceiling" assumes that women have the motivation, ambition and capacity for positions of power and prestige, but hidden barriers keep them from reaching the top. They experience barriers which are invisible and impenetrable. The other concept is of "glass walls, which work against women moving sideways into other more attractive and lucrative professions and sectors.

"Gate-keeping" is a concept that illustrates how most women are kept from getting to the top in occupations and professions dominated by men. In historic times, gate-keeping used to keep women out of male-dominated fields completely, but now it keeps women out of line for promotion to top positions.

With regards career-family balance, the assumption that mothers have the prime responsibility for child-care and that they cannot be committed workers results in gender discrimination in the workplace. Childless mothers can therefore be treated like men workers. For them and for fathers, employers demand that work comes before family. Mothers find themselves at a crossroads and between two powerful cultural commitments, their children and their career.

When public policies and workplace measures do not accommodate family needs, and fathers do not share child-care, mothers pay a price in lower wages, reduced lifetime earnings, and minimal or no pensions because of part-time and interrupted work. When they are through with their reproductive responsibilities, these women who return to the work force are often discriminated against in terms of hiring and firing.

According to the ILO (2002)⁶, the term “informal economy” has come to be widely used instead to encompass the expanding and increasingly diverse group of workers and enterprises in both rural and urban areas operating informally. They differ in terms of type of production unit and type of employment status. They include own-account workers in survival-type activities, such as street vendors, shoe-shiners, garbage collectors, and scrap- and rag-pickers; domestic workers employed by households; home-workers who are “disguised wage workers” in production chains; and the self-employed in micro-enterprises operating on their own or with contributing family workers or sometimes apprentices/employees. It is important to note the diversity that exists among those working in the informal economy because the problems and needs are different.

These different groups have been termed “informal” because they share one important characteristic: they are not recognized or protected under the legal and regulatory frameworks. Another characteristic is that Informal workers and entrepreneurs are characterized by a high degree of vulnerability. Furthermore, they are often not recognized under the law, and therefore receive little or no legal or social protection and are unable to enforce contracts or have security of property rights. They are rarely able to organize for effective representation, and have little or no voice to be able to negotiate and make their work recognized and protected. They are excluded from or have limited access to public infrastructure and benefits. They have to rely as best they can on informal, often exploitative institutional arrangements, whether for information, markets, credit, training or social security. They are highly dependent on the attitudes of the public authorities, as well as the strategies of large formal enterprises, and their employment is generally highly unstable, and their incomes very low and irregular. They are placed at a competitive disadvantage because they do not have the type of influence which those in the formal economy are often able muster.

Research reveals that a much higher percentage of people working in the informal relative to the formal economy are poor, and even more true that there is a larger share of women relative to men working in the informal economy who are poor.

For purposes of this study, domestic workers, commercial sex workers and marketeers were identified as the main subjects.

What are Women Workers’ Rights?

The ILO adopted the Declaration on Fundamental Principles and Rights at Work in 1998 committing governments and employer and worker constituents to achieving universal workers’ rights. Women’s rights have also been reframed as human rights parallel with the civil rights movement, the women’s movement, the disability rights movement, which have played important roles in expanding our notion of social rights and justice. Coupling the struggle for equity rights with the struggle for collective labour rights, and resolving the tension between these struggles, will open the way for a more radical approach to the question of workers’ rights in the global economy (Clawson, 2003).

The ILO considers it extremely important to increase knowledge of the legal aspects of gender equality in the world of work. While legal instruments for promoting gender equality and protecting Women Workers’ Rights are steadily expanding in number and

6 As elaborated in the ILO Decent Work and the Informal Economy, 2002.

being improved at both national and international level, there is still a gap between the rights set out in national and international standards and their implementation in real situations. Even the best legal provisions cannot be of much use if they not known and not put in practice. People need knowledge about legal rights and the machinery to enforce them if they are to combat discrimination and fight for a fair balance of opportunity, treatment, pay and representation between men and women in all areas of paid and unpaid employment and in work-related decision-making. However, many workers around the world are only hazily aware or even unaware of their rights, and this is perhaps the greatest obstacle to their exercising those rights.

To this end, in June 2009 the International Labour Conference held a General Discussion on the theme of “Gender Equality at the Heart of Decent Work”, and the Conference Paper and Conclusions make for valuable reading on the topic of gender equality of the world of work (go to www.ilo.org/gender). Furthermore, much useful information and promotional material was developed as a build-up to the General Discussion, and this continues to be useful resource material for the promotion of the rights of women and women workers in particular.

According to the ILO, there are four core pillars to Gender Equality, and these pillars provide a useful starting point for considering issues relating to women workers and their rights. They are: (1) Equal Opportunity and Non-Discrimination; (2) Equal Remuneration; (3) Maternity Protection, and (4) Workers with Family Responsibilities. These are underpinned and supported by the respective International Labour Conventions and accompanying Recommendations: the Discrimination (Employment and Occupation) Convention, 1958 (No.111); the Equal Remuneration Convention, 1951 (No.100); the Workers with Family Responsibilities Convention, 1981 (No.156), and the Maternity Protection Convention, 2000 (No.183).

The ILO’s ABC of Women Workers’ Rights and Gender Equality⁷, clarifies definition and understanding around these four pillars, particularly as they impact and are impacted on by the world of work. See Annex for more details on the four (4) Equality Conventions.

The ILO’s ABC on Women Workers’ Rights also provides clarification on a number of workplace-related terms affecting women in the world of work, such as:

- Equal opportunities for access to employment must be guaranteed, to workers of both sexes, before and during the hiring process.
- Job appraisal and evaluation should be regularly conducted on a schedule known and equally applied to all employees so that women workers are not subjected to more intense or frequent scrutiny. The assessment criteria should be objective, related to the functions of the job, and applied on equal terms to all employees.
- All employees irrespective of their sex are entitled to equal career opportunities and should be informed of promotion, transfer and training opportunities and likewise encouraged to pursue suitable opportunities.
- Sexual harassment is considered to be a violation of human rights, a discrimination and a safety and health issue. Governments, and employers’ and workers’ organizations have become increasingly active in preventing and combating sexual harassment at work, but it is assumed that there are still many victims. These are often unaware of their rights and afraid of retaliation or of losing their jobs.

⁷ International Labour Organization (ILO) (2007) ABC of Women Workers’ Rights and Gender Equality. ILO, Geneva

- Gender issues are not sufficiently dealt with in collective bargaining because women are under-represented in trade union decision-making structures and negotiating teams. The reasons for this may include the double burden borne by women, which does not leave them enough time to participate in trade union affairs, lack of confidence, assertiveness and training, or the fact that the union is male dominated and insensitive to their needs.

2. METHODOLOGY AND TOOLS

2.1 METHODS

Both primary and secondary data was collected during this rapid assessment. The study focused on collecting qualitative data only. A multiplicity of data collection tools were used in relation to the task and are presented in the table below.

Table 1: Matrix of Tasks, Tools and Respondents

Task	Tools to used	Respondents
Assess extent to which women workers have access to information on rights, responsibilities and entitlements	Focus Group Discussions/ Semi- Structured Questionnaire	Women workers in formal and informal sector
Assess women's access to HIV support and counselling	Semi-Structured Questionnaire, Case Studies	Women workers, employers, HIV and AIDS Focal Persons
Identification of forms of discrimination against women workers	Focused Group Discussions, Case Studies, Semi-structured questionnaires	Women workers in formal and informal sector
Identify and assess effectiveness of mechanisms that support women	Semi-Structured Questionnaire	Officers in education and vocational training institutions, labour leaders and officers
Progress on achievement of decent work for women	Semi-Structured Questionnaire	Human Resources officers, employers (formal and informal), labour leaders
Domestication of ILO Conventions including 4 Equality Conventions	Semi-structured questionnaire	Ministry of Labour and Social Security Officers
Impact of global financial Crisis on rights of women	Semi-Structured Questionnaire Case Studies	Employers' organizations, Trade Union Leaders
Role of Trade Unions in promoting rights of women	Focus Group Discussions (workshop style)	Trade Union Leaders
Participation of women in leadership positions in Trade Unions	Focus Group Discussions	Trade Union Leaders, women workers
Assessment of Policy, Legal and Regulatory Environment	Literature review/semi-structured questionnaires	Ministry of Labour and Social Security
Propose mechanisms and policies for creating supportive environment	Focus Group Discussions	Women workers (informal and formal/ disabled), labour leaders
Proposing strategies to raise awareness	Focus Group Discussions	Women workers (informal and formal and/or disabled), labour leaders, employers

2.2 STUDY SITES

The study was conducted in four provinces, namely, Lusaka, Copperbelt, Southern and Central Provinces. In each province, one district was selected as sites for in-depth analysis. The districts included, Lusaka (Lusaka Province), Kitwe (Copperbelt Province) and Kabwe (Central Province) and Livingstone (Southern). These provinces and accompanying districts were selected on the following basis:

Lusaka: this is the capital city which is characterised as the nerve centre for employment as evidenced by the increase in rural-urban migration. In addition, Lusaka is the most highly urbanised city in Zambia offering a diverse of employment opportunities in both the formal and informal sector.

Central: the Province is one of the mainstays of agriculture in the country. This province provides opportunities for employment in the agriculture sector, particularly in tobacco production.

Copperbelt: this is the nerve centre of the mining industry which has been affected by the global financial crisis.⁸ This crisis has affected the operations of the mines, among which includes the plight of workers. The mining sector therefore provides a case for analysing the impact on Women Workers' Rights.

Southern: Southern Province, whose provincial capital is Livingstone, is also the tourist capital which provides opportunities for employment in the hospitality industry. The hospitality industry has been affected by the global financial crisis,⁹ characterised by a reduction in the number of tourists. This has adversely affected the operations of the hospitality industry which is directly linked to tourism. Livingstone therefore provided a case for investigating and analysing the impact of the global financial crisis on tourism and particularly on Women Workers' Rights.

A total of 102 respondents were interviewed. These included key informants as well as participants in the focused group discussions. Key informant interviews were held in all the sites. Two workshops were held in Lusaka and Kitwe. Focused Group Discussions were held in Lusaka, Kabwe and Livingstone.

Both primary and secondary data was collected during the rapid assessment. The study was focused on collecting qualitative data only.

2.3 SAMPLING METHODS

Public sector organizations, private sector institutions, informal sector enterprises, (local and international) were sampled using purposive sampling in the formal sector and random sampling in the informal sector. However, the study does not claim statistical validity as a "representative sample of women workers" as, due to time and geographical constraints, the interviews were mainly conducted with accessible respondents, often identified through their trade union membership. (Details on the persons interviewed are provided in the annexes.)

2.4 TOOLS USED

Semi-structured questionnaires were administered to key informants such as labour

⁸ See the related ILO report on the Impacts of the Global Financial Crisis on the Mining Sector (2010).

⁹ See the related ILO report on the Impact of the Global Financial Crisis on the Tourism Sector (2010)

leaders, organizational Chief Executive Officers, Human Resource Directors, ILO staff and other stakeholders deemed as key informants. Focused Group Discussion Guides were used in discussions with domestic workers, commercial sex workers and other women workers in the hospitality and agriculture industries.

Gender Analytical Tools such as Roles and Activities Profiles, Access to and Control over Resources and Benefits Profile, and Force Field Analysis were used to gather and analyse the data during workshops which were held with women workers in Lusaka and Kitwe¹⁰.

2.5 STUDY LIMITATIONS

The study was conducted at a time when the country was experiencing labour unrest. This made it very difficult to access some labour leaders who were unavailable due to commitments related to resolving the labour unrest. This resulted in some of them not being interviewed.

The issue of Women Workers' Rights was regarded as a sensitive issue by some employers who were reluctant to discuss them and therefore declined to be interviewed. Some of the women workers felt the issue was sensitive and were reluctant to respond to the interviews for fear of being reprimanded by their employers, despite assurances that the information would be treated with utmost confidentiality.

¹⁰ See annex for outputs from workshops

3. STUDY FINDINGS

3.1 EXTENT TO WHICH WOMEN AS WORKERS HAVE SUFFICIENT AND EQUAL ACCESS TO AND INFORMATION REGARDING THEIR RIGHTS, ENTITLEMENTS, AND RESPONSIBILITIES AT THE WORK PLACE (BOTH FORMAL AND INFORMAL ECONOMY).

Study findings reveal that generally women workers have insufficient and unequal access to information regarding their rights, entitlements and responsibilities in the work place. However it should be emphasised that there are glaring disparities in access to information between women in the formal sector and in the informal sector. The women in the formal sector have more access to information than those in the informal sector. Furthermore it was noted that within the formal sector, women in the upper echelons of organizations have more access to information than those who are at the lower levels. Suffice to say that there are very few women in the upper echelons, and the majority of women are found in the lower ranks. It is therefore evident that the majority of women do not have sufficient access to information regarding their rights, entitlements and responsibilities to enable them to progress on an equal footing with men in the labour market.

Several reasons were advanced for the insufficient access to information in the formal economy which included the following:

- Our employers do not seem to understand what Women Workers' Rights are, and they are therefore not in a position to articulate these adequately
- We do not know what our rights as women workers are, and we therefore do not know how to claim them.
- There is very little information available in the work-place concerning workers rights, and it even gets worse with Women Workers' Rights.
- The trade unions do not address the issue of Women Workers' Rights, so we don't have information.
- Female representation in the trade unions is very low and sometimes non-existent. Because of this, the issue of Women Workers' Rights is not discussed, and so information from the unions does not include Women Workers' Rights.
- The information that is circulated in the organization is all in English, so some of us do not know how to read English so we cannot access information easily.
- Some of the trade union communications, for example the conditions of service, are sent via e-mail, and some of us do not have access to e-mail. Even if we did, we are not computer literate and we can't read English.

Several reasons were advanced for the insufficient access to information in the informal economy, which included the following:

- We are not told about our rights by our employers.
- We do not know about our rights.
- We do not have a trade union from which we can get information about our rights.
- If we try to ask our employers about the rights that we have, we can lose our jobs.
- If there is any information on Women Workers' Rights, we are not able to read it because we do not know how to read complicated English.
- Even if the information was written in vernacular, some of us do not know how to read, as we did not go far in school and some of us did not even enter a classroom.
- We do not know where the Labour Office is, and who we can talk to about our rights.

3.2 WOMEN'S ACCESS TO HIV SUPPORT AND COUNSELLING

HIV and AIDS statistics indicate that the prevalence rate is higher for women in comparison to men, especially for those below the age of 35. Overall women are 1.4 times more likely to be HIV infected than men, with prevalence rates of 17.8% for women and 12.6% for men. Cross-generational sex and transitional sex makes younger girls more vulnerable to HIV infection than males their own age. Prevalence amongst women is highest between ages 30 to 34, and is attributed to high levels of social and economic vulnerability, inadequate access to life skills and information, low levels of negotiation skills, and unequal protection under statutory and customary laws and traditions.¹¹

The study reveals that women in the formal sector have more access to HIV support and counselling, both within the workplace and outside the workplace. The level of awareness is high concerning modes of transmission, access to VCT, as well as sources for treatment, care and support. However women workers in the informal sector have limited knowledge on the modes of transmission, access to VCT, as well as sources for treatment care and support.

Some of the organizations in the formal economy sampled during the study revealed that they had developed HIV and AIDS workplace programmes which included awareness raising, VCT and a medical scheme to support access to ART. It was however revealed that stigma still existed in the workplace, and women were more likely to suffer from this stigma than men, because of the stereotypes and cultural orientation which question the source of HIV and AIDS amongst women.

It was reported that if a single woman presented as being infected, she would be labelled as a prostitute, and equally married women would be frowned upon and labelled as being sexually inadequate, thereby forcing their husbands have extra-marital affairs. The respondents stated that women are “blamed” in all circumstances. Some of the women feared going for VCT without the consent of the husband, who in most cases is not willing to take the test. This has resulted in them not knowing their status. Furthermore, women feared going for VCT in the event that they tested positive whilst their husbands test negative. The general practice in Zambia is that when a woman is tested positive and her husband negative, chances of her being rejected by her husband are higher than if the reverse happens. The general lack of confidentiality in the work-place also acts as a deterrent for women to access HIV and AIDS services in her place of employment.

Currently the labour law is silent on HIV and AIDS, although a technical committee has been constituted to develop a chapter on HIV and AIDS to be included in the proposed amendments to the Employment Act. At present and in the absence of this legal context, therefore, it means that employers are unlikely to be challenged in courts of law for discrimination, stigmatization, or non-provision of HIV and AIDS services.

The ILO/UNDP study on HIV and AIDS in the Informal Workplace¹² reveals that there is inadequate information on HIV and AIDS in some of the market places, particularly those in the peri-urban and rural areas. Occasionally drama groups are used to create awareness, which mainly focuses on prevention. There is very little information on

¹¹ ILO, HIV and AIDS in the Informal Workplace: A pilot Research Project, p15.

¹² ILO (2007) HIV and AIDS in the Informal Workplaces: Pilot Project Research Report,

care and support for those who are infected and affected. The study further revealed that due to insufficient and incorrect information on HIV and AIDS, there are many misconceptions about HIV transmission in the market-places, leading to stigma and discrimination. The study cites how marketeers believe that only those who suspect that they are HIV positive go for VCT, and those who are known to have gone for VCT are discriminated against. This is why confidentiality is of utmost importance in providing VCT, either in workplaces or in other locations.

A case was reported in the study where a restaurant suffered business losses because it was discovered that one of the employees was HIV positive. The proprietor had no choice but to lay off the worker.

The market-place is characterised by a lot of social and cultural pressures which result in sexual practices that expose marketeers to HIV and AIDS. The sale of traditional herbs as sexual boosters results in men and women consuming them and engaging in sexual acts that expose them to the virus. Women use drying agents which they insert in their vaginas, whilst men use sex boosters which give them strong appetites for sex. In the market-place, one's "manhood" is demonstrated by a man's ability to pursue as many women as he can; and for women, the ability to respond to the sexual needs of men is a way of demonstrating "womanhood". According to the ILO/UNDP report, "these practices exacerbate the spread of HIV through the sexual route when protection is not adhered to"¹³.

The world of domestic work is a domain where HIV and AIDS are under-researched, but it is rife. Domestic workers often tend to be very young with little or no education and in desperate situations which force them to seek work. They are subject to gross exploitation of a sexual nature as well as in terms of labour. The domestic workers who were interviewed revealed how they are victims of sexual exploitation by their male bosses or the male relatives in the household. Some have contracted HIV and AIDS and other sexually transmitted infections (STIs) from their place of work, and have no room for recourse.

Women and girl domestic workers often have to submit to sexual advances because they are women/girls who are expected to be submissive, and because of the unequal power relations between them and their male bosses. The domestic arena is private space, and therefore does not benefit from information that is provided by both formal and informal systems that deal with HIV and AIDS. Disclosure of HIV positive status by a domestic worker in most cases leads to dismissal. The majority of domestic workers do not have access to care, support and treatment from their employers. However a case was identified where a domestic worker received support from her employer when she was diagnosed HIV positive.¹⁴ This case study illustrates how, when employers are sensitised about how to deal with HIV positive domestic workers, they may treat them with the dignity that they deserve.

¹³ Ibid, p 21

¹⁴ See case study section.

Case Study: Employer Shows Compassion for HIV-Positive Domestic Worker

Z is a single parent of 4 children which she had with different men. Currently she lives with a partner who she considers her husband, although they have not formalised the marriage. They have been living together for a while. Z started ailing 8 years ago although she did not know what the problem was. She suffered from herpes-zoster at one time and she suffered from frequent respiratory diseases. Because of frequent illnesses she began to absent herself from work. Whenever she felt better she would report for work although with a lot of strain. Her employer had word with her and encouraged her to go for VCT. Z was very reluctant and declined the offer of support for her to go for a test. When she finally thought she was ready to go for VCT she informed her employer, who personally took her to a testing centre in town. But when they got to the facility she backed out and decided she was not going to take the test. She recalls how frustrated her employer was, but she did not force her to go ahead and instead gave her the support that she needed morally.

After a few months of agonising and escalating ill-health, she approached her employer and declared that she was ready to go for the test yet again. This time the employer gave her transport money to go for the test. She reported the next day at work and announced that she was positive. Her employer assured her that she was not going to lose her job as long she felt she could continue working. Her employer undertook to identify a clinic where she could access ART and paid the bills. Her employer ensured she performed light duties at home and provided a good diet for her. Within a short time Z had her health restored and was vibrant again.

Time came when her employer was transferred to another city and Z was offered an opportunity to move, which she accepted. She recounts how her boss stated that she wanted to move with her because she wanted to continue supporting her as she was on ART. When they moved to the new location, Z decided she wanted to go back to her partner and was missing other members of her family and her employer decided to release her. Z has worked for several different employers since, who she says are unaware of her status and are therefore intolerant to her absenteeism. In lamenting this, she stated 'given a chance I would like to go back to my Madam who gave me all the support I needed'

3.3 FORMS OF DISCRIMINATION AND DECENT WORK DEFICITS THAT WOMEN WORKERS FACE AT PLACES OF WORK

Discrimination is defined in the ILO Convention No. 111 as “any distinction, exclusion or preference based on race, colour, sex, religion, political opinion, national extraction or social origin which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation”. Women workers are mainly discriminated against based on their sex and social origin. In terms of sex, women are often considered incompetent to take up certain jobs because of their feminine disposition and because of their reproductive roles.

3.3.1 Access to employment

According to the study on Social Protection Expenditure and Performance Review and Social Budget¹⁵, overall employment rates indicate that 75 per cent of all those aged 15 and above were employed in some form or other (71 percent of all women at this age, and 79 percent of all men), although under-employment among these “employees” is very common. Employment figures were 89 per cent in rural areas and 52 percent in urban areas. However, over 40 percent of all those 6.2 million people employed worked as unpaid, helping family members or workers (nearly 55 percent

¹⁵ ILO, (2008), Social Protection Expenditure and Performance Review and Social Budget pg 60

of employed women and 27 percent of employed men), most of them in traditional agriculture. About 43 percent were self-employed or employers (50 percent of all employed men and 35 percent of all employed women), while only 16 percent were employed as paid staff (less than 10 percent of employed women, and 23 percent of employed men).

In 2005, 5 percent of all employed persons (more than 6 percent of all working men, and more than 3 percent of all working women) were employed by central or local government or a parastatal company. Over 30 percent worked in private businesses (25 percent of all working women and 35 percent of all working men). The majority used their own household as a business environment: 65 percent of all employed persons, 71 percent of working women, and 58 percent of all working men. It is evident from these statistics that there are very few women in formal paid work, and the majority are employed in the informal sector, or work from home, or are engaged as unpaid family workers.

This rapid assessment on Women Workers and their Rights revealed that women workers face discrimination in their access to employment, particularly in the male-dominated professions and sectors. These include technical fields such as mining, energy, science and technology, metal fabrication, and in fields such as management, accountancy, strategic planning, business administration, etc. Women are not easily able to access opportunities for employment due to their relatively lower educational standards and barriers experienced in pursuing higher education, which is a prerequisite for entry in most of the professions.

This study notes that where women have acquired the necessary qualifications, they are often discriminated based on their sex. Most institutions are structured to suit the career patterns of men, which warrant experience and no career or work-place disruptions. Women in their reproductive ages are sometimes seen as “undesirable” employees, because few public supports exist for reconciling paid and unpaid work, and because employers are reluctant to bear the cost in terms of time and money associated with maternity leave and any provisions for child-care and family responsibilities associated with women.

3.3.2. Career Opportunities

The study revealed that while career opportunities exist for both men and women in organizations, more opportunities are created for men than for women. Organisational structures which are male-dominated tend to perpetuate the trend by considering those with the highest qualifications and experience, which in most cases tend to be men. This can be attributed inter alia to the late entry of women in the labour market. Women interviewed stated that they were not always equally informed about promotions, mobility and training opportunities. With regards mobility, it is often assumed by employers that married women cannot be transferred (even in the case of promotion), due to the fact that their husbands would object. However, interviews conducted during this study indicated that women should be given options, and it was up to them to decline or take up the offer. Some of the organizations interviewed indicated that they transfer their employees regardless of their marital status and family responsibilities. It was, however, noted that such indiscriminate transfers have resulted in women underperforming because of separation from their families.

The concept of the ‘glass ceiling’, which is defined as ‘invisible and artificial barriers that militate against women’s access to top decision-making and managerial positions, arising chiefly from a persistent masculine bias in organizational culture’¹⁶, is still a reality in Zambian organizations. All the organizations that were assessed presented male-dominated structures, and this was more pronounced at management level.

3.3.3 Cash and Medical Benefits for Maternity

The study revealed that women in the formal sector have access to cash and medical benefits for maternity, although the entitlements vary from one organization to another. The medical benefits in some cases constitute a percentage of the basic salary. What this entails is that the fact that most women are found in the lower echelons of organizations where their medical benefits tend to be comparatively lower than those of their male counterparts.

The women interviewed indicated that they were entitled to three months maternity leave on condition that they have served the organization for more than two years (a statutory requirement) – and this should be accompanied with cash benefits. This clause is viewed as being discriminatory, and the interviewees felt it is a violation of their human right to procreate and to make decisions about when to have children. Furthermore, this clause discriminates against women who are engaged on contractual basis. Some reported that if they are on contract for two years, the chances of having their contract being renewed in the event that they fell pregnant before expiry of the two-year period were very slim.

It is important to make the distinction between qualification for unpaid leave (there should be no qualification for that), and the payment of cash benefits during leave (for which the “2-year rule” applies). It should be noted that Zambia has an employer liability system, where employers must directly bear the cost of the leave. The expansion and development of the social security system to extend access to cash benefits during maternity leave would effectively relieve the burden from the employers, and in the process ensure more collective responsibility for maternity and provide women with better access to maternity leave. (In separate discussions with ZFE officials, the idea of sharing maternity benefits with the Government through an expansion of the social security system was greatly welcomed.)

The informal sector presents a slightly different scenario in that benefits are at the discretion of the employer. Some of the domestic workers interviewed reported that the moment they revealed that they were pregnant they were laid off. Others were expected to continue working, but upon delivery they were not expected to come back to work. In a few instances, some of the domestic workers were given unpaid maternity leave, and in these cases their jobs were guaranteed upon returning from leave.

The application of the 120 days maternity leave is being applied by some employers and not by others, who are not sure whether it is now a statutory requirement. Knowledge on this issue is very low.

¹⁶ ILO, 2007, ABC of Women Workers’ Rights and Gender Equality

3.3.4 Casual Work

Casual work is work without a fixed duration and is often done by workers who are required to provide their services as and when needed. Casual work was deemed by the interviewees as being discriminatory and exploitative in nature. Casual work is a common feature in agriculture where workers are engaged on a seasonal basis. The interviewees comprised women workers in the tobacco industry as well as in the hospitality industry. In the tobacco industry, women workers were mainly contracted during the planting, weeding, harvesting and grading seasons. Women workers in the hospitality industry were engaged during 'high or peak seasons', or on special occasions which warranted more labour.

The casual workers expressed how their rights were violated through non-consideration of their family responsibilities and their status as casual employees. As casuals they receive lower wages than permanent workers, despite the fact they are performing the same type of work. The principle of equal pay for equal work done does not apply. Although men and women are recruited as casuals, it was evident that the majority of casual workers were women.

3.3.5 Child Care and Family Responsibilities

The majority of employers take cognisance of child care and family responsibilities of women workers, but when it comes to actual practice this is not reflected save for issues concerning maternity. Not all employers provide for flexible hours for lactating mothers, and if they do it is based on the discretion of the supervising officer. The majority of employers do not provide lactating mothers the right to one or more daily breaks, or a daily reduction of hours of work to breastfeed her child. A woman worker should have the right to interrupt her work for this purpose, and such interruptions and reduction in daily working hours should be remunerated accordingly. However, many of the women workers were not aware of this right and neither were some of the employers. The employers that were aware of it felt that it was a cost to the company and they were not willing to bear that cost.

All the institutions that were sampled had no facilities for nursing. Women workers in the tobacco industry went to work with their babies, because they could not afford to pay child-minders due to their low wages. In addition, there were no provisions for them to negotiate flexible time to breastfeed, and if they insisted on taking time out they would lose some of their wages. It is also rare to find employers who provide facilities for the children, so women are forced to work with the children on their backs. The exposure of children to health hazards associated with tobacco production is completely ignored. In most countries, it is the state that takes the lead in providing basic child-care facilities, and in many situations the private sector has followed this lead and developed a vibrant commercial market for more comprehensive child-care facilities.

It is common knowledge that women in Zambia bear the responsibility of looking after the sick in the family, but this is often not a consideration amongst employers. Some of the interviewees revealed that they lose their leave days when they are nursing a spouse or a close family member, and this is deducted from their leave days. The women workers in the informal economy and those engaged as casual workers revealed that a daily rate was deducted from their wages when absent from work whilst nursing a family member. Women workers in the public sector have more leverage with regards child-care and family responsibilities.

3.3.6 Collective Bargaining

The study revealed that there are very few women who participate in trade union activities due to the fact that historically trade unionism was considered the domain of men. Amongst the trade unions surveyed, the highest number of female representatives in a union was three. Most of the women who were in the executive of the trade union occupied the position of treasurer or trustee. Women workers in the tobacco industry reported that during elections the men-folk insist that only three women can be elected to executive positions in the union, and the positions are usually imposed upon the women. They are not given an opportunity to stand for top positions.

It was also reported that in some instances, where women expressed interest to participate in collective bargaining as union representatives, they faced opposition from their spouses and family members. This has led to women workers getting discouraged. Others reported that due to family responsibilities, they do not have the time to participate in trade union activities. They indicated that trade unionism involves travelling, attending meetings and extended hours of work, thereby making it difficult for women to participate. Furthermore it was reported that many women themselves did not have the confidence to participate in trade unions because of lack of knowledge of bargaining processes, and little knowledge about the macro-economic environment within which they operate.

Issues for negotiation depend on the economic, social and legal context, as well as on what women consider to be priorities. It was reported that gender issues are not adequately dealt, with because women are under-represented or not represented at all in collective bargaining processes. In addition, the majority of the bargaining units are not trained in gender awareness or analysis, and therefore are not gender sensitive and are unlikely to include such issues on the agenda.

3.3.7 Conditions and Benefits of Employment

Although some advances have been made towards wage equity, women still earn less in comparison to their male counterparts. This gap is partly due to the concentration of more women in low-skilled, low-status jobs, and the segmentation of the labour market into feminine or masculine occupations, as well as sometimes women's shorter working hours and their unavailability for overtime or night-work because of legal barriers and/or family responsibilities.

ILO Convention 100 (Equal Remuneration) is appreciated mainly in the formal sector, but its application has met with some conditions which militate against women workers. There is consideration of the qualifications that workers have, which count for the level of remuneration. So while in some instances workers are doing the same type of job, if there is a variation in their qualifications there is inevitably a difference in salary or accompanying benefits. Due to the generally lower level of qualifications amongst women, they tend to end up earning less whilst doing the same type of job.

The study reveals that not all women workers know all their conditions and benefits of employment, which in most cases are stipulated in their contracts. Due to the lower educational levels among some women, some women workers just append their signatures to the contracts without fully appreciating the contents. It was reported that employers often tell them the very basics of their conditions of employment such

as the salary, leave and duration of the contract. Other details are not explained to them. It was also revealed that even when their conditions of employment are well spelt out, employers tend to violate and not observe these conditions, and the women are afraid to challenge the employer for fear of losing their jobs.

The informal economy poses greater challenges in that employers offer the most basic and minimum conditions and benefits. Interviews revealed that in most cases employers simply spell out the salary and working hours and the rest unfolds as one embarks on the job. The domestic workers that were interviewed lamented the very low wages that are paid. Salaries range from K250,000 to K750,000. However, it was reported that these wages were not always paid on time, and in some cases were not paid in full at the end of the month. Incidences of domestic workers going for months without pay were reported.

Extended working hours were another form of discrimination that domestic workers faced. Some report for work as early as 06 hours and leave work at 17 hours, six days a week. They work a total of 72 hours, instead of the stipulated 40 hours a week (excluding Sunday). The situation worsens for live-in domestic workers who have no specified time-frames for their work. They are the last to sleep and the first to wake up. Reports of retiring to bed at midnight and wakening at 04 hours were recorded during interviews.

Most of the women workers in the informal economy did not have written contracts and in the event that they are dismissed unfairly, they do not know where to report their grievances. Whilst some of them expressed knowledge of the Labour Office as a point of call, they expressed a lack of confidence in the system. They are not sure they can get a fair hearing.

One area of contention revealed has to do with pension funds. Some employers deducted pension funds contributions from the salaries of employees, but did not always remit these to the fund managers. In some cases, upon termination of contract the employer refunded the employee their personal contribution and did not give their contribution as employers. It is evident from these illustrations that women workers are discriminated against with regards conditions and benefits of employment.

3.3.8 Dismissal

Indiscriminate dismissals were reported to be higher in the informal economy than in the formal sector. Women workers in the formal economy have more security of tenure than their counterparts in the informal sector. The notion of 'hire and fire at will' is highly prevalent in the domestic arena, hair salons, bars, restaurants and the hospitality industry generally. Dismissals are common as they relate to pregnancy, absenteeism from work and frequent illness, as determined by the employer. Dismissals in the informal economy are instantaneous and provide no room for disciplinary hearing, suspension or notice. The very nature of the informal economy dictates that there are no formal rules, regulations and procedures with regards recruitment and termination, as is stipulated by labour standards, laws and procedures.

3.3.9 Occupational and Industrial Segregation

Whilst women's share of the labour force in Zambia is rising, they are predominantly found within a limited range of occupations. Their employment is concentrated in a

relatively small number of 'female' areas and occupations, which tend to attract lower rewards and prestige. The services sector has provided opportunities for women to enter the labour market, but even in this sector they continue to be at the lower end of the career ladder. Women working for the mobile phone service providers are mainly concentrated in call centres, in sales and marketing. Call centres are mainly managed through shift work and sometimes involve long hours.

The study revealed that women's participation in management is still limited, although there have been increases in the number of women. Where women have made it to the top of the corporate ladder, they still find themselves surrounded by a dominant male management team. It was revealed that the human resources portfolio is often the preserve of women, because employers see women as care-takers and therefore best placed to deal with the welfare of people in the organization. The finance and accounting fields have attracted an increased number of women whom employers consider to be more trustworthy than men, and therefore have become preferred candidates. However, despite these developments, the number still falls short of in terms of equality in numbers.

The study further revealed that most supervisory roles are the preserve of men, and this was noted as a common phenomenon in the services industry such as hospitality.

As organizations pursue flexible and low-cost labour, they have resorted to subcontracting with concomitant extension of home-work and other forms of outwork. A case in point is the sub-contracting arrangements that local authorities have entered into to maintain cities and towns, which tend to employ a significant number of women. They are often seen sweeping and clearing the roads, drainages and tending gardens. There is also an increase in the number of cleaning companies that are maintaining institutional infrastructure, and these provide opportunities for women entering the labour market. However, these entities sometimes fall outside of labour legislations, social security systems and collective agreements, which were formulated to regulate formal employee-employer relationships.

3.3.10 Education, Training and Human Resource Development

Women and girls in Zambia continue to face obstacles to their full and effective participation in education, training and human resource development as a result of their gender-determined roles, which include domestic chores, early marriage, care and support of family members, and child-rearing.

The study reveals that considerable progress has been made in increasing access to education, especially for girls due to the girl child education intervention at the lower level of the school cycle. However, the number of girls reduces as they rise in the schooling ladder, resulting in fewer women finding themselves in institutions of higher learning, which are a catalyst for entry into the labour market.

Due to their sometimes lower levels of education, many women find themselves in the lower end of the organization and subsequently do not benefit as much from professional and human development within organizations.

3.3.11 Sexual Harassment

Sexual harassment in the work-place can be defined as any unwelcome sexual advances or verbal or physical conduct of a sexual nature, acceptance of which is explicitly or implicitly made a condition for favourable decisions affecting one's employment, or which has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, abusive or offensive working environment. Sexual harassment may consist of remarks, jokes and insinuations of a sexual nature, and inappropriate comments on a person's dress, physique, age or family situation. It can also consist of undesired and unnecessary physical contact such as touching, caressing or assault. Furthermore, it entails compromising invitations, requests or demands for sexual favours, as well as explicit or implied threats of dismissal, and refusal of promotion, if sexual services are not granted.¹⁷

The study revealed that the extent of sexual harassment is not known in the majority of organizations, because no one wants to talk about it or deal with it. Most of the organizations did not have a sexual harassment policy. Some of the organizations mentioned sexual harassment in their code of conduct, but this was not well defined, nor was the procedures for redress clearly spelt out.

Study respondents did reveal that sexual harassment was going on in their organizations, and some of them were victims of this harassment. However they were not willing to give further details because they felt it was embarrassing and it was a very sensitive topic. It was noted that sexual harassment is experienced right from the point of seeking employment through to recruitment, promotion and contract renewal. Sexual harassment was more prevalent amongst male superiors and female subordinates, particularly those in the lower ranks who were desperate for survival and without a bargaining position.

The greatest challenge that women workers have is when top management is involved in sexual harassment, because they have almost no room for recourse in the organization. Most of them were not aware of the alternatives that existed for addressing sexual harassment.

The informal sector and particularly the hospitality and domestic work arena presented challenges. In the hospitality industry some of the private lodge-owners consider provision of sexual services to their guests by their female employees as part of the package. It was reported that in some instances female employees provided sexual services to guests and the proprietor collected the dues from the guest, effectively meaning the women workers provided free sexual services.

The domestic arena poses even greater challenges, as the women workers are often victims of the male head of the household and of the male dependants in the household¹⁸. It is done in private and, when reported to the 'madam', the worker is dismissed instantly and blamed for enticing the man.

¹⁷ For more details see ILO, ABC of Women Workers' Rights and Gender Equality, 2007, p165

¹⁸ See Case Study on Sexual Harassment

Case Study 4: Domestic Worker Sexually Harassed by Boss and his Brother

S has been working for her employers for the last 10 years as a domestic worker. She was employed at the tender age of 15 to help out with the family's children as a live-in maid. All was well in her working life until her boss began to make advances at her. Whenever her 'madam' was at work, the boss would come back home to attempt to have sexual encounters with her. In the beginning she used resist vehemently and threatened to tell the 'madam'. The boss threatened her with dismissal. He eventually started buying her gifts and giving her extra pocket money. He became excessively kind and adorned her with gifts. He finally coerced her into having sex with him and this turned out to be a regular occurrence.

Unfortunately the 'madam' found out about this relationship and dismissed S. Meanwhile the situation in the home deteriorated to the extent that the 'madam' packed her bags and left. The boss then decided to reinstate S and also brought his young brother to stay with him. Unknown to the boss, the young brother started to make sexual advances at S. He also began having regular sex with her. On one fateful night the younger brother stormed into S room, had sex with her and after the encounter he fell asleep. The boss came home late at night and as usual he went into S's room to try and have his usual encounter. Much to his horror he found his brother sound asleep and stark naked, a clear indication that he had had sex with S. He assaulted his brother and sent him packing. He also hurled a few insults at S, but did not throw her out.

Today he has fathered her child and keeps her in the house, not officially as a wife but as a domestic worker who according to him 'does not know the father to her child'. He tells those who question him that he is only showing compassion to this poor girl who has nowhere to go!

3.3.12 Night-work and Shift-work

The hospitality industry, health sector, security firms and the mining industry, fuel stations and call centres involve elements of night-work and shift-work. Women workers experience a lot of difficulties in shift work especially with night shift. Their family responsibilities often make it more difficult for them to function effectively in shift-work. As examples, the nurses interviewed lamented how, due to the fact that most health centres do not provide transport to and from work, they often have to leave home an hour or two before they report for duty, due to the complexities of the transport system (particularly in Lusaka). In the morning they have to wait for the doctors' rounds in order for them to hand over to the next shift. The shortage of doctors frequently entails the nurses working beyond the stipulated time for knocking off. When they go home they hardly rest due to their family responsibilities. They get to work exhausted, and due to shortage of nurses they are over-stretched in their duties.

A female guard interviewed stated how some of the female guards had to work the night-shift. She indicated that they were at greater risk than their male counterparts simply because they were women. She stated that in the event that thieves strike, the chances of a female guard being raped are high. She stated that thieves are not afraid of female guards, and are therefore more likely to attack without fear. Furthermore, female guards are vulnerable to sexual advances from their male counterparts, particularly when they work the night-shift. She indicated that some of the female guards opted to work at night because they earned more money. They are obliged to do so as a result of the high poverty levels that they experience.

The hospitality industry is characterised by shift-work which entails early mornings or late nights. Transport allowances given to workers are too little to cover their transport costs from one end of the month to the other. Women workers are more vulnerable

to the risks associated with early or late night movements, as illustrated in the two case studies below.

Case Study: Gang Raped En Route to Work: The Hazards of the Hospitality Industry

X19 was working for a lodge as a waitress in the restaurant. Her work dictated that she works long hours because the lodge was highly patronised by in-house guests as well as the public. The restaurant was very busy due to its reputation for providing good meals and excellent service. Her conditions of service stipulated that she was entitled to K150,000 transport money per month. This was grossly insufficient to cover her transport costs, especially considering the fact that she worked late nights and was forced to book a taxi to go home when she knocked off late.

On one fateful night she knocked off after 21 hours (considered early because she would go on until 23 hours sometimes) and had to walk home because she had exhausted her transport allowance early in the month. As fate would have it, she was attacked and raped by 10 men. Her worst nightmare had come to pass. She collapsed and was left for dead and the assailants escaped. As a consequence of rape she contracted syphilis. Her health is failing her and it is likely that she contracted HIV and AIDS. She now presents as a person who is mentally disturbed. (Story told by close friend who worked with the victim.)

Case Study: Assaulted En Route to Work: The Hazards of the Hospitality Industry

I normally work in the morning shift, which means I have to report for work at 06 hours. I live very far from the lodge I work for and my transport allowance is very little, so I am forced to walk to work. I normally finish my allowance in the second week of the month. Sometimes I take a bus, but when it's raining I am forced to book a taxi which is very expensive. I used to walk with a colleague to work but when my colleague stopped work, I was forced to walk alone. I knew it was not safe, but what could I do? In the cold season it is still very dark at 05 hours, but I still have to get to work on time. I remember it was in June 2007 and still dark and I was on my way to work. I heard some men walking very quickly behind me and making a lot of noise. I think they were coming from a bar and they were drunk since these days bars don't close. I tried to walk very fast because I was very frightened, but they quickly caught up with me. They attacked me badly and almost broke my neck. They stole my cell phone and asked for money but I told them I did not have any. I was lucky I was not raped. That is how they left me. I managed to get to the lodge although I was in bad shape. My manager was very sorry and took me to the hospital and reported to the police. I was given a few days to get well. When I went back to work I complained that the transport allowance was too little that is why I walked to work. The manager promised to present the case to management. But until today nothing has happened. My brother now has to escort me to work when it is still dark. I am the bread-winner so I can't stop work. (Female Worker in hospitality industry)

3.4 EXISTENCE AND ASSESSMENT OF THE EFFECTIVENESS OF MECHANISMS THAT SUPPORT WOMEN WITH RESPECT TO ENTERING AND PROGRESSING IN THE ZAMBIAN LABOUR MARKET (BOTH FORMAL AND INFORMAL ECONOMY)

In both formal and non-formal education and training, it is common to find boys and girls directed into different subject areas. For girls this entails subjects which reinforce their gender roles and which are essentially an extension of women's household and reproductive tasks such as sewing, food processing and nutrition. Traditional apprenticeship systems for transmitting know-how from one generation to another,

¹⁹ Name withheld due to sensitivity of subject matter and due to her right to privacy

from older women to younger women, have contributed to girls and young women acquiring working skills. Unfortunately these skills are often a mere extension of women's domestic responsibilities.

Formal training opportunities having been increasing for women as an upswing in education and training facilities is recorded. An assessment of training institutions in Livingstone revealed the concentration of women in 'female-dominated' fields. Assessment of courses offered at Chrismeya's Competence Based Modular Training Institute in Livingstone revealed that more females enrolled in courses such as Front Office, Customer Care, and Food Processing. More males than females enrolled in Tour Guiding. Food production recorded an equal number of males and females, because it provided prospects for self-employment, which seemed to be a great motivation for male students.

The Livingstone Institute of Business and Engineering Studies (LIBES), which is under the Ministry of Science and Technology and TEVETA registered, provided the statistics shown in Table 3 below.

Table 3: LIBES enrolment in Business and Engineering Studies by Gender

	Intake	Male	Female	Total	% Male	Female
Business Studies	Jan 1 st Semester	93	98	191	49	51
	Returning 2 nd Semester	64	86	150	43	57
Total		157	184	341	46	54

Engineering Studies	1 st year	128	17	145	88	12
	2 nd Year	131	16	147	89	11
Total		259	33	292	88.7	11.3

Source: LIBES 1st Quarter Report, January to March 2009

There is evidently an increase in the number of females entering the business arena, as shown by increased enrolments in business studies where the number of females outweighs that of males. What is of concern is the very low number of females in engineering subjects. This is a reflection of the situation in primary and secondary schools, where females are encouraged to take up subjects in the humanities fields, rather than in science and technology. Females constitute only 11 percent of students in engineering studies, a confirmation of the stereotypes which inform education and skills training pursuits of women and men.

3.5 WOMEN WITH DISABILITIES

In terms of population, it is estimated that some 10 percent of the Zambian population consists of people with disabilities. Amongst this disadvantaged group, women tend to be in the most vulnerable position. They have the lowest standard of education compared to their male counterparts. They have fewer options in terms of involvement in economic activity, and they suffer the most whenever there are economic downturns

because of the already existing vulnerability. In terms of infrastructure, most of the facilities in Zambia are not disability friendly, making it very difficult for employers to engage people with disabilities. Due to limited advances in technology, Zambia is not in a position to create opportunities for people with disabilities which take full advantage of and are generated as a result of improved applications of technology, including information and communications technologies (ICTs).

Socially, people with disabilities are frequently ostracised and subjected to forms of abuse, and often not even considered as worthy of contributing to the economy. Women with disabilities are vulnerable to sexual abuse, and have little or no avenue for claiming their rights.

Women with disabilities participate marginally in the informal economy, where they meet with a lot of challenges which go unresolved by the Government and other stakeholders. It is therefore imperative that whilst government is looking into the plight of the people with disabilities, they should provide specific social protection for them in order to mitigate the challenges that they experience.

On a positive note, in December 2009 the Government ratified the (new) UN Convention on the Rights of Persons with Disabilities (CRPD), and this augurs well for improved support and opportunities for women and men with disabilities in the labour market. In addition, the ILO Lusaka Office has been giving special attention to enhancing the employability and employment of persons with disabilities here in Zambia.

3.6 PROGRESS MADE AT THE WORKPLACES TOWARDS ACHIEVING DECENT WORK FOR WOMEN IN ALL ITS ASPECTS.

Decent Work, according to ILO, is a sum total of the aspirations of people in their working lives. It entails opportunities for work that is productive and delivers a fair income, security in the work place and social protection for families. Decent Work means better prospects for personal development and social integration, and freedom for people to express their concerns, organize and participate in the decisions that affect their lives. It entails equality of opportunity and treatment for all women and men. Decent Work is the key to eradication of poverty. If women have access to Decent Work, they can share in the gains brought by increased international economic integration. Extending opportunities for Decent Work to more women is a vital element in making globalisation more inclusive and fair. Creating decent employment must therefore be at the heart of development policy.²⁰

Whilst most of the employers interviewed indicated that they were making significant advances in striving towards Decent Work, others were not aware of what Decent Work entailed. In-depth discussions revealed that currently most organizations in Zambia continue to pay low wages, which do not enable employees live a decent life. The current minimum wage, which stands at K268,000, is an indicator that workers, including women workers, continue to be exploited because that is the standard that is applied when it comes to determining the wage structure.

It was pointed out that Government itself has not set a good precedent in ensuring Decent Work by paying decent wages. Professions that are dominated by women, such as teaching and nursing, attract very low wages, hence the labour unrest that was

20 ILO, 2007, The ILO at a Glance

being experienced in the country, particularly at the time of the field research. Whilst the private sector and quasi-government institutions offer better incomes, the number of women in these entities is few, particularly in the higher echelons of the enterprises.

The informal economy is the epitome of wage exploitation and does not always adhere to the minimum wage. Domestic work is yet another area where low wages are the order of the day. Domestic workers interviewed indicated how they received very low wages, which in most cases were paid late or in instalments. They have no bargaining power, and fear losing their jobs if they ask for more wages.

Security of tenure is more assured in the formal sector than in the informal economy. However, even in the formal economy, a lot of organizations have engaged their employees on contract because of the employers' inability to cope with the financial costs of paying what seem to be "huge" terminal benefits in the event of redundancies or retirement. Those with the capacity to pay benefits are not willing to reduce their profits through the additional costs associated with paying terminal benefits. Contract jobs have therefore resulted in more insecurity of tenure for women workers.

The current global financial crisis has resulted in some companies down-sizing, and those in the lower ends of the organization, who in most cases are women, tend to lose jobs.²¹ One such case is the hospitality industry in which case, due to reduction in tourist numbers, jobs have had to be cut.²² The majority of workers in the hospitality industry, and particularly in house-keeping, are women. It therefore goes without saying that when the number of in-house guests drastically reduces, those in house-keeping are laid off. Some organizations have, however, opted to reduce the amount of working time for employees as a compromise to laying them off, but this automatically leads to reduced wages.

Social protection for workers and their families is one of the components of Decent Work. The formal sector provides limited opportunities for social protection for the family. The most they offer is a medical scheme and provide pension schemes, the latter being statutory. However, the women workers interviewed indicated that they had very little information on the social protection schemes that are available for them and their families.

According to the ILO study on Social Protection Expenditure and Performance Review (SPER) and Social Budget²³, mandatory contributory social insurance schemes providing income replacement in case of illness, employment injury, disability old age, unemployment or maternity, and other family obligations are administratively feasible to implement and enforce when employees have legally binding contracts with their employers. However, the report identifies the challenges that are faced in covering the self-employed or employees whose employment is not formalised in the legal sense. The majority of women workers find themselves in these situations.

The SPER report further states that in Zambia workers and their employers in the public and private sectors are obliged to contribute to social security pension funds administered by the National Pension Scheme Authority (NAPSA), Public Sector Pension Fund (PSPF) and the Local Authorities Superannuation Fund (LASF), but it is evident that this obligation is not effectively enforced to cover all workers.

21 See ILO reports on the impacts of the global financial crisis on women's employment (March 2009) and on casual workers (November 2009) – www.ilo.org

22 The ILO report on the Tourism Sector (2010) quoted estimates of 2,500 jobs lost in that sector.

23 ILO, (2008), Social Protection Expenditure and Performance Review and Social Budget pg 58

Decent Work further provides for better prospects for personal development and social integration. Whilst some of the employers offer training opportunities for their workers, it was reported that the majority of people who access training and personal development programmes tend to be men. Several reasons were advanced which included: gender insensitivity on the part of employers; lack of information on the part of women workers on training programmes that are available; lack of interest on the part of women workers for further personal development; and inability to obtain permission from spouses to attend training, particularly if it is out of town and for long periods. The current global economic crisis has forced some organizations to drastically cut down on their training budgets, resulting in further reduction in the chances for women to access training and development.

Whilst most of the organizations interviewed indicated that workers were free to engage in trade union activities and enjoyed freedom to express their concerns, organize and participate in the decisions that affect their lives, it was reported that very few women participated in union activities. As earlier stated, women workers feared being reprimanded by their employers and feared losing their jobs. Furthermore, most of the women workers indicated that they did not have the confidence to participate in union activities because they did not have information and the skills to engage in collective bargaining. They also lamented the high dominance of men in unions, which further eroded their confidence. In addition, the women felt that women themselves did not support each other because of the belief that men are best placed to take up leadership positions.

It is evident that most employers have not achieved equality of opportunity and treatment for all women and men in the work place due to persistent stereotypes concerning women, patriarchy, low levels of education amongst women, and the socialisation of women who fail to claim their rightful position in society and in the workplace.

If Decent Work is to be the key to the eradication of poverty, then currently Zambian organizations are not in a position to eradicate poverty because they have not achieved significant results in ensuring Decent Work for women workers.

3.7 EXTENT TO WHICH ILO CONVENTIONS, INCLUDING THE 4 EQUALITY CONVENTIONS ON WOMEN WORKERS' RIGHTS, HAVE BEEN DOMESTICATED IN ZAMBIA

Since becoming a member of the ILO in 1964, Zambia has ratified a total of 43 conventions, of which 39 are currently in force. The 4 equality Conventions are: Convention 100 Equal Remuneration (1951); Convention 111 Discrimination in Employment and Occupation (1958); Convention 156 Workers with Family Responsibilities (1981), and Convention 183 Maternity Protection (2000).

Zambia has ratified two out of the 4 equality Conventions, being C100 and C111. The Zambian Government is yet to ratify the latest Maternity Protection Convention (C 183) as well as C156. Non-ratification of Conventions 156 and 183 limit women's and men's access to provisions that relate to family responsibilities. The need for Government to ratify the Conventions is a vitally important ingredient in ensuring the Women Workers' Rights. Although Conventions 100 and 111 have been ratified, implementation and enforcement, as well as monitoring and reporting, have met with challenges.

With regards Convention 111, the Industrial and Labour Relations Act Cap 269 states that if an employee feels discriminated against, they can report to the Industrial Relations Court within 30 days. Due to limited access to information and legal services, women workers who have experienced discrimination are not always able to seek legal redress.

3.8 IMPACT OF THE GLOBAL FINANCIAL CRISIS ON THE RIGHTS OF WOMEN WORKERS, INCLUDING THEIR RIGHT TO EQUAL PAY.

The global financial crisis has had adverse effects on the rights of women workers.²⁴ As organizations and businesses attempt to mitigate the impact of the financial crisis, one of the areas that is targeted is that of the human resource. In their bid to survive, some of the organizations have opted to embark on the following:

- Down-sizing
- Reducing wages
- Sub-contracting
- Reducing hours of work
- Revising conditions of service
- Drastic budget cuts

Downsizing is often the first option for many organizations, and depending on the type of organization, job cuts may be done from the top in situations where the structure is top heavy and the wage bill is in excess of the organization's ability to survive. In this instance few women are affected because, as discussed earlier, most of the organizations in Zambia are dominated by men at top management level.

Globally, the financial services sector has been affected by the global financial crisis and it has not been spared in Zambia. While it is too early to measure the full impact, it is safe to assume that the financial sector, which in recent times has been attracting a lot of women, may see some of these being laid off. Banks, for example, have not been renewing some of the contracts of their staff in an effort to cut down on the number of staff.

The mines, who have in recent years also been responding to the call to employ more women, have been greatly affected by the global financial crisis,²⁵ which has resulted in the significant reduction in metal prices at the international metal markets and a decline in the global demand for precious and semi-precious stones. The mines have recorded reductions in the labour force, but at the time of the study it was not possible to ascertain the numbers from a gender perspective.²⁶ It is however safe to assume that the women who were employed are at risk of losing their jobs, particularly since they are found in the lower echelons of the organizational structure whether it is at management or production level.

The hospitality industry, which employs many women in areas such as house-keeping, laundry, restaurant management and as kitchen staff, has been severely affected by the global financial crisis. There has been a considerable reduction in the number of tourists, both local and international. One unnamed²⁷ hospitality-based entity has had to lay off in excess of 200 workers in order to keep the entity

²⁴ See ILO report on impact of global financial crisis on women workers, March 2009.

²⁵ See ILO report on Mining Sector (2010).

²⁶ The ILO report on the Mining Sector (2010) indicates that the vast majority of jobs lost in the mines were of male workers, as they predominate in the development side of mining.

²⁷ This was an unofficial interview because management was not willing to give an interview

afloat. Some enterprises in the hospitality industry have had to drastically reduce the working hours of their staff as a way of cutting down on the wage bill. As far as they are concerned this is a better option than laying off workers.²⁸

There have been cost-saving measures such as in revision of conditions of service with regards travel allowances, cut-backs in attendance at workshops and reductions in related allowances. Whilst this affects all employees, women workers stand to lose more with regard to losing opportunities for acquiring new skills and accessing valuable information. One of the organizations interviewed reported a significant cut in its budgets, which entailed the suspension of the Family Social Day, no participation in the inter-company relay competition, and cut-backs in fuel allocations for staff members. The training budget has been drastically cut, thus affecting the opportunities for women to access training for purposes of self-development, which could result in promotion.

A number of organizations have resorted to sub-contracting services in order to cut back on costs. One such service is in cleaning, an area which employs a lot of women. However respondents employed in the sub-contracting firms complained of the exploitation that they faced in their work-places by being asked to work long hours without overtime allowances. They earn low wages, they are not entitled to leave, and they have no union representation.

The trading sector has also been negatively affected by the global economic crisis. Special mention can be made of the female cross-border traders who engage in international trading through importation of foreign goods such as clothing, equipment, automotive spares, hardware, etc. The depreciation of the Zambian Kwacha to the US Dollar has increased the import price of their commodities, thereby making them less competitive on the Zambia market. Furthermore, women traders have become more vulnerable to exploitation in their quest for services and favours in the administration of their businesses, resulting in their offering sexual services in return for ease of transportation of their goods and reduced payment of taxes at points of entry. Whilst this is practised even in normal times, the global financial crisis has worsened the situation.

3.9 THE ROLE OF WORKER CONSTITUENTS (TRADE UNIONS) IN PROMOTING THE RIGHTS OF WOMEN IN THE FORMAL AND INFORMAL ECONOMIES

The fundamental role of worker constituents is to conceive and articulate Women Workers' Rights with the overall broader framework of workers' rights. Their appreciation of Women Workers' Rights will result in their greater competence and ability to bring to the bargaining table issues concerning the rights of women workers. Worker constituents have a responsibility to give Women Workers' Rights the attention they deserve in the bargaining and negotiation processes, as well as in their lobbying and advocacy campaigns.

Worker constituents and trade unions also have a responsibility to ensure that women have every opportunity to participate on an equal basis as men in the union work, and that they are represented in the executive committees of the unions at all levels i.e. from the workplace, to the industry, district, provincial, national and international levels.

²⁸ The ILO report on the Tourism Sector indicates estimates of 2,500 jobs lost as a result of the crisis.

Worker constituents also have the responsibility to sensitise women workers on their rights, entitlements and responsibilities at the places of work, both in the formal and informal sectors. Of great importance is for the unions to pay more attention and direct their resources towards the informal economy, where workers are more vulnerable and where there are gross violations of Women Workers' Rights.

The worker constituents have the responsibility to lobby government and all other stakeholders in the Zambian economy to ensure the rights of women workers, as articulated by ILO and all other international Conventions relating to women's rights, are domesticated, implemented, monitored, reported and evaluated. In order for the trade unions to lobby Government on the above issues, the unions must actively monitor the implementation of the rights of women workers. They need to draw out mechanisms for monitoring these rights at policy, legal and implementation levels.

3.10 EXTENT TO WHICH WOMEN WORKERS PARTICIPATE IN LEADERSHIP POSITIONS OF TRADE UNIONS AND ANY PREVAILING BARRIERS TO THEIR PROGRESSION

The level of participation of women workers in leadership position of trade unions is extremely low and requires urgent redress. The highest number of female representatives recorded during the study was three in one union, and this is the general picture across many other unions. It was noted during the study that women tend to hold the position of treasurer or trustee in the union, and are often denied chances of top leadership. The Zambia Union of Journalists has been proactive in addressing gender issues in union representation, and they provide a framework for good practice which can be emulated by other unions.

Several reasons were advanced for lack of participation and they include the following:

- Lack of adherence to gender equality and democratic principles in the unions
- Prevailing culture of stereotypes (of women and men) which dictate that only men should take up the leadership of unions
- Patriarchal nature of many unions
- Lack of information on the part of women workers about union operations
- Lack of support from other women
- Lack of confidence on the part of potential female candidates
- Absence of gender policies in places of work and in the unions
- Lack of support from spouses and family
- Family responsibilities which can leave little time for involvement in union activities

Currently there are women's committees within the ambits of some unions. Interviews with one of the women's committees revealed that they had the mandate to ensure that women's issues were addressed in the workplace. However, it was noted that their budget was minimal, thus preventing them from effectively conducting meaningful work with regards Women Workers' Rights.

However, increases in women's membership do not always mean increased power for women workers. As indicated above, union leadership is traditionally male and focused on the interests of male, full-time workers. Women, and union leaders focused on increasing women's membership, have often used separate women's structures within unions (e.g. women's committees) to give women more voice and

then bring these to the attention of central leadership. In some cases, this seems to have successfully increased women's influence in unions, while in other cases this appears to result in the marginalization of women's issues. Many unions in both industrialized and developing countries have turned to quotas on national committees to ensure and increase women's participation in leadership.²⁹

3.11 CURRENT POLICY, LEGAL AND REGULATORY ENVIRONMENT IS CONDUCIVE FOR PROMOTING THE RIGHTS OF WOMEN WORKERS, INCLUDING THEIR RIGHT TO EQUAL PAY.

In addition to the International Labour Conventions referred to earlier, Zambia has ratified some of the international summit declarations and conventions as indicated below:

- (a) Resolution of the UN's Economic and Social Council passed in 1946 to promote women's economic, social and political rights which resulted in the establishment of the Commission on the Status of Women (CSW);
- (b) Convention on the Elimination of all forms of Discrimination Against Women (CEDAW 1979), which was the first instrument to define discrimination against women;
- (c) The African Charter on Human and People's Rights that was adopted by the Organization of African Unity (OAU) member states in Nairobi in June 1981. This Charter combines individual rights with group rights;
- (d) In April, 2000, the World Education for All Forum in Dakar came up with the "Dakar EFA Goals".

At the regional level, the following Declarations and Conventions have influenced developments on gender issues in Zambia:

- (a) Nairobi Forward Looking Strategy (1975–1985) which declared this period (1975–1985) a Decade for Women.
- (b) The 1981 OAU member states summit held in Nairobi, which adopted the African Charter on Human and People's Rights.
- (c) The 1997 SADC Declaration of 30% of female representation in decision-making positions, and proposed by the Lusaka SADC summit of 2007 to be at 50% by the year 2015.
- (d) The 2000 AU Declaration on 50% women's participation in decision-making positions.
- (e) The COMESA Gender Policy for all COMESA member countries.

At the national level, the Government of Zambia adopted the National Gender Policy (NGP) which takes cognizance of the African Union's Protocol on Women's Right in Africa (AUPWRA 2006), and advocates for equal participation of men and women in the development process in all sectors of the economy.

The Fifth National Development Plan (FNDP) has addressed gender as a cross-cutting issue with the ultimate goal of minimising gender inequalities in all sector of the economy. Since December 2008, the Government has adopted the national Gender Support Programme to assist the Gender Ministry and GIDD to play a lead role in coordinating gender activities at the national level. In addition, the Zambia Decent Work Country Programme (Z-DWCP), which was adopted by the Government and social partners in association with the ILO, as well as giving prominence to job creation for women, also mainstreams gender equality throughout all of its activities and approaches.

²⁹ FES, Global Trends in Women's Access to "Decent Work", No. 43/May 2009

It is evident from the above-stated conventions, protocols and policies that Zambia has in place a fertile framework for effectively domesticating, enforcing, monitoring and evaluating these many binding international instruments which have a bearing on Women Workers' Rights.

Whilst the gender machinery is in place to provide impetus to support Women Workers' Rights, this same machinery is grossly under-resourced and therefore has very limited capacity to facilitate implementation by other stakeholders. However, in 2009 for the first time, the Gender Ministry is in a receipt of its own budget (rather than depending on a sub-allocation from Cabinet Office), and this should add to the implementation capacity of the Ministry and GIDD.

Currently there is lack of sufficient political will to address the gender inequalities at all levels in the nation, and particularly as it relates to Women Workers' Rights. The fact that generally workers' rights are reportedly being violated means that there is currently little hope that Women Workers' Rights will be guaranteed. Unless the political will is demonstrated, and laws, policies and commitments implemented and effected, there is the concern that observance of Women Workers' Rights will be but a pipe-dream.

3.12 MECHANISM(S) AND POLICIES AIMED AT CREATING MORE SUPPORTIVE ENVIRONMENT WITHIN WHICH THE TRIPARTITE CONSTITUENTS PLAY AN EFFECTIVE ROLE IN PROMOTING AND PROTECTING WOMEN WORKERS' RIGHTS AND MAKING GENDER EQUALITY A REALITY IN THEIR POLICIES AND OPERATIONS

The main objective of the National Employment and Labour Market Policy is to create adequate quality jobs under conditions that ensure income, protection of workers and basic human rights. The Policy stipulates the existing legal framework, and examines its inadequacy and relevance in facilitating the effective and efficient operations of the labour market. The Policy's guiding principles include equity, equality, responsiveness, social protection, productivity, social dialogue and sustainability. The Policy acknowledges the steadily diminishing formal economy, meaning that the informal economy has effectively become the principal source of employment and livelihood for most Zambians, and more so for women.

The Policy makes provision for mainstreaming special interests and vulnerable groups and this includes addressing gender. The goal of the Policy is to increase the level of women's participation in overall gainful employment in all sectors of the economy. The objective is to reduce gender imbalances in employment. Strategies include raising awareness among various players in the labour market, as well as removing all legal provisions that are discriminatory on the basis of gender. Of special interest to women workers is the Policy's intention to safeguard the rights at work. The Policy acknowledges that in order for employees and their employers to produce more in their jobs, there is need to safeguard rights at places of work. The Employment Act Cap 268 and the Industrial and Labour relations Act Cap 269, make provisions for safeguarding rights at places of work. Issues such as forced labour, child labour, freedom of association, and discrimination in employment have been addressed.

In order to protect those who are not unionised, Statutory Instruments (SIs) numbers 56 (General Order applied to general workers) and 57 (applied to shop workers) have been instituted. However what is noteworthy is that under these SIs, some

categories of workers are not covered and this among others includes domestic workers. This category of workers is not protected under the law, and yet this is an arena where the highest forms of exploitation tend to occur. Whilst the Policy environment is fertile, what is left wanting is the implementation of the Policy. As long as the Policy implementation is not supported with the necessary resources and political will, Women Workers' Rights will continue to be violated.

The following are the existing mechanisms and policies aimed at creating a more supportive environment within which the tripartite constituents play an effective role in promoting and protecting women's rights:

- The current Constitution (under review) should incorporate the notion of gender equality as one of its fundamental and guiding principles. In so doing, Government and all stakeholders in Zambia will be compelled to adhere to the provisions in the Constitution.
- Government should through the gender machinery conceptualise and articulate Women Workers' Rights, which should be enshrined in all workplace policies. In addition to this, government entities, parastatals, the private sector, NGOs, the wider informal economy and the unions should develop gender policies as a vehicle for guaranteeing Women Workers' Rights. Whilst the National Gender Policy provides the overall policy at national level, sector specific policies should be developed for purposes of providing the framework for Women Workers' Rights adherence.
- Social protection should form one of the fundamental pillars upon which Women Workers' Rights should be anchored, especially for those in the informal sector. Social protection should be rights-based and mandatory for all constituents. Social protection should be viewed as an investment in human capital. Social protection schemes should include: health insurance, micro- insurance, cash transfers, maternity benefits, mutual aid societies, and other statutory contribution schemes.
- Mobilisation and regulation of the informal sector should take place through well-articulated and supported structures and representative bodies such as women's associations. These can take the form of micro-insurance for health, education and funeral grants and any other social protection measures
- Labour laws should consistently be reviewed to take into account the macro-economic environment and its link to the global agenda and globalisation.
- Incentives should be developed and implemented by Government in consultation with other stakeholders for organizations that are effecting Women Workers' Rights and implementing the national Decent Work programme.
- Over and above meaningful investment in the education system, special attention to girls' and women's education can be a major vehicle for delivering Women Workers' Rights in both the formal and informal economy.

3.13 STRATEGIES TO RAISE AWARENESS ON WOMEN WORKERS' RIGHTS IN ZAMBIA, AND MEASURES TO ASSIST THE TRADE UNIONS IN PROMOTING THE RIGHTS OF WOMEN IN THE FORMAL AND INFORMAL ECONOMIES

Several strategies should be devised and implemented to raise awareness on Women Workers' Rights, as well as measures to assist worker constituents in promoting and protecting the rights of women in both the formal and informal economy. These strategies should use strategic approaches and be sustainable, effective, and cost-efficient and have a tangible impact on the target groups.

Evaluation should be an integral component of the strategies for raising awareness on the rights and responsibilities of female workers. Information, Education and Communication (IEC) materials and other awareness activities are often utilized without any effort being made to determine their impact on the intended target audience.

The following constitute the proposed strategies and measures:

- Development of national consensus on what constitutes Women Workers' Rights in the Zambian context, taking into account all the international, regional and national conventions, protocols, policies and legislation on gender and women workers. The consensus should also take into account the different dynamics in the formal and informal economies.
- Development of workers' education through training and sensitisation programmes, through workplace outreach programmes on Human Rights, Gender and Labour, all of which should focus on both men and women in the various key constituencies. These should include employers' organizations, trade unions, Government officials, UN-related organizations such as the UN Global Compact in Zambia, NGOs, different associations in the informal economy, as well as women workers.
- Development of culturally relevant and gender-sensitive IEC materials, radio spots, television spots, pamphlets and any other innovative ways of creating awareness, whose impacts should be measured and evaluated.
- Lobbying Government on the need for social protection for women workers, particularly for those in the informal economy who are the most vulnerable. Social protection should be rights-based and mandatory. The ILO, trade unions, existing associations in the informal economy, gender and labour-based NGOs can be used to lobby Government
- Mobilising and organizing the informal economy, with greater emphasis on domestic work where exploitation is extensive. Mobilisation of the informal economy can include among other things formation of women's associations where none exist, and utilisation of existing ones as entry points for creating awareness, promoting and protecting Women Workers' Rights.
- Documentation on prevailing and changing situations through research and rapid assessment conducted on a timely and regular basis, focusing and directing more resources to the areas and sectors where violation of Women Workers' Rights are extensive.
- Provision of technical and financial support to the national and organizational gender machinery in the area of women workers' rights. This should include training them on the meaning of Women Workers' Rights, the various Conventions and Protocols that promote and support Women Workers' Rights, development of analytical tools for Women Workers' Rights as well as development of indicators and monitoring tools which can be applied throughout the implementation process.

The following table summarises the proposed strategies, areas of focus, target entities and the responsible partner organizations.

Strategy	Area of Focus	Target	Responsible/ Role of partner organizations
Development of National Consensus on WWRs	Informal & formal economy	Employers' organisations, trade unions, Government (MLSS/ MGW), Gender and Labour-Based NGOs Informal economy representatives	MLSS: Financial and technical support Trade Unions: mobilisation of members Employers' organisations: mobilising employers Informal economy organisations: mobilising Informal economy employers and employees ILO: technical support
Training and awareness raising	Women Workers' Rights	Employer organizations, government, trade unions, women's committees, women workers	Employer organizations: mobilising members Trade Unions: conducting training and awareness raising among members ZFAWIB, WEDAZ, WEDGE: provision of training for informal economy employers and employees
Development of IEC materials and interventions	Print, electronic, broadcast sensitisation campaigns	Women workers, employers - with emphasis on informal economy	Women Workers: development of messages Women Committees: dissemination of materials Trade unions: distribution of materials
Lobbying Government on social protection	Informal economy	Government (MCDSS, MOFNP, MLSS, GIDD); Informal economy representatives; women workers	ILO: technical support; Unions: platform for dialogue; JCTR: platform for research and dialogue; Informal economy representatives: platform for dialogue.
Mobilising and organizing the informal economy	Informal economy emphasis on domestic work/agriculture	Employers; Farmers.	ZNFU & ZFE: platform for dialogue Agriculture-based unions: mobilisation

STUDY FINDINGS

Documentation	Research Institutions/ researchers/consultants	Government; employers; unions; women workers	ILO, UNAIDS, UNDP, UNICEF: technical support Government: financial support UNZA, INESOR, ZARD, JCRT: Research inputs Unions: dissemination
Provision of technical and financial support to gender machinery	Training, development of analytical tools, indicators and monitoring tools	GIDD, Women's committees, Trade Unions	UNDP, UNICEF, UNAIDS, ILO: technical/financial support Government: financial/ technical Unions: platform for dissemination

4. CONCLUSIONS

EXTENT TO WHICH WOMEN WORKERS HAVE SUFFICIENT ACCESS TO INFORMATION ON THEIR RIGHTS, ENTITLEMENTS AND RESPONSIBILITIES

Women workers in Zambia do not have sufficient and equal access to information regarding their rights, entitlements, and responsibilities at the work place in both the formal and informal economy. There is however a difference in the access to information between women workers in the formal economy and those in the informal economy. The women workers in the formal economy have more access to information on their rights, entitlements and responsibilities. This is partly due to the fact that trade union organizations are more prevalent in the formal economy. Furthermore, there is a difference between the levels of access to information amongst women in the formal economy due to their varying positions in organizations. Those in upper echelons have more access to information than those in the lower ends.

Women workers in the informal economy have little or no access to information on their rights, entitlements and responsibilities. This is due to their relatively lower levels of education, absence of unions and of any other body which organizes representation. The fact that the informal economy is unregulated creates a situation where women workers are unable to know or to claim their rights and entitlements.

Some of the employers in both the formal and informal economy do not know the rights, entitlements and responsibilities of women workers. Those who know them are not always willing to guarantee the rights, because they regard them as costs to the organization in terms of human resource hours and in terms of finance.

Women's Access to HIV Support and Counselling

Some of the organizations in the formal economy have developed HIV and AIDS work-place policies which are benefiting women workers. These policies enable women workers to go for VCT and access ART.

The informal economy is very limited in its offer of HIV Support and Counselling, and therefore women workers have little or no access to these services. Sometimes there is misinformation and misconceptions about HIV and AIDS, which leads to stigma, and discrimination and marginalisation of those that are HIV positive.

The situation gets worse for domestic workers, who are isolated and marginalised and have little or no access to information on awareness, care and support. Domestic workers are vulnerable to contracting HIV and AIDS in the workplace, because they are in a vulnerable position and are often unable to resist sexual advances from (possibly infected) male members of the household, due to their subordinate position.

Forms of Discrimination and Deficits in Achieving Decent Work in the Workplace

Women workers face a wide range of discrimination and deficits in achieving Decent Work, some of which are common to both the formal and informal sector. Discrimination ranges from inability to easily access employment, career opportunities, education, training, personal and professional development. Casualization of labour and poor conditions and benefits of employment have a bearing on discrimination and

present as deficits as well. Other forms of discrimination and deficits in realising Decent Work include inflexible hours of work regardless of family responsibilities, long hours of work, denial of leave, and indiscriminate dismissals.

Women workers are victims of sexual harassment, sexual exploitation, and trafficking. This is most pronounced in the informal economy and especially amongst the young girls. Other forms of discrimination include lack of child-care and lack of gender friendly facilities. Very little is being done to address these forms of discrimination that women workers face in the workplace.

Existence and assessment of the effectiveness of mechanisms that support women with respect to entering and progressing in the labour market

The education system continues to be biased in favour of men. Whilst near parity has been achieved in enrolment at primary school, as children progress through formal education the drop-out rates become higher for girls. Girls are still often relegated to pursuing academic disciplines which perpetuate the gender division of labour, and cluster them in jobs which tend to pay less. Traditional apprenticeship systems which are passed on from generation to generation continue to perpetuate stereotypes concerning women's work.

Although increased opportunities have been created for women's participation in the education system, there are still significant differences between men and women as demonstrated in job segregation. As long as the education system remains biased, Women Workers' Rights cannot be achieved to the extent to which is desirable.

Progress made at the work-place towards achieving Decent Work for women in all its aspects

Many of the organizations fall short of providing conditions of Decent Work for women in several aspects. There are still very limited opportunities for productive work for both women and men in Zambia. Women continue to earn relatively lower wages, and security in the work-place is not always assured, especially in the informal economy. There is very limited social protection for workers in the formal economy, and the situation worsens in the informal economy. Women have limited opportunities for personal development and social integration. Women worker representation in trade unions is still very low and non-existent in some unions, leaving little room for women to freely express themselves.

Extent to which ILO's 4 Equality Conventions on Women Workers' Rights have been domesticated in Zambia

Zambia has ratified two out of the 4 Equality Conventions, and these include C100 and C111. The Government is yet to ratify the latest Maternity Protection Convention (C 183) and Workers with Family Responsibilities C156. Non-ratification of Conventions 156 and 183 limits women's and men's access to provisions that relate to family responsibilities. The need for Government to ratify the Convention on Maternity Protection is therefore essential in securing Women Workers' Rights. Although Conventions 100 and 111 have been ratified, implementation and enforcement have met with challenges.

Impact of the Global Financial and Economic Crisis on the rights of women workers, including their right to equal pay

Whilst it may be premature to effectively assess the full impact of the global financial crisis, it is justified to conclude that women workers are bound to suffer the consequences more than the men, particularly in sectors where women dominate. This is due to their relatively lower levels of education and limited opportunities to engage effectively in bargaining processes.

Most women work in sectors that are closely linked to the global economy and they are bound to suffer. Some sectors are dominated by multinational corporations and other foreign investors, some of whom seek areas where labour is relatively cheap and efficient, where labour laws are not very stringent, and where there are opportunities for maximisation of profits as result of savings on wages or government incentives, etc. The **Global Financial and Economic Crisis** has resulted in increases in casualization of labour, and women tend to be victims of casualization because of lack of information on labour laws as well as on their rights as workers. The global economic crisis has resulted in further exploitation of women workers, particularly in the agriculture sector, the tourism and hospitality industry, and the trading and services sector.

The role of trade unions in promoting the rights of women in the formal and informal economies

The role of trade unions in promoting the rights of women in both the formal and informal economy includes: conceiving and articulating Women Workers' Rights; lobbying and advocating on specific gender-related issues; facilitating the participation of women in union activities; and sensitising employers and other stakeholders about Women Workers' Rights. The trade unions' role also includes lobbying government to domesticate and enforce all Conventions and Protocols dealing with Women Workers' Rights. Unions should also lobby government to vigorously pursue broader forms of social protection, including maternity benefits, all of which will be most beneficial to the women workers in the informal economy.

Extent to which women workers participate in leadership positions of trade unions, and prevailing barriers to their progression

There is very low participation of women in the leadership positions of trade unions due to the stereotypes that inform the unions, which are seen as preserves for men. Women do not have adequate information on how to participate effectively in union leadership. The generally lower levels of education amongst women deny them the confidence to participate. Furthermore they do not receive the much-needed support from other women, from their spouses and from their families at large. Trade unions sometimes do not fully adhere to all the principles of gender equality and democracy, and therefore do not include women on an equitable basis.

Mechanism(s) and policies aimed at creating more supportive environment within which the tripartite constituents play an effective role in promoting and protecting Women Workers' Rights and making gender equality a reality in their policies and operations.

Zambia has ratified many Conventions and Protocols and has a National Gender Policy which provides the framework for addressing gender issues in the country. Notable amongst the Conventions are CEDAW, the Beijing Platform for Action, the SADC Protocol on Gender, and the AU Declaration on 50 percent women participation in decision-making. As indicated above, Zambia has also ratified and domesticated some of the ILO Conventions which focus on the rights of women workers. The challenge, however, is the enforcement of these international Conventions and Protocols. There appears to be a lack of political will to address these shortcomings, and this is evidenced by the significant under-resourcing of the gender machinery in the country.

The Tripartite Consultative Labour Council (TCLC), comprising Government (MLSS), workers (ZCTU and FFTUZ) and employers (ZFE) has an important role to play in promoting gender equality and Women Workers' Rights throughout Zambian workplaces.

5. RECOMMENDATIONS

TRADE UNIONS (ZCTU and FFTUZ) are recommended to:

- a) Embark on an intensified sensitization campaign on Women Workers' Rights, Entitlements and Responsibilities, in conjunction with key partners such as the ILO, and targeting women in both the formal and informal economy. The campaign should also target Government (e.g. MoWGiD) and employers' organisation as well as the women workers themselves. Particular attention should be paid to the informal economy and specifically to women in domestic work and the agriculture sector where violations are rampant.
- b) Ensure sufficient and equal access available to information on Women Workers' Rights. Information should be available through clearly written conditions of service (in both English and local languages) and through print and electronic media. Trade unions should lobby the Government and employers to sensitize women workers on their rights, and should endeavour to actualize these rights with workers.
- c) Develop structures and tools for gender analysis and gender mainstreaming to monitor, evaluate and report the adherence to Women Workers' Rights, and this to be achieved through collaboration with ILO, the private sector, gender- and labour- based NGOs, and women workers in both formal and informal economy.
- d) Facilitate collective bargaining training for women, as well as gender equality training for trade unions. The gender equality training should be conducted (in line with the National Gender Support Programme) with technical guidance from ILO.
- e) Articulate well the concerns of women workers and give them the prominence they deserve so that collective bargaining can be effective and equitable. Bargaining teams should be trained in gender awareness and analysis in order for collective responsibility on gender-related issues to be reinforced, and women should be represented in bargaining teams. It should not be assumed that women's presence in bargaining teams will guarantee their issues being addressed, as it takes the appreciation of all parties involved to address women's issues.
- f) Lobby for the development and enhancement of social protective schemes which are contributory or non-contributory where they do not exist. Such schemes should include among others, health insurance, maternity benefits (cash benefits during leave), social transfers, micro-insurance and credit and savings, and should target both formal and informal economy workers. This will mitigate the impact of global financial crisis and other circumstances that negatively affect women workers.

THE GOVERNMENT is recommended to:

- a) Develop tools to be used in monitoring, evaluating and reporting the adherence to Women Workers' Rights, and to be achieved through the Ministry of Gender/ GiDD and MLSS, and work with labour movement (ZCTU and FFTUZ) and gender- and labour-based NGOs, private sector and women workers both in formal and informal economy to, and these reports should be distributed

among stakeholders for follow-up action. It should also develop an incentive and reward structure for those employers who guarantee these rights, and this can be a means of motivating all employers and stakeholders.

- b) When making provision for education, Government and other institutions should focus on skills training/development that will contribute to the professional and human resource development of girls and women. The education system should focus on addressing gender imbalances in all aspects of human life, so that there is a shift in the mindset of both male and female Zambians on the need for women to become equal partners in development process. Investing in girl's and women's education (both formal & informal) will contribute significantly to enabling Women Workers' Rights to be claimed.
- c) Develop enhanced Social Protection Schemes, contributory or non-contributory where they do not exist. Such schemes could include among others, health insurance, maternity benefits (cash benefits during leave), social transfers, micro-insurance, and credit and savings, and should target women workers in both formal and informal economy, thus helping to mitigate the impact of the global financial crisis and other circumstances that negatively affect women workers.
- d) Jointly implement and monitor the Z-DWCP with trade unions and employers, particularly as it relates to Women Workers' Rights. The recently constituted DWCP Advisory Committee should be the appropriate body, and reports can be prepared and presented to the Employment and Labour Sector Advisory Group (EL-SAG), as well as to the Tripartite Consultative Labour Council (TCLC). An incentive structure should be developed by GIDD and MLSS.
- e) Compel all organizations to develop workplace HIV & AIDS programmes that are easily accessible and all-inclusive in content and structure. Such initiatives should be based on the ILO's Code of Practice (2001) and the forthcoming ILO Recommendation on HIV and AIDS, due for adoption in June 2010. Special provisions should be developed for the informal economy, with the aim of ensuring that women workers access HIV and AIDS care support.
- f) In collaboration with ILO, TUs, employers' organizations, ensure sufficient and equal access to information on Women Workers' Rights, to be available through clearly written conditions of service (both in English and in Vernacular languages), and compel employers to sensitize their workers on their rights and endeavour to actualize these rights in association with their workers.
- g) Ratify the remaining two of the four ILO equality Conventions, and monitor full implementation.
- h) Promote Participatory Gender Audits to monitor the domestication of ratified conventions.

THE EMPLOYERS' ORGANIZATION, being ZFE, is recommended to:

- a) Embark on sensitisation campaigns on Women Workers' Rights, Entitlements and Responsibilities to ensure that members have sufficient and equal information, and information be presented in clearly written form (in both English and vernacular/local languages) and through print and electronic media, and members be compelled to sensitize their workers on their rights and endeavour to actualize these rights in association with their workers.
- b) Recognize workers' organizations and the concerns of women workers, which should be well-articulated and given the prominence they deserve. Bargaining teams should be trained in gender awareness and analysis in order to reinforce collective responsibility on gender-related issues. Employers should appreciate and address women's issues in collective bargaining.
- c) Develop social protection schemes which are capable of mitigating the impact of the global financial crisis which negatively affect women workers. These schemes should address issues of health, maternity benefits, micro-insurance and credit and savings.
- d) Jointly implement and monitor the Zambia Decent Work Country Programme with Government and Trade Unions, particularly where it relates to Women Workers' Rights.

THE INTERNATIONAL LABOUR ORGANIZATION (ILO) is recommended to:

- a) Work with key partners to design and embark on an intensified nationwide sensitization campaign on Women Workers' Rights, Entitlements and Responsibilities, targeting women in both the formal and informal economy. The sensitization should target trade unions, government, employers' organizations as well as women workers themselves, and should make full use of the findings of this Rapid Assessment, as well as the new ILO Training Manual on Women Workers and their Rights (2010).
- b) Pay particular attention to the plight of women working in the informal economy, and specifically domestic work and agriculture, where violations are rampant.
- c) Encourage all key partners to develop workplace HIV and AIDS programmes that are easily accessible and inclusive in content and structure. Special provisions should be developed for workers in the informal economy, taking account of the dynamics involved, but aimed at ensuring that women workers in the informal economy access HIV and AIDS care and support. These should be based on the ILO's Code of Practice (2001), and on the forthcoming ILO Recommendation on HIV and AIDS, to be adopted in June 2010.
- d) Work with key partners and facilitate training in collective bargaining for women, as well as gender equality training for trade unions, other social partners and various government units. This should be conducted in line with the National Gender Support Programme, with ILO offering guidance including facilitating development of tools for gender analysis, gender mainstreaming and gender audits, whose outcomes can be used in the bargaining process by partners.

- e) Encourage tripartite partners to use gender sensitive tools to monitor the domestication and enforcement of all related ILO conventions, including the four (4) equality Conventions, making sure that challenges faced by Government in implementing these conventions are well articulated and mitigating measures developed.

Supplementary Recommendations:

In the broader international context, the following highly pertinent recommendations could also be added, as presented in the recent FES report on Women Workers:³⁰

I. The Role of Governments and Intergovernmental Bodies

- Undertake and support the collection of sex-disaggregated data on employment, work conditions, earnings and time use. Improve the identification of paid and unpaid work, and address the information gaps on the subject, paying special attention to in the informal sector, home-based work and unpaid (community, household and care) work.
- Establish gender-sensitive rules to guide employment practices of domestic and foreign firms, including global corporations, by building on existing multilateral instruments such as the ILO Conventions on fundamental workers' rights and other Conventions with regard to home-based work.
- Carry out country-specific and gender-aware assessments of labour laws and standards, with special attention given to those applied in export processing zones, as well as those related to subcontracted, home-based work.
- Increase the resources allocated for inspection of work sites and enforcement of the local labour laws (e.g. by MLSS Labour Inspectors), especially those that relate to fundamental workers' rights as specified by the ILO Declaration on the Fundamental Rights at Work.
- Increase gender-awareness in labour ministries by increasing financial resources and technical capacities in this area.

II. The Role of ILO and Other International Bodies

The ILO needs to continue leading and engaging its partners in promoting economic and social policies that uphold and protect workers' rights, and particularly women's rights. To achieve this, actions on a number of issues are crucial, including:

- Promote international partnerships focused on the enhancement of workers' rights. Publicize good practices in this area.
- Support the establishment of gender-sensitive rules to guide employment practices of domestic and foreign firms, including global corporations by building on existing agreed multilateral instruments.

III. Role of Trade Unions and Women's Organizations

Getting governments and international bodies to address Decent Work and the critical gender concerns will require an effective and broad-based participation of trade unions and women's organizations. These groups play an important role in influencing the deliberations and policy actions of governments and international bodies toward the achievement of Decent Work for all. It is therefore important that trade unions and women's groups continue their efforts and also incorporate the

³⁰ FES, Global Trends in Women's Access to "Decent Work", No. 43/May 2009

following recommended strategies and plan of action:

- Provide training to their members on relevant economic issues and gender concerns in order to have broader participation and active engagement in dialogues with governments and international bodies, and to be able to monitor their actions.
- Work towards broadening their membership base, particularly in increasing the participation of and providing voice to women and men workers in contingent, subcontracted and precarious, informal sector jobs.
- Undertake and support action research projects that enable labour unions and women's groups to evaluate policy and programme impacts in terms of potential gender-biases regarding earnings, job security, workers' rights and unpaid work. Use such analysis for the development and formulation of gender-aware policy and programme recommendations.
- Strengthen coordination between labour unions and women's groups both within and across countries in order to ensure more effective mobilization and coherence in dialogues with governments and international bodies.
- Broaden public awareness on the gender dimensions of family policies, economic and social policies by disseminating the key findings of gendered impact assessments in order to generate public action towards holding governments accountable in promoting Decent Work.

RECOMMENDATIONS

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LIST OF APPENDICES

ANNEX 1: TERMS OF REFERENCE

BACKGROUND

In line with the ILO Declaration on Social Justice for a Fair Globalization (2008), the project on Women Workers' Rights concentrates on supporting and assisting efforts by Zambia to make progress on a tripartite basis towards the Zambia Decent Work Country Programme (Z-DWCP) objectives, in particular creating greater opportunities for women to secure decent employment and income. This project will help to identify and meet funding gaps in key elements of the Z-DWCP. The project also integrates gender equality and non-discrimination as cross-cutting issues in the promotion of ILO's strategic objectives.

In setting the project in motion, the International Labour Organization wishes to engage a consultant to carry out a Rapid Assessment on the knowledge and awareness on women workers' rights in both the formal and informal sectors of the economy. The objectives of the assessment are as follows:

Purpose/Objectives

1. To establish baseline information on the extent to which women as workers have sufficient and equal access to and information regarding their rights, entitlements, responsibilities and support mechanisms with respect to entering the Zambian labour market and progressing to achieving decent work in all its aspects.
2. Identify and review any support mechanisms targeting women entering and progressing in the labour market
3. To propose a more supportive environment within which the tripartite constituents could play an effective role in promoting and protecting Women Workers' Rights and making gender equality a reality in their policies and operations.

Specific Tasks

1. To prepare a brief concept paper and survey instruments on key elements of Women Workers' Rights
2. To assess the extent to which women as workers have sufficient and equal access to and information regarding their rights, entitlements, and responsibilities at the work place (both formal and informal economy).
3. To assess women's access to HIV support and counselling
4. To identify forms of discrimination that women workers face at places of work
5. To identify the existence and assess the effectiveness of mechanisms that support women with respect to entering and progressing in the Zambian labour market (both formal and informal economy)
6. To identify progress made at the work places towards achieving decent work for women in all its aspects.
7. To assess the extent to which ILO Conventions-including the 4 equality conventions on Women Workers' Rights have been domesticated in Zambia
8. To assess the impact of the global financial crisis on the rights of women workers, including their right to equal pay.
9. To assess the role of worker constituents (Trade Unions) in promoting the rights of women in the formal and informal economies
10. To assess the extent to which women workers participate in leadership positions of worker constituents (Trade Unions) and identify prevailing barriers to their progression

11. To assess whether the current policy, legal and regulatory environment is conducive for promoting the rights of women workers, including their right to equal pay.
12. To propose mechanism(s) and policies aimed at creating more supportive environment within which the tripartite constituents play an effective role in promoting and protecting Women Workers' Rights and making gender equality a reality in their policies and operations.
13. To propose strategies to raise the awareness on Women Workers' Rights in Zambia and measures to assist the worker constituents (Trade Unions) in promoting the rights of women in the formal and informal economies.

Cross Cutting Issues

The study will also take into account Women Workers' Rights for women with disabilities in addressing the tasks above.

Duration of the Assignment

25 Days (Preliminary Baseline Survey)

Scope of Coverage

Selected Provincial Centers, including an extent of rural representation in liaison with trade union representatives at 4 provincial centres.

ANNEX 2: ILO'S FOUR (4) EQUALITY CONVENTIONS

(1) Equal Opportunity and Non-Discrimination

Discrimination is defined in Convention No.111 as any distinction, exclusion or preference based on race, colour, sex, religion, political opinion, extraction or social origin which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation (Art.1 (1a))

Discrimination is not new and certain forms of discrimination, most notably those on grounds of race or ethnicity and sex, have a long history. More recently, changes in the structure and dynamics of labour markets, themselves responding to broader political, economic and socio-cultural processes, have status, sexual orientation, employment history or religion. Dealing with discrimination is complicated with the fact discrimination depends on perceptions and subjective opinions or preconceptions about the abilities or attitudes ascribed to individuals belonging to particular groups, rather than on facts, and it is often invisible or disguised. Nonetheless, the elimination of discrimination at work is indispensable to any strategy to achieve Decent Work, reduce poverty and ensure sustainable development. Governments, employers and their organizations, and workers' organizations all have a duty to combat it in the ways appropriate to them.

Discrimination may be *de jure*, meaning that discrimination exists in law, or *de facto*, meaning that it exists in reality or in practice. A labour code providing that women shall receive less pay than men because of their sex would be regarded as *de jure* discrimination, whereas the actual practice of paying women less would be *de facto* discrimination. While cases of direct and *de jure* sex discrimination have declined over time, *de facto* discrimination continues to exist or has emerged in new forms. To identify discrimination based on sex, it is therefore advisable to look not only at an intent or purpose reflected in rule or action, but also at the actual effect generated. An understanding of the distinction between direct and indirect discrimination is useful here. Direct sex discrimination exists when unequal treatment between women and men stems directly from laws, rules or practices making an explicit difference between women and men (e.g. laws which do not allow women to sign contracts, but allow men to do so). Indirect sex discrimination happens when rules and practices which appear gender-neutral, lead in practice to disadvantages being suffered primarily by persons of one sex. It is often not evident at first glance but only after having analysed the *de facto* effects of policies or legal provisions, that is, what happens in reality as a result of such rules or practices.

The concept of direct discrimination shows that the application of the same treatment or requirement to everyone, in practice, can lead to very unequal results. A law, regulation, policy or practice may appear to be "neutral" by not making a distinct difference between women and men, but in fact may result in unequal treatment of persons with certain characteristics. Any treatment that, in practice, leads to disadvantages for the members of just one sex constitutes indirect discrimination if the negative effect is not closely related to the inherent requirements of the job in question. Examples are job requirements or criteria for pay which are seemingly neutral (such as minimum height or weight), but in practice exclude a large percentage of female workers. The intention to discriminate is not a determinant of indirect discrimination. However, employment or hiring practices are not considered to be discriminatory when they are based on the actual and real needs of a job (for instance, political

or religious belief may constitute a bona fide qualification for certain positions or occupations; distinction on the basis of sex may be required for certain jobs, e.g. in the performing arts), or if they are meant to promote equality by affirmative action or to protect women on special grounds such as maternal health. Nevertheless, exclusions of this type must be consistently defined with the requirements of the job and protected by legal review. Distinctions based on individual merit also do not count as discrimination in employment and occupation, but such distinctions are hard to define and open to bias in practice.

Indirect discrimination may also occur when differential treatment is given to particular categories of workers, such as part-time workers. In many countries the exclusion by law of domestic workers, agricultural workers and seasonal workers from social protection is also likely to discriminate against women.

Stereotypical ideas about the distribution of “male” and “female” tasks and capabilities can lead to indirect discrimination against women in accessing employment and vocational training, especially in technical sectors and career advancement. While the cultural identity of workers should be respected, it must also be recognized that some cultural beliefs and norms about gender roles and relations, for instance about women’s right to earn an income or own land, do discriminate against women and contribute to a vicious circle of disadvantage in employment, occupation and pay. Identifying indirect discrimination enables a critical reassessment of established practices and rules which, though apparently neutral, generate different results for women and men at work.

Essential strategies for combating indirect discrimination include:

- The modification of work organization and distribution of tasks so as to avoid negative effects on the treatment and advancement of women;
- The adoption of measures (such as social services accessible to all workers) to allow a balance in sharing family and professional responsibilities between the sexes;
- Measures such as sensitization campaigns to combat the use of stereotypes about “male” and “female” tasks and roles.

In most countries, discrimination based on sex is prohibited by law. In practice, however, women in both developing and industrialized countries continue to encounter discrimination in one form or another in their working lives. Other grounds upon which discrimination is prohibited may be included in a country’s laws and regulations. In some countries, for example, discrimination in employment is also prohibited on the basis of race or ethnicity, physical or mental disability, age, marital status, maternity, sexual orientation, religion, material well-being or HIV-positive status. In practice, sex discrimination may be compounded by any of these other grounds for discrimination.

The State plays a key role in the elimination of discrimination. Legislation can contribute to this directly by addressing the problem of discrimination at work and indirectly by guaranteeing equality in matters other than work (such as inheritance, property rights, and education). Laws concerning discrimination at work are being strengthened, while measures to combat indirect sex discrimination are multiplying, as is the establishment of bodies to promote equal opportunities at work. And the process of law-making and reform can be rendered more gender-sensitive by promoting a greater involvement of women as well as men in drafting teams, and by

adhering to gender-inclusive drafting rules, such as avoiding the outdated concept that masculine forms, such as the pronoun “he”, in a legal text is interpreted to include the feminine “she”.

Social dialogue in all forms (negotiations, consultations and information-sharing) has proven its worth in fighting discrimination, as demonstrated by the attention paid to the subject in national pacts, framework and sectoral agreements, and the outcomes of enterprise-level bargaining. The importance of having gender balance in negotiating teams – not only as a way of ensuring that equality issues are not invisible at the bargaining table, but also to infuse the process itself with the skills that both women and men can bring to the bargain - cannot be emphasized strongly enough.

Discrimination, especially in its indirect forms, is slow to change because it reflects prevailing social values which themselves change only slowly. Nonetheless, when sex-discriminatory practices exist in the workplace, women and their representative(s) should be able to call for the intervention of the public labour inspection service, or make a claim with the designated competent authority or court.

[Relevant ILO Conventions are: C.98: Right to Organise and Collective Bargaining, (1949); C.111 and R.111: Discrimination (Employment and Occupations), (1958); C.117: Social Policy (Basic Aims and Standards), 1952; C.156 and R.165: Workers with Family Responsibilities, 1981; ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998.]

(2) Equal Remuneration

Remuneration is defined in Convention No. 100 (Art. 1 (a)) as “the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever, payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker’s employment”. The principle of equal pay for work of equal value addresses discriminatory structural gender biases in labour markets which lead to horizontal and vertical occupational segregation by sex. It means that rates and types of remuneration should be based not on an employee’s sex (or other personal attributes) but on an objective evaluation of the work performed. This is a fundamental women workers’ right, widely acknowledged and implemented in national legal systems. Nonetheless, statistics and research indicate a persistent pay differential between the sexes which has decreased only slightly in recent years. On average worldwide, women’s income per hour worked is about 75 percent of men’s. Several reasons for these differences in earnings are usually cited. Differences in skills and qualifications, seniority, and sectors of employment all have an influence, although, contrary to conventional belief, women’s lower educational attainments and interrupted career paths are not the main reason for gender differentials in pay. Discrimination is a more important determinant. Because pay structures and job classification systems are biased, the jobs done by most women tend to be classified at lower levels. Women are highly concentrated in “flexible” work such as part-time, piece-rate or temporary work, which are usually poorly paid. Women work fewer overtime hours than men. At the same time, the costs of employing a woman are perceived to be higher than those of employing men.

Discrimination operates in access to promotion which affects pay and fringe benefits. Detecting discrimination in remuneration is not easy, since the factors accounting for a gender gap in pay have to be identified in order to determine whether or not they

constitute discrimination. In many countries such as Zambia there is a shortage of reliable statistics for measuring pay gaps. However, where women's pay is typically lower than men's in a particular occupation, sector, skill level or pension level, it is worth looking for possible discrimination in pay.

Recognition of the right to equal pay for work of equal value is accepted in the ILO's Constitution (1919). Convention No.100, adopted in 1951, as a specific instrument concerning equal remuneration for work of equal value, covering the basic wage and any additional cash or in-kind remuneration or benefit arising out of the worker's employment. The Resolution on Gender Equality, Pay Equity and Maternity Protection, adopted by the 92nd session of the ILC in 2004, seeks to strengthen the Convention and promote its wider ratification and application, and also calls on the social partners to carry out capacity building, training and advocacy programmes on all aspects of pay equity.

However, both employers and trade unions tend to give pay equity a lower priority than other issues such as pay levels, job creation and employment. Trade unions also often tend to see pay equity as an issue for women workers only, not as a strategic issue for all workers.

Application of the principle of equal pay for work of equal value is the joint responsibility of the State and the social partners. It may be applied by means of:

- National laws or regulations;
- Legally established or recognized machinery for wage determination;
- Collective agreements between employees and workers;
- Or a combination of these (Convention No. 100, Art.2).

Practical measures for its implementation include the following:

- Job classification systems and pay structures should be based on objective criteria, irrespective of the sex of the people who do the job.
- Any reference to a particular sex should be eliminated in all remuneration criteria, in collective agreements, pay and bonus systems, salary schedules, benefit schemes, medical coverage and other fringe benefits.
- Any remuneration system or structure which has the effect of grouping members of a particular sex in a specific job classification and salary level should be reviewed and adjusted to ensure that other workers are not performing work of equal value in a different job classification and salary level.

Programmes and other measures should be adopted in the workplace to implement the principle of equal remuneration. It should be ensured that:

- corrective measures are developed and applied whenever a situation of unequal remuneration is discovered;
- special training programmes are organized to inform staff, particularly supervisors and managers, of the need to pay employees on the basis of the value of the work and not of who is performing the work
- separate negotiations on equal remuneration are conducted between management, employees' representatives and the women workers affected by the existing unequal job classification or pay structure of a particular workplace.

Part-time and hourly employees should be remunerated on an equal basis with full-time employees proportional to the number of hours they work. [Relevant ILO Standards are: C.100 and R.90: Equal Remuneration, 1951; C.175 and R.182: Part-Time Work, 1994; ILO Resolution on Gender Equality, Pay Equity and Maternity Protection (2004).

(3) Maternity Protection

Maternity Protection for employed women is an essential element in equality of opportunity. It seeks to enable women to combine their reproductive and productive roles successfully, and to prevent unequal treatment in employment due to women's reproductive role.

The elements of Maternity Protection covered by the most recent standards concerned with Maternity Protection, i.e. Convention No. 183 and Recommendation No. 191 (2000) are:

- Maternity leave – the mother's right to a period of rest in relation to childbirth;
- Cash and medical benefits – the right to cash benefits during absence for maternity;
- Protection of the health of mother and child during pregnancy, childbirth and breastfeeding;
- The mother's right to breastfeed a child after her return to work;
- Employment protection and non-discrimination – guaranteeing women employment security and the right to return to the same job or an equivalent one with the same pay;

While many of the key elements of ILO's Maternity Protection Convention 103 (the one which Zambia has ratified) are retained on the newest Maternity Protection standards, i.e. in Convention No. 183 and Recommendation No.191, there are important strengthening provisions which include:

- The extension of coverage to all employed women, including those in atypical forms of dependent work (Art.2.1);
- The extension of the minimum leave period from 12 to 14 weeks (Art.4.1);
- Stronger protection from dismissal during pregnancy or maternity leave and after return to work, and the guaranteed right to return to the same position or an equivalent position paid at the same rate at the end of maternity leave (Art.8);
- The requirement for ILO member States to adopt appropriate measures to ensure that maternity does not constitute a source of discrimination in employment, including prohibiting pregnancy tests as part of job candidate selection procedures, except in very limited specific circumstances (Art.9).

National laws designed to protect the health of mother and child and the employment rights of working women figure prominently in the legislation of almost every ILO Member State, including Zambia. There are, however, significant variations in the scope of coverage, the extent of protection, the complexity of the schemes in force, and the respective responsibilities of the State and of individual employers for the provision of cash benefits. Typically, a simple package includes the provision, under labour legislation, of leave before and after the birth, often with the payment of cash

benefits, whether by the employer, out of social security schemes, through public funds or by a combination of these means. It is declared unlawful for employers to give notice of dismissal during maternity leave and its eventual extension, or at such time as the notice would expire during such leave. Nursing mothers are authorized to take breaks, which are often paid, for breastfeeding.

(4) Workers with Family Responsibilities

Convention No. 156 defines Workers with Family Responsibilities as men and women workers with responsibilities in relation to their dependent children and other members of their immediate family who clearly need their care or support, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in an economic activity (Articles 1-2). It is the responsibility of each member State to determine which persons would be covered by these terms.

All workers, both men and women, should be able to engage in employment without being subject to discrimination related to a perceived conflict between their employment and their family responsibilities. They should be free from restrictions based on family responsibilities when preparing for and entering, participating in or advancing in economic activity. Convention No.156 and its accompanying Recommendation No.165 firmly place equality of opportunity and treatment for workers with family responsibilities within the wider framework of measures to promote equality between the sexes. The principles and objectives to be pursued for the benefit of workers with family responsibilities should therefore, as far as possible, form part of or be closely linked to relevant national policies on equality of opportunity and treatment for male and female workers.

National policies to address this issue in accordance with Convention No.156 should aim at creating effective equality of opportunity and treatment for female and male workers, and for workers with and without family responsibilities. Such policies should apply equally to wage-earning and non-wage-earning workers. To limit the substantive provisions of the Convention to wage-earners alone would exclude many other workers with family responsibilities, and particularly the self-employed, who constitute a large proportion of the economically active population in most developing countries. The needs of workers with family responsibilities should particularly be taken into account when planning and developing or promoting community services such as childcare, elder care and family services and facilities. Public information and awareness-raising programmes should be carried out on the situation of these workers. Flexibility in working conditions and in social security should be promoted through:

- the progressive reduction of hours of work and the reduction of the amount of required overtime;
- the introduction of flexible arrangements in working schedules, rest periods and holidays;
- consideration of the place of employment of the spouse and the educational possibilities for children in the case of transfer from one locality to another;
- the regulation and supervision of terms and conditions of employment of part-time workers, workers on temporary contracts and home workers: all terms and conditions of employment, including social security should be equivalent to those of full-time and permanent workers;
- Consideration of family responsibilities as a valid reason for refusal of an

offer of employment (e.g. for the purpose of avoiding the loss or suspension of unemployment benefits).

The related Conventions and Recommendations are: C.156 and R. 165: Workers with Family Responsibilities, 1981; C.158 and R.166: Termination of Employment, 1982.

ANNEX 3: WORKPLAN**WORKPLAN: Rapid Assessment of Women Workers' Rights Awareness in Zambia**

Activity	When	Where	Who	Days	Output
Literature Review and development of data collection instruments	1 st June to 9 th June 2009		Consultant	9	Literature Review done and data collection instruments finalised
Field work Lusaka	10 th to 12 th June 2009	Lusaka	Consultant	3	Field Work done
Field Work Copperbelt	14 th to 16 th June 2009	Ndola Kitwe	Consultant	3	Field work done
Field Work Southern	17 th June to 20 th	Livingstone	Consultant	4	Field Work Done
Field Work Rural Province (TBA)	21 nd to 24 rd June 2009		Consultant	4	Field Work Done
Report writing	24 th to 30	Lusaka	Consultant	7	Report Submitted
Total				30	

ANNEX 4: DATA COLLECTION INSTRUMENTS

Data collection instrument for Trade Union Leaders and Employers Organisations

Extent to which women as workers have sufficient and equal access to and information regarding their rights, entitlements, and responsibilities at the work place (both formal and informal economy).

- Outline workers rights, entitlements and responsibilities at places of work in both the formal and informal sector
- What are the specific 1) rights 2) entitlements and 3) responsibilities of Women Workers in the formal and informal sector?
- To what extent are Women Workers aware of these rights, entitlements and responsibilities?
- What role do you play in ensuring that women workers have access to information?
- What modalities do you use to ensure that workers have sufficient and equal access to information regarding the same?
- What specific hindrances do women workers face in accessing information?
- What are the challenges of women in the informal sector in as far as accessing information on their rights, entitlements and responsibilities?
- What is the impact of this on their ability to exercise their rights and responsibilities and claim their entitlements?
- What strategies should be employed to ensure that women workers in the formal sector have access to sufficient information?
- What strategies should be employed to ensure that women workers in the informal sector have access to sufficient information?
- Who should be responsible for implementation of these strategies?

Women's access to HIV Support and counselling

- What services are available for women workers with regards HIV and AIDS support in the formal sector?
- What services are available for women workers with regards HIV and AIDS support in the informal sector?
- What has been their response to the services?
- What inhibits or enhances their ability to access these services?
- What strategies should be implemented to enhance their access to these services?

Forms of discrimination that women workers face at places of work

- What forms of discrimination do women face in the formal sector?
- What forms of discrimination do women face in the informal sector?

Probe for the following:

- Access to employment
- Career opportunities
- Cash and medical benefits for maternity
- Casual work

- Child care and family responsibilities
- Collective bargaining
- Conditions and benefits of employment
- Decent work
- Dismissal
- Division of labour
- Education and training/HR development
- Injury benefits promotions/appraisals/renewal of contracts
- Flexible hours
- Sexual harassment
- Gender friendly facilities
- Marital status
- Night/shift work
- Sickness insurance
- Social security
- Vocational training

What have you done as workers representatives to mitigate discrimination?

Existence and assessment of the effectiveness of mechanisms that support women with respect to entering and progressing in the Zambian labour market (both formal and informal economy)

- What mechanisms are in place to support women's entrance and progression in the Zambian labour market? (formal and informal)
- How effective are these mechanisms?
- What strategies should be employed to enhance the effectiveness of these mechanisms?

Progress made at the work places towards achieving decent work for women in all its aspects.

- To what extent have you made progress in working towards decent work for women?
- How has this been applied in the formal sector?
- What challenges are you facing in achieving decent work for women?
- How are you addressing these challenges?

Extent to which ILO Conventions, including the 4 equality Conventions on Women Workers' Rights, have been domesticated in Zambia.

- To what extent have the ILO conventions including the 4 Equality conventions on Women Workers' Rights been domesticated in Zambia?
- What challenges are being faced in domesticating ILO Conventions?
- What challenges are being faced in implementing these conventions?
- What strategies should be put in place to address these issues?

Impact of the global financial crisis on the rights of women workers, including their right to equal pay?

- To what extent has Zambia been affected by the global financial crisis?
- Which sectors have/will been/be most affected?

- How has this impacted on women workers?
- What strategies should be employed to minimise the impact?

The role of worker constituents (Trade Unions) in promoting the rights of women in the formal and informal economies?

- What is the role of TU's in promoting women's rights?
- What challenges do you face in addressing women's rights?
- What strategies should be employed to enhance your role in promoting women's rights?

Extent to which women workers' participate in leadership positions of worker constituents (Trade Unions) and identify prevailing barriers to their progression

- To what extent do women participate in the leadership positions of TU's?
- What challenges do they face in participating in leadership?
- What strategies should be employed to increase their participation?

Current policy, legal and regulatory environment is conducive for promoting the rights of women workers, including their right to equal pay.

- To what extent is the current policy, legal and regulatory environment is conducive for promoting the rights of women workers, including their right to equal pay?
- What strategies should be put in place to enhance the environment?

Mechanism(s) and policies aimed at creating more supportive environment within which the tripartite constituents play an effective role in promoting and protecting Women Workers' Rights and making gender equality a reality in their policies and operations.

- What mechanisms and policies are in place to create a conducive environment for promoting and protecting Women Workers' Rights?
- How effective and sustainable are these mechanisms and policies?

Strategies to raise the awareness on Women Workers' Rights in Zambia and measures to assist the worker constituents (Trade Unions) in promoting the rights of women in the formal and informal economies.

- What strategies can be put in place to raise awareness on Women Workers' Rights?
- What support do TU's require to promote Women Workers' Rights?
- How do you ensure effectiveness of these strategies?
- Who should be responsible for this?

ANNEX 5: SUMMARY OF WORKSHOP OUTCOMES

Summary Report on Workshop held in Lusaka on Women Workers' Rights at Longacres Lodge on Friday - June 2009

21 participants

Programme

8:30-09 00 hrs	Registration of participants
09:00-0930 hrs	Welcome remarks and introductions
09:30-10:30 hrs	Exercise on What I dislike and Like about my job
10:30-11:00hrs	TEA BREAK
11:00-11:30hrs	Exercise on the type of discrimination that women workers face in the workplace
11:30-12:30hrs	Exercise on 1. Access to and control over resources and benefits in the work place 2. Compelling and impeding factors using the Force Analysis
12:30 -13:30hrs	Exercise on Women Workers' Rights, entitlements and responsibilities
13:30-14:00hrs	Strategies for creating awareness on Women Workers' Rights
14:00-14:30hrs	Plenary, Close and Lunch

ANNEX 6: OUTCOMES FROM USE OF RESEARCH INSTRUMENTS

Exercise on “What I dislike and like about my job”

Participants were divided into two groups and asked to identify what they dislike and what they like about their jobs.

Group one

Dislikes	Likes
Nursing • Night shift • Exposure to Diseases • Long working hours • Poor salary	ZRA • Provision of services for government • Bringing people into the tax net
Teaching • Poor accommodation • Poor working conditions • Intimidation	Health • Provision of accurate information • Providing services to the community • Exposure • The uniform
Labour • Lack of promotion • Poor conditions of service e.g. No transport	Education • Imparting knowledge • Command respect • We produce every worker
Hotel Industry • Lack of incentives	Media • Provision of right information • Exposure • Travelling
Media • Lack of protection • Exposure to risks	Hotel industry • Interaction with people at all levels • Food • Providing quality service • Exposure to different cultures
Health • Lack of new technology • Less opportunities	Labour • Exposure to all labour laws

Group Two

Dislikes	Likes
• Working on Saturdays • Working on public holidays • Working long hours/odd hours • Working throughout lunch • Working under pressure • Working in poor environment • Not starting leave on time • Being denied leave • Training programs being denied because of gender • Lack of transport • Being overworked • Sexual harassment • Mother's day being denied • Lack of funeral support • Lack of support from fellow women	• Being appreciated • Access to loans • Going for training workshops • Going on leave (maternity) • Salary • Interaction/exposure • HIV and AIDS programme • Funeral Support

Exercise on the type of discrimination that women workers face in the workplace

Group One	Group Two
• Lack of promotion because women get pregnant and have too many excuses • Mothers day denied due to low staffing levels • No equal opportunities given to women • Less priviledges given to women • No funds for women's projects • No easy access to land • Poor housing policies that discriminate against women • High positions taken up by men in the union • Woman to woman discrimination (jealousy, insecurity) • Same position but higher grade given to men • Discrimination against privacy • Women used to attract business (musicians, hospitality business, political arena)	• Lack of promotion • Limited opportunities for training • No accommodation for women • HIV and AIDS stigmatisation • Lack of access to land • Type of uniforms given to women e.g. hospitality industry: short skirts • School based discrimination

Access to and Control Over Resources and Benefits in the Workplace

Resources	Access		Control	
	M	F	M	F
Claims	xx	x	xx	x
Vehicles	xx	x	xx	x
Computers	x	x	x	x
Housing	xx	x	xx	x
Training	xx	x	xx	x

Key: xx denotes more access and control

x denotes less access and control

It was concluded that men have more access and control over resources in the workplace

Compelling and Impeding Factors using the Force Analysis

Compelling factors*	Impeding factors*
• Women's solidarity and support • Education and support • Sensitisation of men • Sensitisation of employers • Advocacy and lobbying • Availability of funds for women's committees	• Lack of women's solidarity • Lack of self confidence • Lack of participation • Inferiority complex • Dependency on men • Sex role stereotyping

*Ranked according to order to priority (compelling) or gravity (impeding)

Exercise on Women Workers' Rights, Entitlements and Responsibilities**Rights**

Group One	Group Two
• Good working environment • Proper sanitation • Safety clothing • Privacy • Health support • Peace • No sexual harassment • Recognition of women with disabilities (promote them, teach sign language) • Right to information • Right to complain • Right to Appeal	• Right to best union representation • Right to express myself freely • Right to protective clothing • Good working environment • To go for further studies • Information and conditions of service • Maternity leave, mother's day, vacation • Enjoyment of good conditions of service • Right to privacy • Right to work within stipulated working hours

Responsibilities

Group One	Group Two
• To adhere to workplace policies • Reporting for work on time • Meeting deadlines and targets • Respect for authority • Executing duties accordingly • Responsible to work in harmony • Responsible to take care of company property	• Meet deadlines • Punctuality • Perform to the best of our ability • Discipline • Obligation to company procedures • Confidentiality • Provision of Advise • Planning • Safeguarding company property

Strategies for creating awareness on Women Workers' Rights

Group One	Group Two
• Provide education on Women Workers' Rights • Fund women's committees • Deliberate policy that allows women hold high positions • Encourage formation of women's desks • Establish women's committees in places of work	• Free information flow • Inform all stakeholders on all policies concerning women • Employers to abide by all ILO conventions on women's rights • Government to disseminate information to grassroots level

**Focus Group Discussion with Domestic Workers
Problems in the workplace**

- Low salaries
- No loans
- No benefits when we stop working
- Double jobs (working for two households in one family)
- No leave
- Long working hours
- Full day Saturday
- Too much work
- Half salaries
- No overtime
- No public holidays
- Sexual harassment/exploitation
- Poor conditions of work (no food, no bathing, sleeping on the floor if you live in
- Name calling
- Insults
- Threats of dismissal
- Assaults
- Accusations of stealing resulting in being taken to police
- No salary increments
- No medical benefits

ANNEX 7. LIST OF KEY INFORMANTS MET

NAME	ORGANISATION	POSITION
LUSAKA		
Morgan Chonya	Zambia Union of Journalists	President
Tom Yungana	Zambia Union of Nurses Organisation	President
Catherine Chiboleka	Zambia Union of Nurses Organisation	Vice President
Isaac Lungu	Basic Education Teachers Union of Zambia	
Alice Phiri	Basic Education Teachers Union of Zambia	
Mr. Nawa	Zambia National union of Health Workers	
Chitalu Makungu	Bankers Union of Zambia	
Joyness Chileshe	Zambia Revenue Authority	Member
Priscilla Bulawayo	Bankers Union of Zambia	Member
Patani Banda	Banker Union of Zambia	Member
Mwangala Dyaunka	Basic Teachers Union Of Zambia	Member
Beatrice Mwila	Basic Teachers Union Of Zambia	Member
Mable Ngula Zulu	Zambia National Union of Health and Allied Workers	Member
Lynett Mulenga	Zambia National Union of Health and Allied Workers	Member
Catherine Milambo	Hotel Catering and Allied Workers Union	Member
Beatrice Kabungo	Hotel Catering and Allied Workers Union	Member
Grace Mwiinga	Civil Servants and Allied Workers Union	Member
Brenda Mugala	Civil Servants and Allied Workers Union	Member
Monica Sakala	National Union of Public Service Workers	Member
Charity Bwalya	National Union of Public Service Workers	Member
Leah Kasaji	Zambia National Union of Teachers	Member
Perpetual Mwanawasa	Zambia National Union of Nurses Organisation	Member
Fridah Nalwamba	Zambia Revenue Authority	Member
Ester Witi Mseteka	Zambia National Union of Journalists	Member
Daphne Hampande Zulu	Zambia National Union of Journalists	Member
Soneni Munsaka	Lonagres Lodge	
Florah Mutwale	Longacres Lodge	
Gerry Finnegan	ILO	Director
Belinda Chanda	ILO	Programme Officer
Birgitte Krogh-Poulsen	ILO	CTA
Johanna Silvander	ILO	Decent Work Programme Officer

George Mubita	ILO	People With Disabilities Programme
Mereb Mushibwe	ILO	Women workers' rights Programme
Olive Munjanja	ILO	HIV and AIDS Programme
Adrian Shikwe	ILO	Social Protection Programme
KITWE		
Rayford Mbulu	Mine Workers Union of Zambia	General Secretary
Petronella Tembo	Mine Workers union of Zambia	Secretary Women's Committee
Mr. Lwendo	Training Officer	Copperbelt Energy Corporation
Perterbia Simwanza	Head of Security	Copperbelt Energy Corporation
LIVINGSTONE		
Mrs. Mulyapia	Chrimeyas Competence based Modular Training Institute	Proprietor/ Director
Mr. Thomas Kalantiya	Livingstone Institute of Business and Engineering Studies	Principal/ CEO
Ms. Kaoli Chona	Livingstone Institute of Business and Engineering Studies	Training and Consultancy Manager
Daisy Nalishua	Hospitality	Lodge Manager
Alice Hamwala	Hospitality	
Gladys Mwewa	Hospitality	
Penelope Chamanga	Hospitality	
Lydia Sakala		
Emelda Chisuwa		
Ruth Lubinda		
Rosemary Zulu	Community Volunteer	
Eunice Nyambe		

