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Social dialogue and gender equality in Uruguay

**Alma Espino
Gabriela Pedetti**



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ILO DWT for
the South Cone
of Latin America

Industrial
and Employment
Relations
Department
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Foreword

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

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

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

This study provides valuable information on the legal and institutional framework for gender equality and social dialogue in Uruguay. Significant achievements on these issues in practice were initiated by the Tripartite Commission for Equal Opportunities at Work. The Uruguayan example is an illustration of several successful activities of the network of similar tripartite gender equality commissions in Latin America.

We commend the study to all interested readers, as this unique experience might be inspiring for other countries to encourage social partners to take initiatives to promote more balanced participation of men and women in tripartite social dialogue fora, as well as to include gender equality issues in national discussions and collective agreements.

The paper is the result of collaboration of the Industrial and Employment Relations Department, the Bureau for Gender Equality and the ILO Decent Work Technical Support Team for the South Cone of Latin America. Alma Espino with the collaboration of Gabriela Pedetti prepared the national study. Angelika Muller, Gender Coordinator of Sector IV “Social Dialogue” and specialist in labour law, coordinated the comparative research project and jointly with Maria Elena Valenzuela, regional Gender Equality specialist, the national study on Uruguay. Particular thanks for comments and assistance are expressed to Marleen Rueda, and the Tripartite Commission for Equal Opportunities at Work in Uruguay. This paper was developed with support from the Government of Sweden.

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Abbreviations

CTIOTE	Tripartite Commission on Equal Opportunities and Treatment in Employment
PIT-CNT	National Worker's Federation
CIU	Industrial Chamber of Uruguay
CNCS	National Chamber of Trade and Services of Uruguay
MTSS	Ministry of Labour and Social Security
MIDES	Ministry of Social Development
INMUJERES	National Women's Institute
JUNAE	National Employment Board
DINAE	National Employment Directorate
DINATRA	National Labour Directorate
MERCOSUR	Southern Common Market
CM-CCSCS	Women's Commission in the Union Confederation of the Southern Cone
PROIMUJER	Training program for female employment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women

Introduction

Since the 1940's social dialogue for private sector workers has taken place through collective bargaining in Salary Councils (excluding, until recently, rural and domestic workers). There have been, however, some long interruptions: from 1968, due to the "freeze in prices and salaries" decreed by the government, and from 1973 to 1985 as a result of the ban on union activities imposed by the dictatorship regime. Since 1985, with the recovery of democracy, Salary Councils were reinstated only to be suspended again in 1992 in order to reduce state intervention in salary negotiations granting more labour market flexibility. They were restored back again in 2005 extending the tripartite collective bargaining process to rural workers and, later, domestic workers as well.

Social dialogue in Uruguay has scarcely dealt with gender equality issues in spite of the relatively advanced legislation on the matter. Additionally, women have not been able to achieve a proper level of participation in the bargaining process in line with their presence in the labour market. There are also still numerous gender gaps in several labour, employment, and salary indicators. Since 2005 the female workers' situation achieved certain progress after the inclusion of gender provisions in the Salary Council's agreements.

The objective of this document is to analyze how equal treatment in employment has been promoted in recent years through social dialogue in Uruguay. Special consideration is given to the role of the Tripartite Commission on Equal Opportunities and Treatment in Employment (CTIOTE) and to the results of collective bargaining since 2005.

The first chapter presents a general overview of women and labour gender inequalities, highlighting the most important gaps according to main labour market indicators. Following, chapter two reviews the social dialogue's legal and institutional framework. The third chapter reviews the historical background of social dialogue and collective bargaining from a gender perspective, identifying a stage since 2005 where they achieve a higher influence capacity improving women's work conditions. Chapter four reviews the CTIOTE's structure, objectives, and activities, and Chapter five analyses its challenges and achievements on the basis of five components: strengthening, awareness and rationale; institutional relations; international cooperation; strengthening of social dialogue; and its influence in public policy. Following, there is a detailed analysis of the results of collective bargaining on gender equality.

Finally, some conclusions are set forth in the context of the increasing importance of female labour force in the national economy. It is confirmed that gender relations continue to be strongly defined by a model with male providers and women with a double work shift, which has become a problem for a significant amount of women. The gaps in wages, employment and unemployment rates still remain. It is important to incorporate provisions related to family responsibilities in collective bargaining in order to support the bargaining capabilities of male and female workers with these types of responsibilities and to advance in the coverage of existing and new rights and benefits.

The CTIOTE's challenges and achievements in granting social dialogue a higher level of dynamism are evaluated especially in a political and social context. Conclusions show that the CTIOTE's contribution depends on several factors such as the member's training and commitment, the support received by their organizations, and the ability to liaise internally in the discussion and presentation of proposals. Another important point is the stability of representatives in each sector and their decision making abilities, which are key variables in the opportunity, magnitude, and influence of the actions to be implemented.

An analysis of the inclusion of gender provisions in collective agreements shows that the key factors are the constant participation of the National Workers Federation's (PIT-

CNT) Gender Department in collective bargaining discussions as well as gender training carried out for government delegates.

Although the CTIOTE is a valid stakeholder with an important role in the collective bargaining process, there are still several limitations such as the lack of female negotiators among delegates for workers and employers and weak support and true interest on female delegates from the State's National Labour Directorate (DINATRA – mainly composed of women) on behalf of political delegates who preside each table (who are mostly men).

The analysis identified a set of challenges: there's a need to stimulate shared family responsibilities between working men and women, to promote gender matters within chambers of business and commerce, and to strengthen the role of the Gender and Equality Commission within the PIT-CNT. Regarding the development and growth of the role of the CTIOTE and its influence capacity, there is a need to establish an agenda that defines and prioritizes objectives and elaborates a strategy thereto, follows-up on the implementation of national policies and agreements, monitors agreed provisions, and addresses new issues related to work and daily life. Finally, the State – a key stakeholder – should promote formulas to reach agreements between the parties and exercise its leadership, while tracing strategic lineaments to have gender equality included in actions and policies at different levels.

1. Background: Labour market and gender inequality in Uruguay

The increase in the female labour force is one of the main transformations witnessed in the last decades in the Uruguayan labour market. Several factors have contributed to that effect, mostly related to changes in demand (due to changes in the productive structure) as well as in supply (mainly due to higher educational levels achieved by women.) However, there are still important labour inequalities reflected in several indicators dealing with employment and with men and women's global work load.

Different studies show three global transformations that modified labour structures and relations in the 1990s:

- 1) The adoption of a development model that favors the integration into the world economy through open and competitive market policies aimed at lowering labour costs, which would eventually have negative effects on salary and employment conditions;
- 2) The process of adapting to fast technological changes in several sectors of the economy, which weakens the worker's bargaining abilities;
- 3) Changes in the role of the State, the market, and civil society's institutions lessening the State's regulating capacity (Campero, 1999).

In this context, Uruguay has witnessed in the last two decades periods of economic growth and moderate dynamism of the labour market (1991 to 1998); periods of stagnation and recession that ended in a financial and economic crisis (1999 to 2002) with effects in the labour market persisting until 2003; and then a recovery that becomes more robust particularly since 2005 (Amarante and Espino, 2008).

Although labour institutions did not change the influx of predominant ideas in the 1990s in terms of labour market flexibility, the fact is that there were differences in the way collective negotiations took place. Salary Councils were cancelled in 1992 which meant changes in the way employers, workers, and the State related to each other. Since 2005, the new government set forth new labour policies and regulations establishing a new institutional climate that favored social dialogue. All of this may have contributed to the improvement in some Uruguayan labour market indicators.

Open unemployment has been a variable of adjustment in most of the aforementioned period. However, that period also witnessed a worsening of employment quality (with an increased percentage of workers without social security coverage) and widened wage disparities. Women have been strongly hit by unemployment, having high participation in informal or precarious employment, particularly due to their high participation level in domestic work. This phenomenon is the result of a set of issues among which we highlight an important sector realignment operating in a context of the opening of the economy, the State's reform policies, and an increase in education returns (Amarante and Arim, 2004).

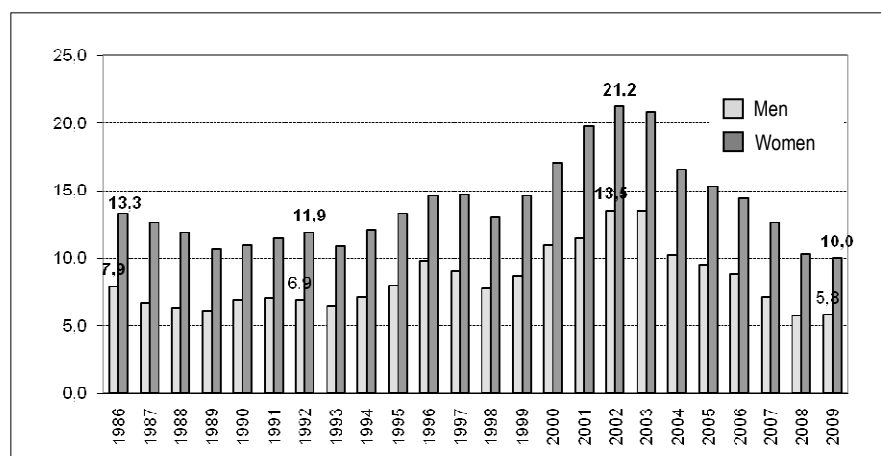
The following section describes some of the main challenges for gender equality policies and social dialogue through a set of variables.

1.1 Evolution of main indicators: Gender inequalities

The variation in the female labour supply in the last decades – measured by the rate of participation of women of working age – is one of the most relevant issues in the Uruguayan labour market. While the male participation rate remained at 74 per cent, female participation increased from 41 per cent to 55 per cent between 1986 and 2009.¹ The male employment rate reached 69 per cent in 2009, an increase that came after a sharp drop consequence of the Uruguayan economic and financial crisis in 2002. Female employment rate increased from 35.9 per cent to 42.8 per cent between 1986 and 1998, but dropped to 39 per cent in 2002 to later recover in recent years reaching 49 per cent in 2009.

Unemployment increased sharply during the decade of the 1990s until the crisis in 2002 to later drop. However, gender gaps remained (Graph 1).

Graph 1.
Evolution of unemployment rate by sex (1986-2009),
urban areas (population over 5,000)

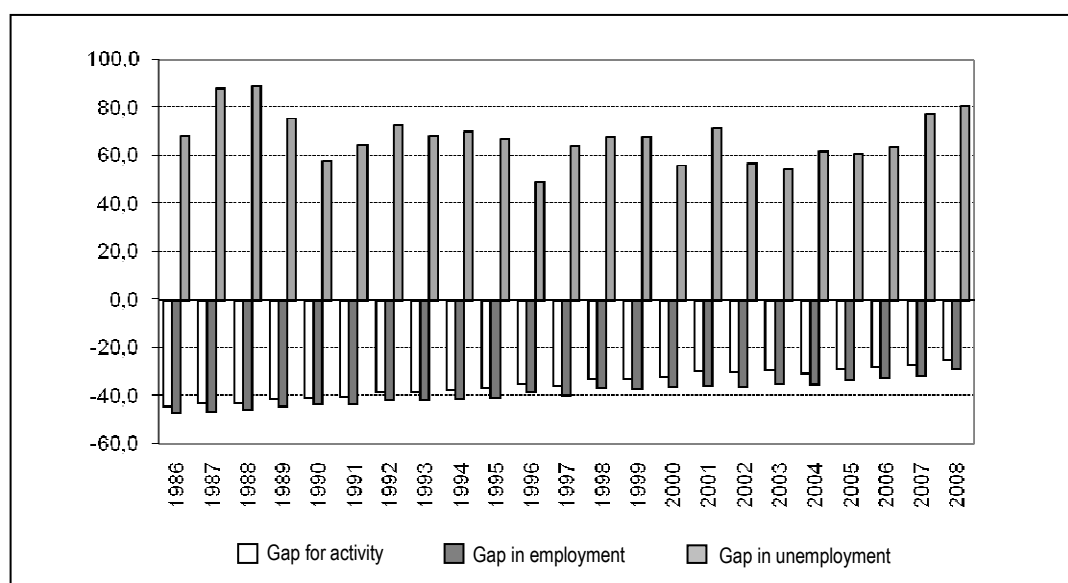


Source: Based on data from ECH-INE

The historic gender gap in employment has decreased as a consequence of women's massive incorporation in the labour market. On the other hand, the unemployment gap has remained at very high levels due to a persistent female unemployment rate that is considerably higher than men's (Graph 2).

¹ Although the Labour Statistics Survey (ECH) is available starting 1981, there are certain differences in indicators, reason why only information since 1986 is taken into account.

Graph 2.
Gender gap* for activity, employment, and unemployment (1986 – 2009),
urban areas (population over 5,000)



Source: Based on data from ECH-INE

*Note: The gender gap rates are calculated as the coefficient of the difference between both rates in terms of male rates. When the breach is positive it means the female rate is higher than that of men and when it is negative it is lower.

Occupational gender segregation is a structural element of the labour market in Uruguay (Amarante and Espino, 2002). Despite the increase in the female labour force, women are still concentrated in certain sectors (horizontal segregation). Approximately 18 per cent of women work in domestic services and commerce, 11.3 per cent in industries, 11.9 per cent in social services and healthcare, and 9.6 per cent in education. Men, on the other hand, are mainly employed in commerce (18.9 per cent), industry (16.2 per cent), and construction (11.9 per cent) (see Table 1).

Table 1.
Distribution of workers according to
type of activity and gender (2009, %)

Type of activity	Men	Women	Total
Agriculture, livestock, hunting, silviculture, mining, quarrying and fishing	16,0	5,0	11,1
Industries- electricity , gas and water	16,2	11,3	14,0
Construction	11,9	0,5	6,8
Commerce, vehicle and motorcycle repair services	18,9	18,5	18,7
Hotels and restaurants	2,5	3,7	3,0
Transportation, storage, and communications	8,2	2,6	5,7
Financial intermediary	1,5	1,7	1,6
Activities related to real estate, business, and rentals	6,9	6,4	6,7
Public administration and defense, social security plans of mandatory enrollment	6,8	5,2	6,0
Education	2,3	9,6	5,6
Social services and health	3,0	11,9	7,0
Waste management, water treatment, sanitation and similar activities	4,5	5,6	5,0
Domestic service	1,3	17,9	8,7
Total	100	100	100

Source: Based on data from ECH-INE

In 2009, women working in the private sector were mainly in sole proprietorship companies and microenterprises: 55 per cent of them work in companies with less than five people (two to four employees), while 50 per cent of men work in small, medium and big companies (more than 5 employees) (Table 2).

Table 2.
Distribution of employed workers in the private sector
by gender and company size,
urban areas (2009, %)

Company size	2009	
	Men	Women
One person	22,5	36,2
2 to 4 people	23,4	18,9
5 to 9 people	11,4	8,6
10 to 49 people	17,6	13,3
50 or more people	25,1	23,0
Total	100	100

Source: Based on data from ECH-INE.

One of the major problems female workers face is underemployment. The definition of this concept in national statistics as defined in the 1993-2000² period was changed in 2001, which forbids long series analysis. The new definition states that “those

² Those considered underemployed are “People who work under the category of wage workers (employees or blue collar workers) or members of production cooperatives who work less than 40 hours per week and are willing to work more hours per week and are available to do so. Those people who work on their own or that are unpaid family workers and that are searching for another job to replace the current one because they have more time to work or want to have a higher income.” (INE, 2002, *Encuesta Continua de Hogares. Principales resultados 2001*. 6:7)

underemployed are employed people who work less than 40 hours per week but who want and are available to work more hours”.³ A study by Amarante and Arim (2004) shows that paid domestic work has an important incidence in underemployment rates in urban areas. It shows an increase in underemployment from 7.8 per cent in 1991 to 19 per cent in 2002 – during the economic crisis.⁴ Between 2001 and 2003 underemployment was significantly higher for women (from 19.8 per cent to 22.8 per cent) than men (from 12 per cent to 16.6 per cent) (Notaro, 2005).

From 2004 to 2007, the underemployment rate in urban areas (population over 5,000) decreased from 15.9 per cent to 12.9 per cent. The decline in the global rate shows decreasing rates for both men and women. Nevertheless, underemployment rates for women remain higher than those of men.

Since 2001,⁵ there are estimations of the population not registered in the social security system, therefore without retirement benefits. An analysis of information available reveals that between 2001 and 2004 the rate of workers without social security increased from 36 per cent to 40 per cent.⁶ In 2005, the rates improved as a result of economic growth, the reinstatement of the Salary Councils, sharper controls preventing tax evasion, and mass media campaigns aimed at lowering the workers’ lack of registration in social security (Amarante and Espino, 2007).

In spite of these improvements, in 2009 domestic workers registered the lowest levels of social security coverage for women, where 62.5 per cent did not make any contributions to retirement funds. Following domestic workers those without any coverage are in the waste management and sanitation sector (48.7 per cent), industry (42.2 per cent), commerce (41 per cent), and restaurants and hotels (41.2 per cent).

Among men, in 2009 the lowest social security coverage levels are in construction (50.3 per cent), commerce (40.9 per cent), and waste management and sanitation (37.7 per cent).

The average hourly gender income gap⁷ between 1986 and 2009 declined from 27 per cent to 14 per cent (Graph 3). That is to say, women went from earning an average of 27 per cent less than men to 14 per cent less. The gap between private workers decreased from 34 per cent in 1986 to 18 per cent in 2009 and the gap in other types of occupations went from 39 per cent to 23 per cent. The gender income gap of workers in the public sector is lower, probably due to the recruiting process and salary regulations according to categories.

³ INE, 2002, *Encuesta Continua de Hogares. Principales resultados 2001*. 6:7. The three criteria have to meet simultaneously.

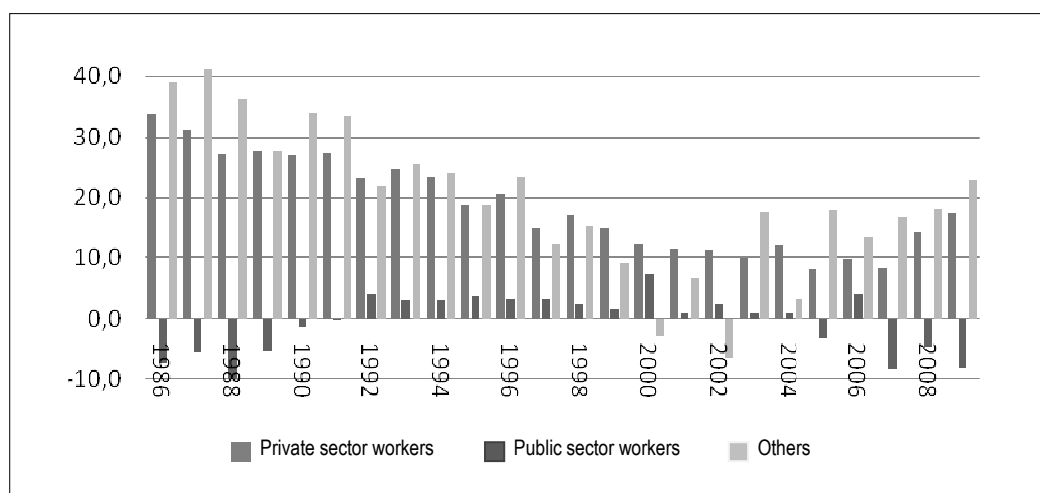
⁴ INE’s estimations for the same period are similar.

⁵ Since 2001, the ECH inquires directly on the workers’ right to retirement benefits. A “worker not registered in social security” is one that declares being employed but is not contributing to any social security fund for retirement.

⁶ It goes from 35.4 per cent to 40.1 per cent in the case of men and from 36.8 per cent to 41.5 per cent in the case of women.

⁷ In this case the wage gap by hour is calculated as follows: $1 - \text{quotient between average hourly wage of women over men} * 100$. The hourly wages for women and men are considered separately in order to avoid outliers due to differences in the extension of working hours between men and women.

Graph 3.
Salary gaps between men and women
employed by the hour,
1986-2009



Source: Based on data from ECH-INE

Note: The text in Spanish refers to "private sector workers, public sector workers and others".

The salary gender gap is often a result of discrimination, work segregation or a combination of both. In 2009 the gender monthly income gap was 33 per cent favoring men. Among public sector workers the gap is notoriously smaller (13 per cent), while among private workers (35.9 per cent) and those employed in other categories (42.1 per cent) the gap is higher (Table 3).

Monthly wage disparities by gender reflect a gap in the access to income and purchasing power among men and women. A decrease in the gap facilitates women's economic independence. However, monthly income includes the effects of different lengths of a working day, which is generally determined by an uneven distribution of unpaid work between men and women to take care of the family and domestic chores.

Table 3.
Gap in monthly wages between men and women
according to occupational category (2009) (%)

	Monthly	Hourly
Private sector workers	35.9	17.4
Public sector workers	13.4	-8.1
Other	42.1	22.9
Total	32.6	14.0

Source: Based on data from ECH-INE

The hourly gender gap is bigger in Montevideo than inland. In 2009, the hourly wage difference between men and women in Montevideo was 16.6 per cent favoring men. Inland the gap is 12.8 per cent in areas with a population over 5,000 and 12 per cent in areas with a population under 5,000.

The biggest gender income gaps exist among independent workers. Among public sector workers the differences are bigger in Montevideo and in urban inland areas (17.8 per cent and 19.8 per cent) than in smaller locations or rural zones (9.4 per cent) (Table 4).

Table 4.
Hourly salary gap by sex and geographical location,
total for the country (2009) (%)

	Montevideo	Inland locations Population greater than 5,000	Inland locations, minor and rural areas
Private sector workers	17.8	19.8	9.4
Public sector workers	-5.4	-8.1	-6.4
Other	27.2	17.7	24.8
Total	16.6	12.8	12.3

Source: Based on data from ECH-INE

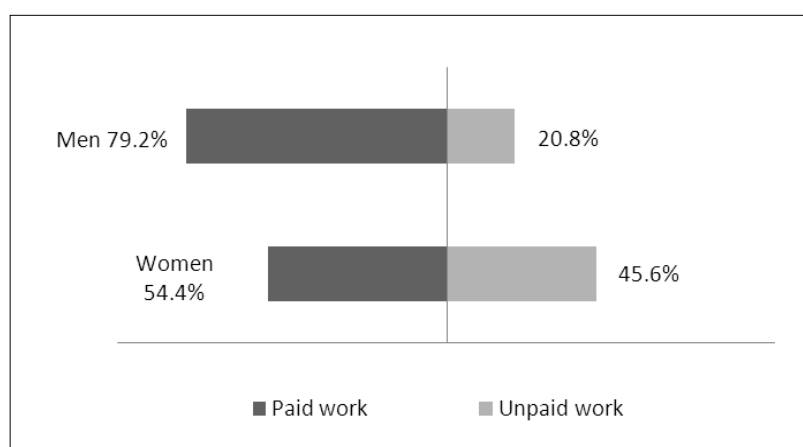
The income gap is higher among workers without formal education, university degree or similar degrees and it is lower for those who have a masters degree or an IPA (institute for teacher training.) It is noteworthy that among those with undergraduate degrees in 2009 the gap was 29.9 per cent.

Gender division of work

Regarding time distribution of men and women in paid and unpaid work, there is only data for 2007 gathered by the Time Use Survey. Considering total population, while men allocate 72 per cent of their time to paid work and 28 per cent to unpaid work, women dedicate 35 per cent of their time to paid work and 65 per cent to unpaid work.

This shows that both male and female workers devote more time to paid work than to unpaid work. However, the uneven distribution of time between men and women subsists: employed men allocate almost 80 per cent of their time to paid work and only 20 per cent to unpaid work, while employed women allocate 54.4 per cent of their time to paid work and 45.6 per cent to unpaid work (Graph 4).

Graph 4.
Distribution of paid and unpaid work
for employed people by sex (2007)



Source: Mapa de Género sobre el Mercado de Trabajo Uruguayo, CIEDUR, 2009.

Note: The text in Spanish refers to "men, women, paid work and unpaid work".

The global work load is the sum of paid and unpaid work. The global work load indicator measures the average of weekly hours allocated to paid and unpaid work by gender.

In total, women work five hours more than men per week, but ten hours less in paid work and twenty hours more in unpaid work. The time considered in the calculation of paid and unpaid work includes commuting to work, which can vary to up to five hours per week.

Only 87 per cent of men who do paid work declare they do unpaid work, while 98 per cent of women declare doing such work.

1.2 Effects of the international crisis in the labour market of Uruguay

The Uruguayan economy maintained a growth path until 2008, with GDP growth rates of 8.9 per cent that year. Between 2005 and 2008 growth rates reached an average of 6.5 per cent. This was based on increasing internal demand (consumption and investment) and external demand as well. By the end of 2008, however, there were signs of a slowdown due to the effects of the international economic and financial crisis (Institute of Economy, 2009).

The labour market in 2008 had basically positive indicators. Job creation contributed to the decrease in unemployment, while the number of active people stayed almost at the same level as in 2007. At first sight, these results indicate that in 2008 the international crisis did not directly affect the Uruguayan labour market. However, a more detailed look shows that by the end of 2008 and the beginning of 2009 some sectors, such as those more dependent on the external market, faced difficulties to retain their workers. This is reflected in the employment drop in the industrial sector and an increase in 2008 in registrations in the Social Security Bank⁸ for unemployment benefits.

In December 2008, just as it happened in other economies of the region, anti-crisis measures were put in place. To this effect, a package was announced in Uruguay aimed at facilitating liquidity to companies, improving their export capacity, and helping new investments.

In 2009 the Uruguayan economy had a positive growth rate, albeit lower than in 2008 (2.9 per cent in 2009 versus 8.5 per cent in 2008.) As it happened in most other countries, the public sector played a key role in increasing investment and consumption. Despite the slowdown in the State's income, it maintained a growing rate of public spending.

By the end of 2009, male employment rate was 70.2 per cent and female's was 49.8 per cent, while unemployment was 4.5 per cent and 9 per cent respectively. The change in these figures since the last quarter of 2008 is a result of the stability in male activity rate and a slight increase of women's.

Although gender inequalities still remain, labour market indicators for Uruguay show progress. Female labour participation shows a remarkable increase since the 1980s. However, this did not dissipate labour gender segregation (there is feminization in some sectors such as domestic services, education, and social services) and although the wage gap decreased, it is still considerable.

It is important to note that the increasing presence of women in the productive world did not imply a change in society's customs or institutions, where women continue to do the majority of reproductive and unpaid work at home.

The crisis, that notoriously affected developed countries, for the moment does not seem to have had the same impact in Uruguay.

⁸ Source: Social Security Institute.

2. Legal and institutional framework for social dialogue

According to the ILO's definition, social dialogue includes "all types of negotiation, consultation or simply exchange of information between, or among, representatives of governments, employers and workers on issues of common interest relating to economic and social policy. Of course, the definition and concept of social dialogue varies from country to country and from region to region".⁹

Social dialogue can be a tripartite process, with the government as an official part in the dialogue, or it may consist of bipartite relations only between workers and employers (or trade unions and employers' organizations), with or without government involvement. Agreements can be informal or institutionalized, or often a combination of both. It can take place at the national, regional or enterprise level. It can be inter-professional, sectorial or a combination of all of these. Therefore what makes social dialogue possible is the existence of solid and independent workers' and employers' organizations, with technical capacity and access to necessary information along with political will and the interested parties' commitment. Naturally, one of the main elements is the respect for freedom of association, collective bargaining, and appropriate institutional support.

2.1 Collective bargaining: employment in the framework of social dialogue

The origin of collective bargaining in Uruguay can be traced to Law 10,449 of 1943, which creates the Salary Councils and tripartite entities with the objective of setting minimum wages by category for workers in the private sector along with other benefits. The Councils also have a role as a conciliation and mediation entity. The government, represented by the Ministry of Labour and Social Security (MTSS), is the one that calls for the constitution of the Salary Councils according to law and classifies different activities in groups (originally twenty).¹⁰

"In this period, economic expansion – mainly industrial – and the new political and legal conditions favored the creation of big trade unions and union federations by economic sector. They had great bargaining power and legal intervention capacity in the Salary Councils (1943) as well as in the Family Benefit Funds (Cajas de Asignaciones Familiares), health insurance, employment services and unemployment benefits." (González Sierra, 1993 29:31).

The law of 1943 recognizes the existence of union and business stakeholders with contradicting interests and points of view, reason why it calls on the State's participation to overcome conflict (Notaro, 2009).

Calls for Salary Councils were suspended between 1968 and 1984 due to the implementation of new Law 13,720 of December 16, 1968 which "froze" prices and salaries. The dictatorship that started in June 1973 eliminated union activity and by Decree Law 15,738 of June 21, 1978 set on the government the powers to set prices and salaries.

With the return to democracy in 1985, trade union's rights were reinstated along with the normal functioning of trade union federations. The Superior Salary Council was created as a central entity and there were calls for Councils. Employers' and workers' representatives were appointed by the government based on proposals presented by their organizations and not elected as established in the law of 1943. They established 47 groups of activities that were divided in similar subgroups (up to 242 in 1991). Said subgroups

⁹ <http://www.ilo.org/public/english/dialogue/ifpdial/sd/> March 15, 2010.

¹⁰ The Creation of Salary Councils coincides with what has been a "phase of union institutionalization" based on an increase of industrial wage workers which amounted 200,000 in 1995 (Notaro, 2007).

comprised approximately 360 thousand urban private sector wage workers, that is around 33 per cent of the active population (Brezzo, Vispo, 1988).¹¹

In 1992, the government suspended the calls for Salary Councils leaving salary negotiations in hands of actors in the private sector, which resulted in an increasing decentralization of the bargaining process. Rural and domestic workers' minimum wage continued to be set. Tripartite councils were established in sectors that had price controls such as health, public transportation in Montevideo and the suburbs, and construction.

With a new government in place, in May 2005 negotiations between different actors and the Salary Councils were reinstated. The Rural Superior Council and the Public Sector Bipartite Table were created. In the private sector there was a call for a Tripartite Superior Council,¹² which had the power to reformulate the groups of activities as a result of changes in the economic scenario since 1985. Hence, the Tripartite Superior Council agreed (with few exceptions) to regroup activities in 20 groups. They continued with the practice they had in 1985, with the government appointing business and worker representatives in consultation with their own organizations, taking into consideration the representation criteria set forth by the ILO. The power to set salaries by agreement of MTSS and the Ministry of Economy and Finance (MEF) was kept as in 1985. This procedure relied on the law that froze prices and salaries in 1968 and on Decree Law 1,978 (Notaro, 2009).¹³

In 2008, there was an important legal transformation with the approval of Law 18,065, which establishes in Article 6 the Council's system to fix salaries for domestic workers in a tripartite way. Therefore, in the Third Round of Salary Councils in 2008 Group 21 on "Domestic Workers or Services" was added.

In 2009, Law 18,566 updated the framework of collective bargaining. It established the legal figure of the Tripartite Superior Council as a coordination entity governing labour relations and regulating its internal operations. "Collective bargaining can take place at an economic activity level or productive chains through the call of Salary Councils created by Law 10,449 of November 12, 1943, or by bipartite collective bargaining. The call for Salary Councils will not be necessary in those activities or sectors where there is a valid collective agreement that has been duly agreed by the most representative employers' and workers' organizations of each activity or sector." Another difference with the previous regulation is the role of the State as having the last word in salary negotiations, being able to veto a decree if the agreement is not coherent with its salary policies. This new law extended the chapter on conflict prevention, mainly promoted by the business sector.

2.2 Actors in collective bargaining

Workers in Uruguay have the PIT-CNT as a unique organization representing them. It was created under this name on May 1, 1984, as a response to the imminent return of the democratic regime.

The organizations on behalf the business sector are the Chamber of Industry of Uruguay (CIU) and the National Chamber of Trade and Services (CNCS) which represent the most important sectors of the country. The CIU's highest authority is the Directive Board composed of eight male members. The Fiscal Commission is composed by three heads and three substitutes, all men. There are also six Advisory Commissions to the

¹¹ Quoted in Notaro, 2009.

¹² Decree 105/2005.

¹³ The Ministry of Economy and Finance (MEF) is in charge of determining the margins in which the Salary Councils may operate by setting maximum variation ranges in order to keep those adjustments in line with inflation targets. No Council enters into effect without the approval of said Ministry. This has given the State a key role in the dialogue mechanism.

Directive Board with scarce female participation: Economic Affairs (three men); Science, Technology, and Quality (three men and one woman); Foreign Trade (three men); Environment (two men and one woman); Internal Trade (three men); and Social and Labour Relations (three men).¹⁴

The CNCS's has one President, two Vice-presidents, a head and a substitute trustee, and twenty members (all men).¹⁵ In most tripartite organizations the CNCS participates with a male delegate (INEFOP, National Commission on Labour Health and Security-MTSS, Tripartite Group on International Relations of the MTSS, MERCOSUR's Economic-Social Consulting Forum, MERCOSUR's Sectorial Commission, MERCOSUR's Labour Subgroup N° 10, CTIOTE.)¹⁶

Female participation in decision making positions in the PIT-CNT is low. The maximum decision making authority is Congress with 30 per cent of female participation (Table 5).

Table 5.
Delegates to the PIT-CNT Congress

	Heads			Substitutes		
	Men	Women	Total	Men	Women	Total
Total	622	285	907	548	323	871
%	69%	31%	100%	63%	37%	100%

Source: Own elaboration based on information from the Cuesta Duarte Institute, 2009

In 2010 the Representative Council, a key entity for the PIT-CNT was composed of 37 union delegates, where 89 per cent of head delegates and 92 per cent of substitutes were men (Table 6).

Table 6.
Delegates to the PIT-CNT
Representative Council by gender

Delegates	Men	Women	Total
Head	89 %	11 %	37 %
Substitute	92 %	8 %	37,5 %

Source: Own elaboration based on information from the PIT-CNT website, 2010

In regard to the composition of the Executive Secretariat the percentages are similar: only two of the seventeen members are female delegates (Table 7).

Table 7.
Delegates to the PIT-CNT Executive Secretariat by gender

Delegates	Men	Women	Total
Head	87.5 ¹⁷ %	12.5 %	100%

Source: Own elaboration based on information from the PIT-CNT website, 2010

¹⁴ Information from the institution's website.

¹⁵ Information from the institution's website.

¹⁶ Information from the institution's website.

¹⁷ The coordinator is also a Delegate of the Secretariat of Asuntos Internacionales.

Although 30 per cent of the members of the most representative workers' entity are women, on a daily decision making level (Representative Council and Executive Secretariat) the delegates are basically men. On one hand, this may be related to the fact that some of these tasks imply obligations in terms of hours in a schedule that may be difficult to reconcile with family responsibilities, commonly undertaken by women. On the other hand, it may be explained because they constitute a power factor, which union male leaders would not be willing to give up.

It is worth noting that the PIT-CNT participates in several tripartite fora: CTIOTE, the National Institute for Employment and Professional Training (INEFOP), the Board of the Social Security Bank, the National Health Board, and the Board for the Administration of the State's Health Services (ASSE). In the CTIOTE, there are two female delegates, all the rest of the delegates are men.

2.3 Who participates in collective bargaining?

It is important to analyze the gender composition of the delegates appointed by the MTSS to negotiate in Salary Councils. Appointments are made for the participation of delegates as heads, substitutes, and alternates reaching a total number of 277 (Table 8).

Table 8.
Percentage of men and women enabled to
participate by negotiating sector

Government			Employers			Workers		
Men	Women	Total	Men	Women	Total	Men	Women	Total
48%	52%	100%	72%	28%	100%	85%	15%	100%

Source: Own elaboration based on data from the Ministry of Labour and Social Security, 2008

Another way to analyze participation is looking at delegates who have effectively participated in Salary Councils according to each subgroup's negotiation record, which since 2005 includes delegates from the MTSS. In this case, the number of people involved was six fold reaching over 1,500. The distribution according to gender is as follows (Table 9).¹⁸

Table 9.
Percentage of men and women who
participated in the negotiations by sector

Government			Employers			Workers		
Men	Women	Total	Men	Women	Total	Men	Women	Total
41%	59%	100%	85%	15%	100%	87%	14%	100%

Source: Own elaboration based on data from the Ministry of Labour and Social Security, 2008

In both cases, female participation is somewhat higher than that of men among the State's delegates. Among business and workers' delegates, women's participation tends to be minor. In order to analyze this data it has to be considered that in 2007, in the business category 32 per cent were women and in the private sector workers category they were 51.7 per cent.

¹⁸ Information from the institution's website, June 2010.

In 2009 around 650 thousand workers, approximately 378,000 men and 278,000 women were covered by Salary Council regulations.¹⁹

3. The evolution of social dialogue and collective bargaining in a gender context

3.1 Historical background

Rodríguez Villamil and Sapriza (1984) classify in three periods the demands, vindications, and situation of female workers up until the military coup in 1973.

In the first decades of the 20th Century and under a Batllista²⁰ ideology, the emphasis was placed on the achievement of civil and political equality for women. The notion of female workers was that of a “victim”, forced by need to go out to work, pulled away from domestic work against her will. Despite the interest in female workers in political circles, in the first quarter of the century there were no laws referring to salary equality. There was an increase in domestic work as a result of the Law of Eight Hours (1915),²¹ which made working women more vulnerable. The participation of female workers in unions or their ability to join was very restricted in that period.

The decade of the 1930s was characterized at a global level by a strong economic crisis that also affected Uruguay. With the military coup in 1933 began a conservative period and a law centered on the “protection” of maternity and female workers in general was passed. However, most of the measures were considered a regression in terms of gender equality by the International Feminist Movement of the time. In this period, for example, it was forbidden for women to work night shifts and to hire them if they were pregnant.

A third period began after 1942 with an improvement in economic and labour conditions and the reinstatement of union activities. There was an increase in female participation in the labour market, but their ability to participate in unions was still limited. There was also a strong gender division in different occupations based on the model of a male provider and a woman in charge of the family. Wage differences and occupational gender stereotypes were present and even backed by the State.

3.2 Dictatorship and the return to democracy

A fourth stage in the Uruguayan labour market is that of the military dictatorship between 1973 and 1985. The regime tried to promote non-traditional exports and strengthened economic sectors traditionally composed by women (textiles, shoes, fish processors, etc.), which encouraged a massive amount of women to enter the labour market (Azar and Espino, 2006).

The most prominent characteristic of the labour market in this period is the increase in employment rates, particularly female rates, and work hours. This is the result of a constant drop in workers’ real salary, which was a key condition of the economic policy implemented to revitalize internal accumulation (Astori, 1981).

¹⁹ These estimations are done on the basis of INE’s data for formal private sector workers.

²⁰ Ideology carried out by José Batlle y Ordóñez: President of the Oriental Republic of Uruguay in two periods (1903-1907 and 1911-1915.)

²¹ Law 5,350 named Blue Collar Work establishes in its Art. 1° that “The effective work of blue collar workers in factories, workshops, boat building shops, quarries, construction companies in land or port (...) will not last more than eight hours.”

With the return to democracy in 1985, one of the main measures adopted by the government was to eliminate the category of “female work” in agreements under the Salary Councils. This measure forbids the possibility of establishing a 20 per cent salary cut in said category.

A fifth stage would be set in the decade of the 90s until the beginning of the new century. It was characterized by market liberalization in which the State stopped intervening in several aspects. The new economic structure favored the creation of female work (Amarante and Espino, 2001).

In spite of the increasing number of women in the labour market, gender salary gaps remained and the female double work day became a problem for a greater number of them. The State did not protect or create equal opportunities for both men and women. From an institutional point of view, the *Tripartite Commission on Equal Opportunities and Treatment in Employment* was created in 1999.

3.3 2005: A new stage in collective bargaining

In this new stage of collective bargaining, issues ceased to be exclusively about salaries and more about workers’ life conditions (Espino and Pedetti, 2009). Collective Agreements included clauses aimed at developing opportunities for female workers, reconciling work and family for men and women.

In that period, a bargaining group was created for domestic workers. According to estimates, in 2006 there were 109,000 workers in domestic services. This accounts to almost 8 per cent of the total employed population, 99.2 per cent of them being women. According to Abramo and Valenzuela (2006) the increase of women in domestic services is explained at a Latin American level by a higher presence of women from middle and upper socio-economic segments in the labour market. Many of those entering the labour market and belonging to lower segments do so in chores supporting wealthier sectors (Amarante and Espino, 2008).

4. Social dialogue and gender equality: The tripartite commission on equal opportunities and treatment in employment

In 1995 the ILO carried out in Turin a training course on “Tripartite Program on Policies for Employment and Equal Opportunities”²² to explore social dialogue and gender equality issues. It was also aimed at promoting equal opportunities in employment in MERCOSUR countries and Chile. Soon after, between 1995 and 1998, CTIOTEs were created in Argentina, Brazil, Chile, Paraguay, and Uruguay. The creation of CTIOTEs was the result of the governments’ initiative – through their Ministries of Labour in collaboration with their Women’s Bureau – calling for employers and workers to participate in this process. The CTIOTE’s composition is similar in almost all of the countries. The government is represented by the Ministry of Labour and Women’s Bureaus and there is the participation of representatives of employers’ and workers’ organizations. In a second phase, the ILO supported the Network of CTIOTEs in the Southern Cone, which created a sub-regional strategy for collaboration.

²² The course took place in the ILO’s International Formation Center in Turin (May 26 to June 16, 1995)

In Uruguay, the CTIOTE was created in 1997 after the National Seminar on Equal Employment Opportunities organized by the MTSS with the support of the ILO. However, it was not fully constituted until 1999 by Decree N°365/99 of the MTSS.

The Commission's main lines of action, developed since its creation, have aimed at:

Advising the MTSS as well as other institutions on gender issues.

Supporting and advising women workers with claims for employment discrimination.

Liaising and sharing experiences with other governmental and non governmental entities covering gender issues.

Liaising and sharing experiences with other governmental and non governmental entities covering gender issues.

Strengthening the institutional commitment of entities part of the CTIOTE.

Promoting research and knowledge on women's work conditions in the labour market.

Keeping ties with national and international organizations specialized in the promotion of equality and fostering projects with gender focus.

Establishing coordination strategies with the Municipal Councils with the purpose of promoting gender mainstreaming in local employment policies and the creation of CTIOTEs at a local level.

Fostering and promoting provisions and commitments on non discrimination and equal opportunities for men and women in several social and labour entities in MERCOSUR. (CEDAW Report.)

4.1 Participants in the CTIOTE

The CTIOTE – as a permanent advisor to the MTSS – is composed by a head and a substitute delegate for each of the three sectors. For the union sector, it does so through the PIT-CNT with delegates from the Department of Gender and Equality.²³ This Department is part of the Executive Secretariat of the PIT-CNT with the right to speak, but not to vote. On behalf of employers, there is a rotating delegate for both CIU and CNCS chambers (the CIU delegate is responsible for gender issues). The government participates through the MTSS as a coordinating entity along with delegates from the National Employment Directorate (DINAE), the Labour Inspection Office, and the from the National Institute of Women (INMUJERES) which is part of the Ministry of Social Development.

4.2 Workers and employers: gender equality issues in their agendas and actions

In order to learn what workers and employers think of gender issues, a set of interviews were carried out with representatives of each of these sectors.²⁴ In these interviews they were asked about the relevance of gender issues in their organizations and the objectives they had set for the future. Both at the worker and employer level, it stands out that it is difficult to create a gender agenda and that there is minor female presence at decision-making levels:

“There is female participation, but at the moment of designating authorities or responsibilities men are chosen (...) There is no space for women to have the possibility to participate and to dedicate all of their time as men sometimes do.” (Delegate for the PIT-CNT to the BPS Directorate)

²³ The origins of this Department are set in the creation in 1986 of the Commission on Women with the purpose of “introducing a feminist perspective in women’s union work that would recognize the gender specificities in the identification of problems and its treatment on behalf of the workers’ association (...). It has been a milestone despite its conflictive relations with the directorate of the Central. It operated until 1992” (CIEDUR, 1995). Later a new commission was formed under the same name just before the VI Congress of the PIT-CNT in November 1996. Since the 7th Congress the Commission started being a Department.

²⁴ Annex 3, notes on the interviewees and outline of the interview.

In 2003, the PIT-CNT restarted the discussion on quotas for decision-making positions. In the VIIIth Congress of the PIT-CNT the Department of Gender and Equality²⁵ developed a strategy and argued for the approval of a quota. The proposal added the demand of having gender mainstreaming in the union's training courses at the Cuesta Duarte Institute.²⁶ Congress approved a quota and expressed its willingness for it to be applied. However, this has not been the case due to the fact that the PIT-CNT is an organization that groups workers in a Convention, which implies that in Congress unions are autonomous (without the characteristics of a Central with a president or a secretary general, but with coordinators). The members of the Executive Secretariat are elected by a Representative Board, which in turn are designated by each participating union. Therefore, the only way to increase the proportion of women in the PIT-CNT's decision-making bodies is through the application of quotas within each union.

The workers' sector thinks that unions are becoming more sensitive to certain gender issues. When interviewed, the head of the PIT-CNT's Gender Department mentioned the Law on Sexual and Reproductive Health that was supported by the PIT-CNT and the consideration given to domestic violence issues. However, she is clear in saying that "they are closed to discussing the issue of power, politics and quotas." She also recognized that the Gender Department "has won its position within the PIT-CNT as well as in civil society" highlighting the role they have in MERCOSUR along with the delegates of the Women's Commission in the Union Confederation of the Southern Cone (CM-CCSCS).

People interviewed on behalf of workers highlight the progress made with the inclusion of existing regulations in collective agreements. The objective is to make them well known and to facilitate the unions' compliance and follow-up. Other policies mentioned by this sector were the inclusion of domestic service as a point of negotiation, reforms in social security, and the drop in the age of retirement by one year per child born alive for all mothers (Law 18,395 of 2008).

Regarding this last issue, the worker's delegate for the BPS Directorate pointed out that that reform "is a way to stop insinuating that we have to have policies and start working, although it is absolutely insufficient, it is a step, a demonstration. In the medium term, there are more important things planned ahead than that, but it was the fulfillment of a specific policy for women."

The workers interviewed stressed that the importance given to gender issues by unions is relatively low. The most critical view was made by the delegate to the Social Security Bank:

... First, we should go over objectives internally in the union movement, we have to generate in the unions and within our confederation the conditions so that female workers participate without all the difficulties (...) There have been many resolutions in congresses and others that include gender issues, but they still need to be embraced as such by the union movement. Those are the key roles of union work (...) We should work more to have a plan with a method, with medium and long term goals, and define the steps and activities to get there.

The Department of Gender and Equality has set lines of actions towards achieving gender equality. These are, for example, the inclusion of a Housing Plan for women subject to domestic violence, training women in non-traditional jobs like construction, the decriminalization of abortion as set in the Law of Sexual and Reproductive Health, setting half hour for women in the private sector to breastfeed (equating them to women in the public sector), granting sixteen weeks of maternity leave, and having a Law on Moral Harassment in coordination with the Department of Labour Health.

²⁵ The Commission on Women changed its name to Department of Gender and Equality on the VIIth Congress.

²⁶ The Congress' document shows an explicit support to the National Plan on Equal Opportunities and Treatment in Employment promoted by the CTIOTE since 2000. There was also support for professional training and employment for women, the inclusion of non discrimination and equal opportunities provisions in collective bargaining, and there is a demand to replicate in all labour areas the resolution adopted by Montevideo's Municipal Intendancy which included a decree on sexual harassment in the State's Public Employee Statute.

In the case of the CIU, the interviewed woman – who participates in the Tripartite Commission and is responsible for gender issues in the union – said that the scarce presence of women in decision-making positions is an obstacle to dealing with gender issues. There is only one “gender delegate” who reports to the Labour Commission, which in turn advises the Board. As a consequence, there are no gender issues included in future agendas: “... it seems to me that it is not the organization that is closed to addressing gender topics, but that it is a much deeper and stronger cultural and social issue that results in smaller female presence”.

The most appropriate gender strategy highlighted by employers and workers is the participation in the CTIOTE and the inclusion of the Clause on Equal Employment Opportunities.

Although they assure that they will continue to participate and promote equal opportunities at all levels, there is no explicit agenda or future actions in terms of gender and social dialogue.

4.3 Management of gender issues inside the National Labour Directorate

The DINATRA has a central role in collective bargaining through its participation in the Salary Councils. Therefore, its involvement in gender issues could be crucial to incorporate gender perspectives in the bargaining process.

The State’s delegates to collective bargaining were appointed in 2005 first after a merit contest (50 were selected) and then after skills and knowledge tests. At the moment they thought that 30 delegates would suffice to cover all groups, but the number was later increased for the Second Round on Salary Councils in 2006 and again in 2008. In 2010 the DINATRA has in its Collective Bargaining section 43 members, of whom 32 are women and 11 are men.

In each group there are delegates in positions of president, heads, and substitutes. Currently there are 5 governmental delegates presiding groups, only one of them is a woman (who is at the same time the Director for Collective Bargaining at DINATRA). This position is appointed by the Minister according to political will among the members of collective bargaining in the DINATRA.

In 2009 the State’s delegates participated in a Training Workshop on “Gender and Collective Bargaining.” It was promoted by the MTSS²⁷ Gender Commission and INMUJERES, supported by the CTIOTE and coordinated with female delegates from DINATRA in each commission. According to a delegate to the Gender Commission at DINATRA²⁸ and a delegate on behalf of the State to the Salary Councils, the workshop was considered extremely positive by the rest of the State’s delegates to the Salary Councils, having achieved three basic goals: to put gender issues on the table, level gender knowledge, and generate awareness.

The MTSS Gender Commission would be planning on having another gender training workshop in the short term.

There is a direct link between the CTIOTE and DINATRA mainly based on the interest they have on the tripartite collective bargaining. As a result, there have been efforts to establish formal links with a DINATRA representative at the CTIOTE. Political will on both sides seems to be clear, but the agreement has not been possible up to the moment of the making of this report.

²⁷ Several State entities have created gender commissions in order to start internally working on these issues.

²⁸ Interview made on May 6, 2010. DINATRA.

Gender institutions in Uruguay

In order to analyze the way the CTIOTE works and exercises its influence this section briefly goes over the characteristics of gender institutions in Uruguay. The representation they have in INMUJERES as well as various interactions they have with these organizations, has allowed several achievements in terms of equal opportunities in the workplace.

National Women's Institute

The National Family and Women Institute was founded in 1991²⁹ by the Ministry of Education and Culture.³⁰ It operated between 1992 and 2005 as the “main entity” in the coordination of national policies regarding women and family. Despite the wide attributions it didn't have its own budget until 1996.³¹

In 2005 the Institute was made a part of the Ministry of Social Development (MIDES)³² as the National Women's Institute (INAMU, today called INMUJERES).³³ INMUJERES is the coordinating entity of gender policies in the country, which means that it has the responsibility to promote, design, coordinate, articulate, execute, follow-up, and evaluate public policies (Law 17,930.) This role does not imply that all gender policies should be implemented by INMUJERES. On the contrary, the diversity of the problems affecting women necessarily need to be approached from all State entities. This is supported by the First National Plan for Equal Rights and Opportunities (INMUJERES 2007) whereby all Ministries committed to developing plans for gender equality policies.

Since its creation, it developed and promoted the First National Plan for Equal Rights and Opportunities along with other policies aimed at generating greater social dialogue in terms of equal opportunities between men and women. That plan proposed to eliminate existing inequalities that affect women and to fight all forms of discrimination. It was thought of as an integral tool that would facilitate the creation of new public policies and the modification of existing ones.

Female Bicameral Caucus

The Women's Bicameral Caucus is in charge of issues related to gender equality in Parliament. It was created on March 8, 2000 in order to create “a horizontal, transversal and across-party coordination open to all women legislators, head or substitute, who wish to be a part of it [...] It is a long-term proactive strategy that has successfully faced the challenges of certain divisive actions or issues. The strategy has been efficient to move forward in gender related legislative terms and to create awareness on the fact that these are issues pertain to each and everyone beyond party alliances.”³⁴

The idea is to create a horizontal approach to gender issues at a central legislative level. The Special Commission on Gender and Equality was created in the Women's Bicameral Caucus with “the mission of studying and reporting on projects of law related to gender issues before being discussed in the Chamber of Representatives.”³⁵

²⁹ Article 6: The National Family and Women Institute was created by article 234 of Law 16,226 of October 29, 1991, and modified by Program 001 of the Ministry of Education and Culture. In 1987, through Decree 229/87, the Women's Institute was created as part of the Ministry of Education and Culture. It was composed of representatives from said Ministry; the Ministry of Public Health; the Ministry of Labour and Social Security; the Ministry of Livestock, Agriculture and Fishing; the Children's Council; National Colonization Institute; Intendancy Congress; and two non-governmental organizations. Despite the ample representation, the Institute lacked institutional weight and budget, reason why it did not have any executive powers.

³⁰ The first specialized entity in Uruguay was the MTSS's Women's Department created in 1975 under dictatorship. This Department was created after the auspices of a governmental delegation to the Inter-American Commission of the OAS and as a result of international pressure in the framework of the beginning of the Woman's Decade.

³¹ Through Law 16,736 it was granted the resources, but they were insufficient to comply with all the responsibilities assigned. The Director's position up until 1996 was pro bono.

³² Article 6 of Law 17,866 of 03/21/2005, Creation of the Ministry of Social Development.

³³ Law 16,226 of October 29, 1991 on the Rendering of Accounts and Balance of Budget Spending which through Article 234 creates the National Family and Women Institute.

³⁴ From “Parlamenta” site, part of the official website of the Parliament of the Republic.

³⁵ From “Parlamenta” site, part of the official website of the Parliament of the Republic.

4.4 Achievements and challenges of the tripartite commission on equal opportunities and treatment in employment

The trajectory

The CTIOTE's trajectory can be analyzed in three periods from its inception to the present, where the two last periods coincide with two government administrations. The achievements and challenges they have are analyzed through four key areas that are considered to be pivotal labour issues. These are the following:

- *Strengthening, awareness and rationale*
- *Institutional relations*
- *International cooperation*
- *Strengthening of social dialogue*

The results of the implementation of activities carried out in these areas may or may not make a fifth area possible: impact in public policies.

First period: 1997-1999

- *Strengthening, awareness and rationale*

This first period is aimed at “setting basically broad objectives to have the ability to coordinate actions in the widest way possible.”³⁶ Its activities are mainly aimed at training and generating awareness on the importance of having gender issues included in public policies related to labour (CEDAW Report).

- *Institutional relations*

At the national level, the CTIOTE had an active strategy coordinating with other government entities (i.e. Special Commissions created in Parliament, the Women's Commission in the Municipal Intendancy of Montevideo) and non-governmental organizations (i.e. Beijing Follow-up Commission and several other NGOs dealing with gender issues.) it was also relevant at a regional and international level as it fostered knowledge and experience exchanges. One of the main results was the inclusion of specific provisions on non discrimination and equality between men and women in MERCOSUR's Socio-Labour Declaration. It was proposed by Subgroup 10 on “Labour Relations, Employment and Social Security” and was later signed by the Presidents of the region in December 1998. The CM-CCSCS³⁷ had a key role in that achievement as well as the CTIOTE, which had some of its delegates in decision-making areas in MERCOSUR. In this regard, the current State delegates in the CTIOTE point out the key work carried out by business delegate Tatiana Ferreira.

- *International cooperation*

The ILO, and particularly Subregional ILO offices, had a key role in the creation of the Commission, strengthening and supporting its influence abilities. They also provided training to CTIOTE members.

³⁶ Interview to Dr. Santesteban at <http://www.cotidianomujer.org.uy/1997/alpie.htm>

³⁷ The Union Confederation of the Southern Cone Coordinator (CCSCS) was created in 1986. With the creation of MERCOSUR in 1991, the CCSCS had decisive influence in the inclusion of social, political and cultural components in the process of economic integration.

- *Strengthening social dialogue*

New strategies are developed to promote social dialogue inland. These types of activities would later become part of the CTIOTE's permanent objectives in order to face challenges and achieve goals.

- *Impact in public policies*

Issues related to sexual harassment and discrimination at work have been one of the CTIOTE's main points of interest since the beginning. Thus, they carried out concrete activities aimed at facilitating reports on sexual harassment³⁸ and searched for legislative solutions to the problem. Uruguay did not have public policies on sexual harassment. However, according to Márquez (2005) Law 16,045 of June 2, 1989, prohibited all discrimination in any sector of labour activity therefore contemplating sexual harassment, understood as a form of sex discrimination. Decree 37/997 of February 5, 1997, which complemented said Law, states in Article 5 that: "Sexual harassment or degrading conducts in or on occasion of the workplace will be considered a serious form of discrimination; meaning any behavior, purpose, gesture or contact of sexual nature unsolicited by the person to whom it is directed to and that produces or threats to produce a disadvantage in their work situation." Márquez states that although that law would validate judicial claims for sexual harassment in the workplace³⁹ "it seems convenient that there be a specific law determining responsibilities, victim's remedy, protection measures against retaliation for those who report harassment or declare as witnesses, legal proceeding, etc."⁴⁰

The fact that the General Labour Inspection Office would begin administrative proceedings by investigating and searching for proof served as an encouragement to present claims on labour discrimination. Some of the claims, for example, were about discriminatory contract provisions dealing with pregnancy, inappropriate uniforms for pregnant workers, etc.⁴¹ Because they were the first cases registered, the government was constantly following-up acting as an advising entity in non-discrimination issues.

Second period: 2000-2004

The CTIOTE's most prominent work in this period is the creation of the National Plan for Equal Opportunities and Treatment in Employment (the Plan hereafter). It became a political tool to influence and create awareness, while legitimizing the CTIOTE's own work in different areas. The Plan is a key achievement of the CTIOTE and social dialogue.

- *Strengthening, awareness and rationale*

The situation of women in the labour market continued to be analyzed. Several activities were carried out to present the draft of the Plan, inform and create awareness among stakeholders (i.e. Executive Units of the MTSS and the Ministry of Education and Culture).

³⁸ The first sexual harassment reports were filed at the MTSS in 1997, same year the first legal rulings on the matter were being published in the Labour Jurisprudence Annuary.

³⁹ Law 16,045 and its Decree regulate the procedures for claims (and subsequent sanctions) for sexual harassment in the workplace. Those who consider themselves victims of discriminatory actions on the basis of gender are given an administrative proceeding to submit their claims to the Labour and Social Security General Inspection Office so they can take measures as a comptroller inspector. Regarding legal claims the law assigns jurisdiction to the Labour Tribunals of Montevideo and the Departmental Tribunals inland. The law also provides a special proceeding where the victim presents his/her claim and the judge calls the parties for an audience.

⁴⁰ Article 4 adds that in case a judge considers it necessary "he/she could open the discovery stage of litigation in which case it will follow proceeding set forth in Article 6 and on of Decree-Law 14,188 of May 4, 1974." After Law 16,045 was approved in June 1989 the General Proceeding Code (CGP) entered into force in November 1989 repealing all other types of proceedings. Since then the reference made by Law 16,045 to Decree-Law 14,188 was repealed in favor of the CGP which also establishes legal proceedings in labour issues.

⁴¹ Information provided by the General Labour Inspection office, MTSS.

- *Institutional relations*

The CTIOTE played an advisory role to the Social Security Bank on gender and social security issues; presented the Plan to Parliament; advised the Women's Bicameral Caucus on new laws and regulations, the MTSS, and the Family and Women Institute; and participated in inter-institutional meetings called by the Ministry of Foreign Affairs aimed at the creation of an Ad-hoc Commission composed by delegates of all public and private institutions dealing with gender issues. This Commission fostered joint and coordinated efforts among all members to report on the fulfillment of international agreements subscribed by Uruguay.

- *International cooperation*

The CTIOTE's initiative to create a Plan in 2000 had important international support from the Ministry of Labour and Social Affairs of Spain. Again, it had the assistance of the Subregional ILO offices, which continued to support the CTIOTE's activities at a regional level.⁴² In June 2000 a Uruguayan tripartite delegation participated in the ILO's annual meeting in Geneva which was on Maternity Conventions. There was a proposal to substitute Convention 103 – ratified by Uruguay in the 1950's – with Convention 183.⁴³ By tripartite consensus they did not vote in favor of the new proposed convention keeping Convention 103.

The presentation of the Plan in 2004 was supported by the United Nations and the ILO's Subregional office for the Southern Cone.

The training program for female employment (PROIMUJER) also had the support of the CINTERFOR/OIT

- *Strengthening social dialogue*

The Commission continued its activities in training and exchange of experiences inland. The objective was to promote tripartite entities at the municipal level⁴⁴ and to foster meetings with different social stakeholders.⁴⁵

- *Influence in public policies*

The Plan was presented on September 21, 2004, in the framework of the Seminar "Towards a National Plan on Employment Equality – Proposal for Action" organized by the CTIOTE. In a country report submitted to CEDAW in 2008 it says that the Plan "is not a definite or approved plan to be implemented by the corresponding authorities, but it is valuable as it comes from a tripartite entity characterized by creating propitious spaces for social dialogue. Currently, it has been incorporated as a strategic core in the First National Plan on Equal Opportunities and Rights 2007-2011 (PIODNA) promoted by INMUJERES."

Regarding employment policies, the most relevant role of the CTIOTE was its support in the implementation of the PROIMUJER approved in April 2001 with the funding of the Labour Reconversion fund administered by the National Employment Board (JUNAE).⁴⁶

⁴² "Tripartite Commissions for Equal Opportunities in Employment (MERCOSUR and Chile)"

⁴³ Convention 183 –which establishes a maternity leave of fourteen weeks as a minimum- has not been ratified by Uruguay due to disagreements in other articles of the Convention.

⁴⁴ "Tripartito de la Regional Oeste. Construyendo Relaciones Laborales con Equidad de Género", Paysandú, December 11, 2003.

⁴⁵ Maldonado and Fray Bentos.

⁴⁶ In 2003 JUNAE approved the implementation of the second phase of PROIMUJER, therefore becoming a permanent program. It defined new strategic lines of work that try to incorporate gender and equality approaches to local training programs, to strengthen local stakeholder participation in the training and employment programs, and to advance in the inclusion of gender issues in professional training programs carried out by INEFOP.

Third period: 2005-2009

This period is characterized by the CTIOTE's influence in public policy resulting in the approval of several important laws. Additionally, the Plan found a framework in which it would be implemented by being incorporated in the PIODNA. Among the activities carried out, there were workshops and training, cooperation for the elaboration of promotional material, participation in journalistic programs and other fora on the matter, and promotion for the inclusion of gender issues in the agenda of the Superior Tripartite Council in the 2009 round of negotiations.

- *Strengthening, awareness and rationale*

In 2005 the CTIOTE was restructured in order to create four Working Groups dealing with the following issues: drafting and promoting a law on domestic work, sexual harassment in the workplace and academia, establishing CTIOTEs inland, and training.

- *Institutional relations*

On March 8, 2005, the MTSS made a commitment with INAMU to include gender issues in all its policies. The DINAIE proposed to include gender issues as a tool to measure improvements in public administration. These commitments were made in the Strategic Administrative Plans which serve as the basis to plan the National Budget. In these plans, each ministry (or executing unit) sets strategic objectives and appoints units responsible for their implementation. The MTSS's strategic plan includes gender equality perspectives as set by DINAIE ("Incorporate a gender perspective in public policies for employment creation and professional training") and it even adds some evaluating criteria. However, the Strategic Administrative Plan does not allocate human or financial resources for the implementation of the Plan.

The CTIOTE actively participated in the creation of the PIODNA, which included the Plan in its employment chapter.

In March 2006, it also participated in the creation of the Gender and Labour Network – composed by public sector organizations and civil society – in order to analyze, debate, and coordinate on the CTIOTE's main points of interest.⁴⁷

The Ministry of Public Health, the Social Security Bank, and delegates from the Female Domestic Workers Union were called to participate in the process of creating a project for a Domestic Work Law. The contribution of the Female Domestic Workers Union was said to be "very rich because they brought you back to an important reality."⁴⁸

- *Strengthening social dialogue*

By the end of 2005, the CTIOTE of Cerro Largo was created with the support of the Departmental Board and the Municipal Intendancy of Cerro Largo.

- *Impact in public policies*

- i. In March 2008 the CTIOTE agreed to promote provisions on gender equality in the Salary Council's bargaining.
- ii. The Plan was incorporated in the PIODNA.

⁴⁷ The Gender and Labour Network is composed by the Casa de la Mujer de la Unión, CTIOTE, PIT-CNT Gender and Equality Department, Anglican Church, INAMU, Mujer Ahora, OIT/Cinterfor, Program PROIMUJER JUNAIE/DINAIE/MTSS, Program Projoven JUANE/DINAIE/MTSS, Rumbo Cooperative Society, Gender and Family Network, REPEM, Women's Secretariat of the Municipal Intendancy of Montevideo and the Gender Unit of the Autonomous Community of the Canaries.

⁴⁸ Delegate for INMUJERES to the CTIOTE interviewed on April 14, 2010.

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- iii. Law 18,065 on Domestic Work was approved on November 27, 2006. It defines domestic work as one that is “provided in a dependency relationship by a person to another, to one or more families, with the purpose of caring and working for them at home in chores related to it, without those chores resulting in a direct economic profit for the employer.”

It’s a pioneering law in the region⁴⁹ that recognizes working rights such as eight hour shifts, half hour break for those who do not sleep in their employer’s house, and two hours for those who do. It also sets a weekly break of thirty-six uninterrupted hours and night rest for those who live in their employer’s house. The law regulates compensation in case of dismissal, unemployment benefits, and health coverage. The latter was part of the programs of the government administration of 2005.

An important challenge for the CTIOTE was to have representation on behalf of the employers. It was only when the government called for Salary Councils in 2008 that there was a “Housewife League” representing employers. The CTIOTE continued to support the sector by professionalizing domestic workers.

- iv. In April 2007, the MTSS approved the Decent Work Program for Uruguay, which brings gender issues to five different horizontal areas of intervention: institutions, employment policies, social security policies, protection of fundamental labour rights, and social dialogue.
- v. Approval of Law 18,561 in September 2009 on “Sexual Harassment Law. Regulations for its prevention and sanctions in the workplace and in teacher-student relations”⁵⁰ was promoted by the CTIOTE with the support of the MEC.⁵¹ This law has seventeen articles, defining sexual harassment in Article 2 as:

Sexual harassment is understood to be any conduct of sexual nature carried out by a person of the same or the opposite gender, unsolicited by the person to which it is directed to and whose rejection may produce or threaten to hurt his/her work situation or teaching relation, or that creates an intimidating, hostile, or humiliating work environment for the receiving party.

In October 2009, the MTSS approved an “Internal Conduct Protocol” for the General Labour Inspection Office regarding sexual harassment claims. Although it was controversial – due to cultural differences in the way women and men relate in the workplace and fear among employers that there may be unsubstantial claims that would be difficult to solve – it has been of great importance for the CTIOTE.

The General Labour Inspection Office (the competent authority overseeing workers’ legal protection and general safety and health working conditions) started to register sexual and moral harassment claims since the second half of 2004.

The provision on gender equality is promoted in the Third Round of Negotiations of the Salary Councils in 2008:

The parties undertake the commitment proposed by the Tripartite Commission for Equal Opportunities and Treatment in Employment and agree to promote within the scope of collective bargaining the abiding of Law 16,045, ILO Conventions N° 103, 100, 111 and 156 ratified by our country, and MERCOSUR’s Socio-Labour Declaration. They reaffirm principles of equal opportunities, equal treatment in the workplace without distinction or exclusion based on gender, race, sexual orientation, religious belief, or any other form of discrimination according to legal provisions in effect.

Implementation: The following basic conditions are proposed according to the needs of each sector of the economy:

Principle of equal pay for work of equal value.

Equal opportunities for men and women to access better and more qualified jobs and training.

⁴⁹ Refer to: <http://www.larepublica.com.uy/mujeres/331634-avances-y-desafios-del-trabajo-domestico>

⁵⁰ The CTIOTE had the assistance of the ILO in the elaboration of the law.

⁵¹ The participation of the MEC was considered a relevant fact since it implies the understanding of the importance of including sexual harassment in the teacher-student relationship.

Repeal any discriminatory measures in the selection and promotion process.

Legal protection for maternity and other provisions that promote a better balance between maternity and paternity.

Prevention and sanction of moral and sexual harassment.

The next section reviews characteristics and results of the inclusion of gender equality provisions in collective agreements.

Results

- **Strengthening, awareness and rationale:** The CTIOTE has been able to position matters on equal opportunity in employment: “Today the CTIOTE has a much more solid position, with a trajectory, a process and recognition.”⁵² The main achievements are political visibility of gender issues, the strengthening of social dialogue, and cross sector collaboration.
- **Institutional relations:** One the main achievements of the CTIOTE is the collaboration between the public and the private sector, supporting social dialogue and the implementation of agreed actions. This is particularly seen in the way it works with INMUJERES and the ability to articulate initiatives related to the PIODNA.
- **International cooperation:** In terms of international cooperation, the ILO in particular provided crucial support. It offered training and technical assistance as well as the space to exchange views and opinions. It also provided the necessary resources to implement the program, without which it would have been very hard to develop. This is a very important point since one of the CTIOTE’s main problems is the lack of its own budget.
- **Strengthening social dialogue:** The CTIOTE has definitively strengthened social dialogue and collective bargaining, especially considering that for a long time the Salary Councils were suspended. The dynamism recovered in 2005 propelled the CTIOTE’s efforts for the inclusion of gender provisions in collective bargains. However, it faced several problems such as conflicting views between different sectors and the need to negotiate internally as well as externally. Achieving consensus required agreements internally among CTIOTE members as well as within each sector.

Beyond specific interests of workers and employees, all of the members’ views are important in order to reach agreements. It is a two-fold dynamic where the CTIOTE influences different sectors and vice versa. This was the case, for example, of the inclusion of employment training issues in the VI PIT-CNT Congress, which served to support the implementation of PROIMUJER. It granted the right to have a program for women, for those who were contributors to the Labour Reconversion Fund.

Regarding the efforts to extend the work of the CTIOTE inland, it states that “one of the pending issues is how to connect with cities inland... At a certain point we thought about the need of establishing tripartite commissions in different departments, but it ended up being very difficult to generate spaces for dialogue. The idea now is to have the ability, budget, etc. to develop and promote what the Tripartite does and to create institutional affinities.”⁵³

In terms of public policies, until 2002⁵⁴ there is no evidence of significant influence by the CTIOTE. This was reversed with the creation of PROIMUJER, the National Plan on

⁵² Delegate from DINAE to the CTIOTE interviewed on April 14, 2010.

⁵³ Delegate from DINAE to the CTIOTE interviewed on April 14, 2010.

⁵⁴ *INFORME FINAL. Consultoría para evaluar el Trabajo de las Comisiones Tripartitas para la Igualdad de Oportunidades en el Cono Sur*, Silvia Galilea O. Leslie Marín C. Santiago, December, 2002.

Employment Equality, the promotion of domestic work and sexual harassment laws, and later the addition of gender provisions in collective agreements.

5. Implications of collective bargaining for gender equality⁵⁵

The analysis of the progress made towards achieving equal opportunities and treatment as a result of the Salary Councils deserves special attention.

Under the understanding that the eradication of women's discrimination and segregation contributes to productivity, competitiveness, and economic growth (CEPAL, 2009), collective bargaining became a key instrument in the CTIOTE since 2005.

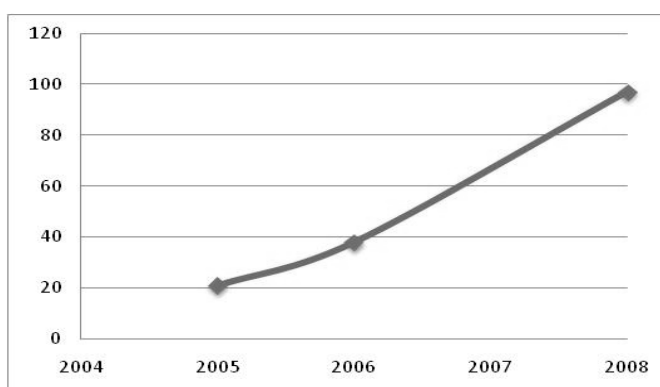
The process that led to inclusion of these provisions is fostered by international conventions ratified by the country, previous national legislation, the dynamism of social dialogue recovered in 2005, and the work practices developed by the CTIOTE along the years. The process took place in the context of good relationships between workers and employers willing to build partnerships and reach agreements. Despite the flaws that the CTIOTE may have in several aspects (institutional hierarchy within the MTSS, lack of budget, the delegates' institutional hierarchy, lack of gender work among employers), the good work environment helped to carry out negotiations at high decision making levels.

The agreement process was also easier due to the fact that the CTIOTE's proposed provisions were in fact implementing Uruguay's existing commitments.

Regulations for collective agreements include Law 16,045 which forbids all types of discrimination contravening the principle of equal opportunities and treatment for men and women in any labour sectors; Law 17,514 on domestic violence; Law 17,817 on xenophobia, racism and all forms of discrimination; and Law 16,063 which ratified ILO Conventions on equality. Since 2005, the inclusion of gender provisions in collective bargaining became an additional tool for the promotion of gender equality in employment.

The Salary Council's round of 2008 showed that there was a significant increase⁵⁶ of these types of provisions, reaffirming existing rights at a national and international level. (Graph 5.)

Graph 5.
Amount of gender provisions incorporated in
collective agreements by year



Source: Own elaboration based on data from collective agreements, MTSS

⁵³ This chapter is based on *Cláusulas de Género en la Negociación Colectiva 2005-2008*. Instituto Nacional de las Mujeres Coordinación. Espino y Pedetti, 2009.

⁵⁶ Annex 4 presents the ways in which provisions on gender equality have been incorporated in different pieces of legislation.

There were other provisions aimed at improving existing rights, many of them trying to level the situation of female workers in the public and private sector. The progress made was a result of the work carried out by unions in collective bargaining. The following is an outline of the provisions incorporated in different Salary Council's groups and subgroups:

- a) **Maternity protection:** Article 15 of Law 15,084 sets the general regulation for maternity benefits in the private sector stating that:

During periods of inactivity (...) the beneficiary will receive the same amount of her salary in cash plus the quota or part according to the annual complementary salary, leave or paid vacation of the period in question, calculating it according to the following. To determine the subsidy, the basis will be the salary of the time she worked and that received in the last six months, not being lower than the national minimum wage.

Workers from the public sector will continue to receive their regular salary during their maternity leave.

Provisions referring to this issue intend to support the current law making sure it is respected. It procures that the received salary during maternity leave is the same as if the woman was fully active. Three groups incorporated these provisions. For example, Group 14 (Financial intermediaries, insurance and pensions), Subgroup 1.1 "Banks" that was created in 1998 and ratified in 2005 incorporated the following provision:

Article 121: During maternity leave, banks will supplement monthly dues paid by the public system's social security (currently DAFA), so that each employee will receive the same net total of the monthly dues as if she was active.

The other two groups that have added these types of provisions are Group 1, Subgroup 13 "Tobacco and cigarettes" and Group 7, Subgroup 7 "Drugs and pharmaceuticals for animal use."

- b) **Length of maternity leave:** The length of maternity leave is regulated by Law 15,084 which in Article 12 states that "the beneficiaries shall stop working six weeks before the scheduled due date and shall not be able to return to work until six weeks later. However, beneficiaries authorized by the Directorate for Family Benefits (Dirección de las Asignaciones Familiares) will be able to modify the dates of their leave as long as they keep a total of twelve weeks."⁵⁷

Public sector workers are entitled to 13 weeks of maternity leave according to Law 16,104.⁵⁸

Since 2005, Group 13, Subgroup 11d "Organization and coordination of transportation on behalf of third parties. Charters" extends maternity leave to 13 weeks, leveling public and private sector workers.

- c) **Paternity leave:** In Uruguay, many provisions on the matter were not based on any legal regulation until 2008⁵⁹ so the amount of days granted to fathers varied from one to six consecutive days. In provisions agreed in 2005 there was a prevalence to grant one day leave. In 2006 almost 100 per cent of agreements pertaining to fatherhood granted two days. By 2008, there was a different scenario and some Subgroups set one or two leave days, while other abided to Law 18,345 which grants three days of paternity leave. The latter could be

⁵⁷ The benefit also includes women whose work status is suspended or terminated during pregnancy or post partum leave (except in case it happens by her will, Decree 227/81 which regulates Decree-Law 15,084.) Unemployed women may also benefit in case they get pregnant during the use of their unemployment benefits.

⁵⁸ Convention 183, which sets a maternity leave for a minimum of 14 weeks, has not been ratified by Uruguay due to disagreements in other parts of the Convention.

⁵⁹ Only since 2008 through Law 18,345 did workers in the private sector obtain three days.

explained by the fact that some agreements were subscribed in different months in 2008.⁶⁰

Group 10, Subgroup 11 “Photography shops” agreed that “after the birth of his child, the father may use a paid leave of absence of six consecutive days including the day of birth.” Group 13, Subgroup 11d “Organization and coordination of transportation on behalf of third parties. Charters” granted five working days of leave in similar conditions. The agreement signed in 2006 by Group 8, Subgroup 7 “Plastic products and toys” agreed to have a bonus for being present at the child’s birth. In the case of Group 1 there is reference to special leave days in case of the birth of a child, but it is left up to each company to negotiate the number of days.

- d) **Flexibility to breastfeed:** A Decree of June 1, 1954, regulated breastfeeding as dealt with in Convention 103. Again, there are differences between public and private workers. While the first have the obligation to work only half day, workers in the private sector only have two half-hour breaks during the day (Law 16,104).

Through collective bargaining there were achievements at different levels. Some Groups from the private sector reduced the work day to half during the six months after maternity leave. In some cases the return to work can be progressive, but this is optional for female workers. For example, if a woman works eight hours the first three months she would work only four, then the next three months six, returning to eight hours six months after giving birth

Márquez (2005) points out that during this period the financial sector also achieved these benefits. After 2005, Subgroups such as Banks, Compensation Funds and Currency Exchange Offices agreed to what had been established in other sectors’ unions. Social entities within Group 20 and Group 13, also adhered to a similar provision in 2008.

Two groups agreed to reduce the working day during breastfeeding for less than half day. In the textile Industry, Subgroup “Clothing and related” established a half hour reduction with salary and another half hour without pay. Subgroup “External Financial Institutions” (IFES) granted “employed mothers out of wedlock or legally adoptive mothers three hours of leave during the work schedule, considering them worked hours.” Group 1, Subgroup 1 “Dairy industry” established in 2009 “an additional paid hour for breastfeeding. It also expresses the intention to level conditions with public sector workers.”

Finally, it is worth noting that all Subgroups of Group 12 “Hotels, restaurants and bars” established the following provision that allows adding up half hours granted separately during the day:

Workers who are breastfeeding their child during the period set by INAU will have the right to use both half hours established in Decree of June 1, 1954, with the option of getting to work an hour later than usual or leaving an hour earlier.

- e) **Parental rights:** There are birth bonuses set for workers in Group 1 “Tobacco and Cigarettes” and Subgroup “Poultry industry” in Group 2. The amount agreed on was the wage of two work days or a lump sum (\$U 300 adjustable in the same percentage as the salary).

⁶⁰ Law 18,345 was published in September 23, 2008 and the Salary Councils’ agreements were signed approximately from June to December 2008.

In Group 14 (Financial intermediation, insurance and pensions), “Banks” and IFES establish what they call Immediate Family Aid Special Compensation. In this case, there is a distinction based on the marital status of the worker, differentiating from single, married, widowed, divorced or separated, legal guardian of minors (legitimate, legitimized, out of wedlock or adopted) or disabled adults. Those who have under their care people for whom they have legal alimentary obligation.

The bonuses to be paid vary according to these categories. In both Subgroups the bonus increases when there are dependents.

- f) **Additional benefits for disease prevention:** Subgroups of Group 12 (Hotels, restaurants and bars) and Group 15 (Health services and related) ratified Law 17,242 which establishes that:

The parties agree to the following special paid leaves: [...] Genital and breast examinations: granted to workers on the day they have the Papanicolaou (PAP) test and mammography. If both exams are on the same day, only one day will be granted.

They expressly agree to comply with the provisions of Law 17,242 on the prevention of genital and breast cancer.

On the other hand, Subgroups 1, 2 and 3 from Group 2 (cold storage industry), 3 from Group 5 (Leather industry, clothing and footwear), and 2 from Group 6 (Wood, pulp and paper industry) established an additional paid leave day to what is set by law.

Subgroup “Sausage industry” in Group 2, granted an additional day for PAP examinations and/or mammograms and urological exams. Along the same line, Subgroup 18 of Group 10 (General Trade) provides a half day for mammograms, PAP tests, and prostate exams.

Finally, both Subgroup 7 from Group 8 (Metal products, machinery and equipment industry) and Subgroup 1 from Group 13 (Transportation and storage) established that complete work attendance will not be affected by days taken off for this type of medical exams.

Some more specific provisions

1. Training of workers with family responsibilities

In its agreement of 2008, Group 20, Subgroup 3 “Social Entities” established:

“Every institution, to the extent of its possibilities, will try to introduce training opportunities within working hours, in which case, workers with family responsibilities duly justified (minors, disabled, etc.) will have preference.”

2. Nurseries

Only “Banks” and “Private Health” have included in their collective agreements provisions partly funding nurseries for the workers’ children. Some public agencies reimburse the expenses for these services paid by workers.

3. Leave days due to illness of children with disabilities

In the case of Group 9: “Construction Industry and related” the following provision was agreed:

The parties agree to create a special leave for parents of children with disabilities, since the date of the decree’s publication in the Official Gazette.

In sum, there are a set of provisions that move forward or strengthen existing national legislation.

The provisions⁶¹ to better reconcile work and family life go beyond the approval of existing laws. Some of the topics covered are: maternity protection, complementary maternity benefits, duration of maternity leave, flexibility for breastfeeding, paternity leave, parental compensation, training of workers with family responsibilities, benefits for preventive medical examinations, and special leave in case of a disabled child.⁶²

Regarding the differences in the conditions between workers in the public and private sector, gender provisions seek some standardization: 100 per cent of salary during the maternity period, thirteen weeks of maternity leave, part-time work during breastfeeding, etc., for private sector workers – benefits that public sector workers currently have.

Summary and recommendations

The history of social dialogue in Uruguay – despite the historical and political background that has contributed to weaken or strengthen it – has been and still is very rich. It is also protected under international regulations that have been ratified by the State. In recent years, the inclusion of rural and domestic workers in collective bargaining has been a breakthrough in the regional context.

Gender equality in social dialogue and collective bargaining appears relatively recently, even in regard to equal pay for men and women, despite the ratification of the ILO's Convention 100 on equal pay for work of equal value in the mid-twentieth century. Only in 1985 the category “women's work” is eliminated from the agreements along with the possibility of having a 20 per cent wage cut in this category. Topics related to working conditions for female workers have been linked to maternity protection as well as to certain type of work (i.e. night shift).

Despite the growing number of women in the workforce, gender relations are still strongly determined by a male breadwinner model, where double shifts have become a problem for a larger number of women. The gaps in employment, unemployment, and wages remain. The State has not enforced a system of care services that could guarantee equal opportunities for workers of both sexes. This issue has not been brought up as a top priority by organized workers, but only partially in relation to childcare.

The inclusion of provisions related to family responsibilities in collective bargaining is essential to make progress in terms of legal coverage. It is also a tool to strengthen the collective bargaining process and to provide equal bargaining power to male and female workers with family responsibilities, extending the coverage of existing rights and benefits while creating new ones.

Although since 1985 unionized women promoted work aimed at fighting discrimination in employment, it should be noted that the creation of CTIOTEs in MERCOSUR was the result of an initiative by the ILO that was well received by governments. The Ministries of Labour, along with their respective Women's Offices, called for employers and workers to participate in this process. During the last decade the CTIOTE operated in a context where collective bargaining did not work – at least until 2005 – and the official mechanism for the advancement of gender issues had strong weaknesses.

⁶¹ For a detailed analysis of provisions referring to a better reconciliation between work and family, see “*Mapa de Género sobre el Mercado de Trabajo Uruguayo*.”

⁶² Other issues resulting from collective bargaining in some sectors during the decade of the 90s are: nurseries, leave for the child's medical checkup after birth, and sick days due to illness of the child.

The achievements of the CTIOTE influencing public policies must be assessed in a political and social context, which allowed the revitalization of social dialogue and the strengthening of INMUJERES. The PIONA has undoubtedly been the key instrument to formally incorporate the guidelines of the Plan promoted by the CTIOTE into public policies.

The creation of INMUJERES as leading agency for gender policies in Uruguay contributed to strengthening the CTIOTE. Together, they managed to promote and enrich their work. This ability to work together enhances the characteristics of independence and respect within the CTIOTE.

How representative is the CTIOTE? Its representation and initiatives are linked to the delegates' contributions for proposals and negotiations. This contribution and its importance depend on several factors, such as their training and commitment on the issues at stake, the support they receive from their organizations, and the ability to have an internal dialogue with these organizations. All of this is what allows the PIT-CNT and the Business and Commerce Chambers to be able to discuss and take a position on the proposals of the CTIOTE.

Despite achievements and progress, the instability of representatives from each sector – particularly the employer sector – and their limited decision-making power, has affected the magnitude and impact of the actions to be implemented.

One element resulting from the interviews is the need to organize the CTIOTE before the MTSS. The progress of the Commission in recent years and the efforts of its members have created a “climate of exhaustion about the current way of working.” The CTIOTE has been independent and transcended governments, in a climate of respect among the parties, which undoubtedly has been an important element for its consolidation.

The hierarchy of each sector's delegates is essential in all areas of social dialogue, including the CTIOTE, in order to reach agreements and allow continuity. Internal negotiations inside each organization are crucial to reach agreements and defend proposals, but it requires that delegates operate in a legitimate and hierarchical structure. The CTIOTE's most important assets are its members and their commitment to incorporate gender issues in their respective sectors and agendas. In this regard, when assessing gender provisions in collective agreements, one of the deciding factors has been the continuous involvement of the Department of Gender of the PIT-CNT in the general meetings on collective bargaining, as well as the training provided in the government sector.

The incorporation of gender issues in collective bargaining requires them to be included at all stages of the process and treated as of strategic interest for the entire workforce (not just women). In addition to the low priority given to the subject, in the negotiation tables there is often a lack of training within participating delegates from the three sectors (men and women) in terms of defense and argumentation of demands relating to gender issues. While the CTIOTE had a significant influence in collective bargaining and it is a valid mechanism or course of action, there are still several weaknesses, among which the lack of female negotiators among workers' and employers' delegates stands out. In the Salary Councils, as well as among political delegates who preside the tables (mostly men, 4 to 1), there has been little support and real interest for State female delegates from DINATRA.

Challenges for the future

Fulfilling commitments:

- Make effective international agreements signed by the country, particularly encouraging family co-responsibility between working men and women;
- Promote gender mechanisms within the business chambers and enhance the role of the Gender and Equality Commission in the PIT-CNT;
- Outline strategies for such mechanisms to achieve greater power within organizations.
- Promote the participation of women and men in predominantly male or female sectors respectively;
- Continue to promote collective bargaining as a forum to foster the above measures.

Development and growth of the CTIOTE's role and influence:

- Set an agenda that prioritizes and defines objectives, developing strategies in each sector in coordination with INMUJERES.
- Monitor the implementation of national policies, agreements, and the treatment of new topics.
- Promote a new view, help change the sectors' short-term perception about collective bargaining as restricted to salary to include essential aspects for equal opportunities and quality of life of male and female workers, such as initiatives to create systems of care and promote co-responsibility in the reconciliation between work and family life.
- Promote family responsibilities as a matter of strategic interest to the entire workforce and businesses.
- Promote the reorganization of working hours through collective bargaining in order to preserve the health and safety of male and female workers, foster good family relations, and promote gender equality.
- Promote a greater presence of women in labour unions and business, as well as a more active role in the process of collective bargaining.
- Encourage a hierarchical structure for delegates of each sector in all areas of social dialogue, including the CTIOTE, in order to reach agreements, allow continuity, and incentivize sectors to take ownership of these issues.
- Upgrade the role of the CTIOTE in different areas: achieving legitimacy based on agreed visions and proposals with several stakeholders; establishing formal mechanisms for the relationship with various organizations, balancing the autonomy needed to function and formal ties; providing resources to carry out its own projects and logistics to support its work (physical space, records, secretarial, etc.).
- When appropriate, include in the discussions stakeholders involved in the actions that are being planned or have been already decided. The Domestic Service Law showed the importance of having the participation of the parties involved. Therefore, it is crucial to consider the involvement of this type of actors, maintaining the participation of the State, companies and workers, who are the true essence of the CTIOTE.

The State is an actor of key importance that should focus in:

- Promoting agreements between the parties and exercising leadership over social and gender equality issues;

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- Establishing strategic guidelines to consider gender equality in actions and policies at different levels;
 - Allocating budget for activities aimed at gender equality. Political will is not enough as these need to be implemented through actions, policies, and resources. The CTIOTE's operating budget must be considered a priority challenge.
 - Defining guidelines for actions and the participation of the CTIOTE in conflicts presented in the General Labour Inspection Office on issues relating to equal opportunities and treatment in employment. Also, ensuring compliance with the objectives set by the CTIOTE regarding the authority to act in both the private and the public sphere.

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Annex 1. Other tripartite organizations

Board of Directors of the Social Security Bank (BPS)

The constitutional reform of 1967 created the Social Security Bank and stipulated that its board should have three elected members, one on behalf of active affiliates, one on behalf of passive affiliates, and another one by contributing companies. The constitutional mandate was fully complied for the first time in 2006 and elections were held with secret and mandatory voting. After a long period in which these positions were not filled, only the representative of the passive affiliates was elected by the government from among the names proposed by the most representative organizations. In the area of active affiliates, from approximately 514,000 entitled to vote almost 90 per cent did. Among passives, from approximately 481,000 entitled to vote 281,500 did, which represented 58.5 per cent of the total (voting was not compulsory for those over 75 years old). In the business sector, those entitled to vote were less than 100,000 and a little over 86,000 voted

National Health Board (JUNASA)⁶³

It is an organization created by Law 18,221 which establishes the guidelines for the new National Integrated Health System (SNIS) under the Ministry of Public Health (MSP). Its mission is to manage the SNIS and observe compliance with the “guiding principles and objectives of the SNIS, in accordance with the policies and regulations established by the MSP.”

The National Health Board shall be honorary, members shall be appointed by the government, and they will have two MSP representatives (one of them will preside it), a member of the Ministry of Economy and Finance (MEF), a representative of the BPS, another one on behalf of providers (medical care funds and hospitals), a sixth one on behalf of workers (doctors and other health workers), and a seventh one representing users.

National Institute of Employment and Professional Training (INEFOP)⁶⁴

The National Institute of Employment and Professional Training (INEFOP) was created by Law 18,406 of October 24, 2008 as a non-State tripartite public entity. Its main task is to implement policies for professional training and employment of male and female workers in Uruguay.

It is run by a Board of Directors composed on a tripartite basis by seven heads, with their respective substitutes, representing the government, the business sector and unions. The objective of this Institute is to contribute to employment and professional training in the private sector.

⁶³ Information from the official website and Law 18,221.

⁶⁴ Information from the official website and Law 18,406.

Annex 2. International regulations

At the international level, Uruguay has ratified a number of International Labour Conventions that regulate social dialogue to some extent: it supports the promotion of collective bargaining (Convention 154), labour relations in public administration (Convention 151), tripartite consultation (Convention 144), the right to organise and collective bargaining (Convention 98), freedom of association and protection of the right to organise (Convention 87).

In regard to social dialogue

Convention No.	Subject	Date of adoption	Ratified in Uruguay	Year of ratification in Uruguay	Status
87	Freedom of association and protection of the right to organise	1948	Yes	1954	In force
98	Right to organise and collective bargaining	1949	Yes	1954	In force
135	Workers' representatives	1971	No	–	–
144	Tripartite consultation	1976	Yes	1987	In force
151	Relations in public administration	1978	Yes	1989	In force
154	Collective negotiation	1981	Yes	1989	In force

In regard to gender equality

Convention No.	Subject	Date of adoption	Ratified in Uruguay	Year of ratification in Uruguay	Status
100	Equal pay	1951	Yes	1953	In force
111	No discrimination in employment and occupation	1958	Yes	1989	In force
156	Workers with family responsibilities	1981	Yes	1989	In force
183	Maternity protection	2000	No	–	–
103	Maternity protection	1952	Yes	1954	In force

Annex 3. Information on interviewees (for the elaboration of Section 5)

To determine the PIT-CNT's view on the inclusion of gender issues, two interviews were conducted. The first one was with the current delegate of the Department of Gender and Equity, Ms. Alma Fernández, and the second one with Mr. Ariel Ferrari, Director delegate representing the workers in the Social Security Bank, former delegate of the Social Security Commission of the PIT-CNT, and former worker associated with the Tannery Union of Uruguay. Ferrari has been part of a very important process of social dialogue in Uruguay for over 10 years, since the Social Security Bank allows the participation of the three entities and includes them in its directory.

In the business sector, an interview was conducted with Ms. Laura Acuña, business delegate to the CTITOE, advisor for the metallurgical sector to the Salary Councils, and delegate of the CIU's Labour Commission.

Interview form

Name:

Gender:

Institution to which he/she belongs:

Relation to the topic:

Date of interview:

Place of interview:

Explain the subject matter and objective of the interview:

Study under an ILO project – Seeking to carry out a study of the Uruguayan reality on gender in social dialogue. The information will be used by the ILO to conduct a comparative study on the ways in which gender equality is being promoted through dialogue at a national level, in different countries and regions of the world.

The purpose of this interview is to analyze the situation of the employer and worker sectors in regard to women's participation and the presence of gender equality issues in their agendas and actions.

Interview guide

Information on the interviewee and the organization

What organization do you belong to?

How many years have you been in the organization?

How many positions have you had? What is your current position?

Regarding the organization

Do you know how many people does the organization represent? How many are men and how many women?

How many people are actively involved in the organization? How many are men and how many are women?

How is the hierarchical structure of the organization? How many women and how many men have positions of power?

Does the organization have gender policies?

If not, why don't they exist?

Can you name which have been implemented over the past 5 years?

Is there any department that is responsible for gender issues? Since when? Do you know how it works? If not, why doesn't it exist?

What is your perception of the department? What are the latest activities undertaken by the department?

What do you think is the importance the organization gives to gender issues? From 1 to 10 (with 1 being none, 10 a lot). Why?

Regarding collective bargaining

When did you first participate in an instance of collective bargaining? What year?

If you attended before 2005, what are the differences you found between that time and today?

Regarding gender issues, do you see differences?

What gender aspects you know have been horizontally implemented in collective bargaining since 2005?

Do you consider it necessary to include gender clauses in collective bargaining? Why?

Regarding the future

What would you say are the short and long term objectives of the organization in general? How do you think they incorporate or could incorporate a gender perspective?

What is the organization's agenda regarding gender?

Does the organization have plans to take actions to promote gender equality?

Annex 4. Ways in which provisions ratifying existing rights have been incorporated in Salary Councils agreements

1. “The parties agree to encourage compliance of the following gender laws: Law 16,045 on gender discrimination, Law 17,514 on domestic violence, and Law 17,817 on xenophobia, racism and all forms of discrimination. The parties jointly reaffirm the principle of equality, treatment and equity in employment, without distinction or exclusion based on gender, race, sexual orientation and religion, in accordance with the laws in force (ILC 100. 156, Law 16,045 and MERCOSUR’s Socio-Labour Declaration).

Compliance of the following provisions is expressly agreed: Law 17,242 on the prevention of genital and breast cancer; Law 16,045 which prohibits any discrimination that violates the principle of equal treatment and opportunities for both sexes in any sector, and ILO Conventions 100, 11, and 156.

It is expressly stated that gender cannot be the cause for any difference in pay, therefore categories refer equally to men and women. The parties agree to form a bipartisan commission before February 28, 2009 with the purpose of discussing and implementing the objectives of this provision.”

2. “The parties agree to encourage compliance of the following gender laws: Law 16,045 on gender discrimination, Law 17,514 on domestic violence, and Law 17,817 on xenophobia, racism and all forms of discrimination.

The parties jointly reaffirm the principle of equality, treatment and equity in employment, without distinction or exclusion based on gender, race, sexual orientation and religion, in accordance with the laws in force (ILC 100. 156, Law 16,045 and MERCOSUR’s Socio-Labour Declaration).

Compliance of the following provisions is expressly agreed: Law 17,242 on the prevention of genital and breast cancer; Law 16,045 which prohibits any discrimination that violates the principle of equal treatment and opportunities for both sexes in any sector, and ILO Conventions 100, 11, and 156.

It is expressly stated that gender cannot be the cause for any difference in pay, therefore categories refer equally to men and women.”

3. “The companies will promote gender equality in all labour aspects. For this purpose, they commit not to discriminate at the time of admission to employment, promotions, appointing tasks, and setting salaries.”
4. “The parties will respect the principle of non discrimination on grounds of race, sex, gender, etc., and will fully respect Law 16,045. They will promote equality, non-discrimination on any account in employment, as well as the prevention and punishment of moral and sexual harassment. They also commit to comply with ILO Conventions 100, 111, 156 ratified by Law 16,063.”
5. “It is expressly stated that gender cannot be the cause for any difference in pay, therefore categories refer equally to men and women.”
6. “Transitional provision: The signatories to this agreement declare their decision to conduct a review of job descriptions, categories, and corresponding wages scales of workers of the textile industry, in order to make work assignments more flexible, decrease and upgrade categories, and simplify minimum wage scales.

For this purpose a Special Technical Bipartisan Commission will be appointed, which must operate during the term of this agreement, and that will undertake such review considering the following guidelines:

Eliminate any reference to gender differentiation in the same task, or indication of tasks as exclusively female. In these situations, same tasks will be matched in all cases to the one with the highest scale of legal minimum wage. (...)"

7. "The parties will respect the full realization of the principle of non discrimination on grounds of race, gender, etc., and fully respect Law 16,045."
8. "Employers will promote gender equality in all labour aspects. For that purpose they will respect the principle of equal pay for work of equal value and commit not to discriminate when deciding or appointing tasks."
9. "The parties state that they will ensure strict compliance to current legislation so that there are no discriminatory practices in the sector in terms of gender."
10. "c) For the purposes of entry and development of a banking career, companies agree not to discriminate on the basis of sex, race, religion, politics, etc."
11. "The parties agree to promote gender equality in all aspects of labor relations, including when deciding promotions and appointing tasks."
12. "The companies will promote gender equality in all aspects of labor relations. For this purpose they will respect the principle of "equal pay for work of equal value" and commit not to discriminate in promotions or appointing tasks."

Annex 5.

Group 1. Processing and preserving of food, beverages and tobacco

1. Dairy industry
 - 1.1 Dairy industry
 - 1.2 Distributors of dairy products
2. Packing and packaging of fruits, legumes and vegetables. Cold storage services for fruit, concentrate processing plants and other derivatives of citrus.
3. Production of ice and cold chambers.
4. Sugar industry
5. Rice mills
6. Wheat mills, flour, starch, salt and balanced food portions factories
 - 6.1 Wheat mills
 - 6.2 Balanced portions factories
7. Sweets, chocolates, candies, cookies and alfajores. Pasta factories, bakeries, yerba, coffee and tea and other food products
 - 7.1 Sweets, chocolates, candies, cookies, alfajores and other foods
 - 7.2 Pasta factories
 - 7.3 Industrial bakeries
 - 7.4 Yerba mills
 - 7.5 Coffee and tea mills
8. Oils of animal or vegetable origin for human or industrial use
 - 8.1 Oil factory
 - 8.2 Fats and margarines
9. Non alcoholic drinks, beers and malted barley
 - 9.1 Non alcoholic drinks and beers
 - 9.2 Malt houses
10. Liquor stores
11. Warehouses
12. Ice cream factories; bakeries and patisseries with processing plant, candy store, fresh pasta manufacturing and catering
 - 12.1 Bakeries and patisseries with processing plant and artisanal catering
 - 12.2 Pasta factories
 - 12.3 Industrial catering
13. Tobacco and cigarettes
 - 13.1 Tobacco and cigarettes
 - 13.2 Tobacco leaves stocking and processing plants

Group 2. Cold-storage industry

1. Cold-storage industry
2. Meat industry
3. Sausage industry
4. Poultry industry
5. Loading and unloading of meat in chambers, warehouses and ports

Group 3. Fishing

1. Catch
 - Chapter deck personnel
 - Chapter skippers
 - Chapter engineers
 - Chapter anchovies
 - Chapter tuna
 - Chapter administrative staff
2. Processing plants
3. Loading and unloading of fish
 - 3.1. Fresh
 - 3.2. Frozen
4. Hatcheries and sea farms

Group 4. Textile industry

1. Laundries, combing, spinning, weaving and manufacturing of various textile products.
2. Manufacture of knitted fabrics.

Group 5. Leather industry, clothing and footwear

1. Tannery and its products
2. Leather
3. Clothing and related
 - 3.1 Clothing
 - 3.2 Chapter zipper factory
4. Footwear

Group 6. Wood, pulp and paper industry

1. Pulp, paper, diapers, cardboard and its products
2. Sawmills with and without remanufacturing, boards and panels plants, wood chipping plants and impregnation plants
3. Manufacture of parquet, unspecified wood products, cork and wicker, furniture (except metal and plastic)

Group 7. Chemical, drug, pharmaceutical, fuel and related industry

1. Drugs for human use (not negotiated in 2006 round for having an agreement in force)
2. Chemicals, basic chemical and its products
3. Perfumes
4. Paint
5. Petroleum and coal by-products, asphalt, fuels, lubricants, bituminous products
6. Processing of rubber, tires, rubber goods
 - 6.1. Rubber various products
 - 6.2. Retreading
7. Drugs and pharmaceuticals for animal use

Group 8. Mechanical products, machinery and equipment industry

1. Basic metal industries, metal products, recycling of metal products; aluminum frames, metal furniture. Dikes, docks, naval shipyards and workshops. Machinery and equipment (motors, pumps, compressors, refrigeration)
2. (Deleted)
3. Electrical and electronic appliances. Equipment, radio, television and communication equipments and appliances. Medical, optical and precision instruments. Office, accounting and computing machines.
4. Bodywork and upholstery factory, assembly of motor vehicles, trailers, semi-trailers, bicycles, other transport equipment.
5. Vehicle repair, bodywork and paint shops. Mechanical assistance.
 - 5.1 Vehicle repair, bodywork and paint shops.
 - 5.2 Mechanical assistance (was established in the 2006 round, before they were together)
6. Mining of metal ores, precious and semi-precious stones; jewelry factory, costume jewelry, polishing and carving of precious or synthetic stones.
7. Plastic products and toys
8. Industrialization of glass, fiberglass and its products (except installation of glass and its products).

Group 9. Construction industry and related

1. Construction industry and installations
- 2 and 3.
 - a) Quarries in general, limestone quarries, ballast quarries; stone, sand and clay extraction; cement and its quarries; drilling in search of water.
 - b) Mixed and precast concrete
 - c) Red, white, refractory, gray ceramic and brick
 - d) Operation of toll booths located on domestic routes
 - e) Handcrafted ceramic and plaster products

Group 10. General trade

1. Shops
2. Household items
3. Office machines
4. Bazaars, hardware stores, paint stores and toy stores, electricity and electronics shops.
5. Wholesalers and importers and wholesale store
6. Music shops
7. Bookstores and stationery stores
8. Construction shack (construction goods and materials)
9. Pharmacies, herbalists and homeopathic remedies
10. Optician store
11. Photography shops
12. Dental stores (sale of dental items)
13. Drugstores. Distribution of pharmaceutical products
14. Photo labs (not negotiated in the 2006 round)
15. Sale of motorcycles, mopeds, its parts and accessories
16. Companies that sell hospital medical products, items and/or equipment and/or for laboratory use
17. Automotive parts
18. Supermarkets
19. ANDA
20. Domestic products barracks and cooperative
21. Supergas packaging
22. Supergas distribution
23. Supergas freighters
24. Consumption cooperatives

Group 10. Residual**Group 11. Food retail business****Group 12. Hotels, restaurants and bars**

1. Hotels, apart-hotels, motels and inns
2. Camps, bungalows and similar (including international hostels network)
3. Other accommodation establishments
 - 3.1 High turnover hotels
 - 3.2 Guesthouses
4. Restaurants, grills, pubs
5. Food chains

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6. Other forms of food service and beverage sales (carts)
 7. Cafes, bars and pubs
 8. Rotisseries

Group 13. Transportation and storage

1. Urban ground passenger transportation (not negotiated in the 2006 round for having current agreement in force)
2. International, inter-departmental, departmental intercity, inland urban and touristic ground passenger transportation
 - 2.1. Companies providing ticketing, subscriptions, mailing and delivery services of transportation companies of the subgroup 2.0
3. Ground passenger transportation. School children.
4. Ground passenger transportation. Radio cab services.
5. Ground passenger transportation. Taxi and support services
 - 5.1. Drivers
 - 5.2. Radio operators
6. Passenger transportation. Suburban
7. Ground freight transport. National. All types of freight transport for third parties, except those mentioned in other groups. Forklifts services, cranes and freight transport equipment with driver and operator
 - 7.1 Transportation of beverages
 - 7.2. Transportation of bulk milk
8. International ground freight
9. Maritime transport: Cabotage, high cabotage, overseas and containers.
10. Complementary and auxiliary maritime activities, shipping agencies, port operators and terminals. Port warehouses.
 - 10.1. Shipping agencies
 - 10.2. Port operators and terminals
 - 10.3. Port warehouses
11. Complementary and auxiliary services for transportation:
 - a) Logistics services (2006 negotiated along with c)
 - b) Stevedoring, handling loading and unloading of cargo and baggage, regardless of means of transport used (2006 negotiated with f, d, h)
 - c) Storage and warehouses for third parties (2006 negotiated together with a)
 - d) Organization and coordination of transportation on behalf of third parties. Charters (2006 negotiated with b, f, h)
 - e) Reception and control of load (not negotiated in 2006)
 - f) Packaging for transport (2006 negotiated with b, f, h)
 - g) Cargo agencies (not negotiated in 2006)
 - h) Ground freight terminals (2006 negotiated with b, d, f)

12. Air transport of passengers and cargo regular or not. Complementary and auxiliary activities at airports

- 12.1. Foreign airlines
- 12.2. Pilots of light and small size aircrafts
- 12.3. Airline pilots
- 12.4. Spray planes
- 12.5. Light aircraft workshops
- 12.6. PLUNA ground personnel and flight attendants
- 12.7. Airport concessionaires
- 12.8. Ramp service

Group 13. Residual

Group 14. Financial intermediation, insurances and pensions

- 1. Banks and other financial companies
 - 1.1. Banks
 - 1.2. IFES (did not negotiate in the 2006 round for having an agreement in force)
 - 1.3. AFAPs
 - 1.4. Electronic Stock Exchange (BEVSA) (not established in the 2006 round)
 - 1.5. Credit cards processors (did not negotiate due to existing agreements per company)
 - 1.6. ATM networks
- 2. Entities that provide credit outside the banking system
 - 2.1. Credit cards
 - 2.2. Credit managers
 - 2.3. Rotating savings and credit associations
- 3. Private social security agencies
 - 3.1. Parastatal pension funds (did not negotiated due to existing agreements per company)
 - 3.2. Supplementary funds
 - 3.3. Aid funds
- 4. Conveyor of values
- 5. Credit and savings cooperatives
 - 5.1. Capitalization cooperatives
 - 5.2. Limited operating cooperatives
- 6. Currency exchange offices
- 7. Central offices of payments and collection networks
- 8. Insurance companies
- 9. National Development Corporation (negotiated for the company)

10. Lottery agencies and banks

10.1. Lottery agencies

10.2. Lottery banks

Group 14. Residual

Group 15. Health and related services

1. Private health

2. Companion services

3. Nursing homes, residential homes and nursing homes

3.1 For-profit (in the 2005 round for-profit and non-profit were negotiated together)

3.2 Non-profit (in the 2005 round for-profit and non-profit were negotiated together)

4. Ambulances

Group 16. Education services

1. Preschool education (was never established)

2. Preschool, school, secondary and higher education

3. Technical, commercial, drivers' school (was never established)

4. Especial for people with disabilities (was never established)

5. Language education

6. Tutors and other education or training (was never established)

7. Non-formal education

Group 17. Graphic industry

1. Printing works (pre-printing, printing on any substrate, post printing production, binding, publishing, engraving and photographic reproduction, photomechanical, laser and digital editing).

2. Graphic workshops of media companies, newspapers and publications.

3. Advertising on public roads.

Group 18. Cultural, entertainment and communications services

1. Film, theater and music

1.1. Cinemas in Montevideo and seaside area on the East Coast

2. Printed media and their digital editions

2.1. Printed media of and their digital editions in Montevideo

2.2. Printed media and their digital editions inland

3. Radios and their digital editions

3.1. Radios and their digital editions in Montevideo

3.2. Radios and their digital editions inland

4. Open and pay television and their digital editions

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- 4.1. Open TV and their digital editions in Montevideo
 - 4.2. Open TV and their digital editions inland
 - 4.3. Pay TV and their digital editions in Montevideo
 - 4.4. Pay TV and their digital editions inland
 - 4.5. Content production companies for open and/or pay TV
 - 5. News and photo agencies
 - 5.1. International news agencies
 - 6. Game rooms, equestrian society, studs and stables
 - 6.1. Equestrian society, electronic casinos and off-track betting agencies
 - 7. Official printing and publications (IMPO)
 - 8. Rental and distribution of films, videos or similar
 - Chapter: Rental and distribution of motion pictures

Group 18. Residual

Group 19. Professional, technical, specialized services and those not included in other groups

- 1. Customs brokers
- 2. Labour providing companies
- 3. Building personnel
- 4. Funeral and wake services
- 5. Real estate and property management
- 6. Waste collection
 - 6.1 Collection of household waste and street cleaning
 - 6.2 Collection of medical waste
- 7. Cleaning companies
- 8. Security and surveillance companies
 - 8.1. Electronic security
 - 8.2. Personal security
- 9. Courier and private mail
- 10. Service stations, tire shops and parking lots
- 11. Travel agencies (excluding those owned by transportation companies)
- 12. Advertising agencies
- 13. Market research and social studies
- 14. Rental and distribution of films, videos and similar
 - 14.1 Rental and distribution of films
- 15. Unisex hairdressing salons (for ladies, men and children)
- 16. Green areas
- 17. Professional and non-professional accounting firms

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- 18. Sanitary services
 - 19. Provision of telephone services
 - 19.1. Call centers
 - 19.2. 0900 Services
 - 20. Private cemeteries
 - 21. Management of shopping, industrial and service centers
 - 21.1. Management of shopping, industrial and service centers
 - 21.2. Operators and/or managers of commercial, industrial and service tax free zones
 - 22. Information technology

Group 19. Residual

Group 20. Union, social and sport entities

- 1. Sport entities
 - 1.1. Basketball (was established in the 2006 round)
 - 1.2. Soccer
- 2. Union entities (negotiated in conjunction with sport and social entities in the 2005 round)
- 3. Social entities (negotiated in conjunction with sport and union entities in the 2005 round)

Domestic activity

Group 21. Domestic workers or domestic services (no subgroup)

Rural activities

Group 22. Livestock, agriculture and related activities

- 1. Sugar cane plantations
- 2. Rice plantations
- 3. Dryland agriculture
- 4. Dairy farms

Group 23. Vineyards, fruit growing, horticulture, floriculture, poultry farms, swine, apiculture and other activities not included in Group 22.

Group 24. Forestry (including woods, mountains and peatland)