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EXECUTIVE SUMMARY



Decent work and gender equality

Policies to improve employment
access and quality for women in
Latin America and the Caribbean

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ECLAC, FAO, UN-Women, UNDP, ILO

Regional report

Decent work and gender equality: Policies to improve employment access and quality for women in Latin America and the Caribbean

Santiago, ILO, ECLAC, FAO, UNDP, UN-Women, 2013

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Foreword



Women's employment and living conditions are two crucial variables in the quest for equitable and sustainable development in Latin America and the Caribbean.

On the basis of this shared conviction, five international organizations joined forces to produce this regional report, whose purpose is to support the design and implementation of employment policies that further gender equality and promote collective efforts being made in pursuit of sustainable and equitable development, decent work and quality of life in the countries of Latin America and the Caribbean. The agencies are the International Labour Organization (ILO), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Development Programme (UNDP), the Economic Commission for Latin America and the Caribbean (ECLAC) and the Food and Agriculture Organization of the United Nations (FAO).

At a time of global uncertainty and crises in some of the most developed economies, the countries of Latin America and the Caribbean have withstood external upheavals with greater vigour and at a lower cost than in the past, and they continue to seek ways to sustain growth and hasten progress towards greater equity and equality in the region. This regional report, focusing on women's employment in the region, offers a timely contribution to reflection and action on some of the most pressing issues that affect working women.

If the Latin American and Caribbean region wishes to deal effectively with its huge social inequalities, it needs to focus efforts, resources and institutional attention on public policies for women, since it is they who are most vulnerable to poverty and receive the lowest wages, even as they devote the largest share of them to family well-being. Such an achievement is possible, as the region's progress in education bears witness. Major challenges remain, but efforts in education have helped raise levels of schooling among the region's women; most notably among the groups most discriminated against, for example Afro-descendent women.

Aside from gender inequality, there are also huge inequalities among women themselves. In Latin America and the Caribbean, women's experiences and prospects differ greatly according to their ethnicity (e.g. indigenous or Afro-descendant), their age (young or elderly), where they live (urban or rural areas), their citizenship status (residents of their own country or migrants) and whether or not they have children. Gender inequalities are a direct consequence of traditional views on the place and role that women should occupy in society—views based on prejudice, discrimination and disregard for the progress the region has made and its effects on societies.

Societies must set out to become more inclusive and egalitarian in order to overcome these and other problems affecting women. It is therefore an urgent priority to invest in building gender equality, for which women's economic independence is critical. And the way to do this is to generate decent work for women, with social protection and care systems.

Public employment policies need to contribute to the construction of more inclusive and egalitarian societies by helping women to access the labour market, stay in work and achieve promotion on an equal footing with men. Only through policies with these ingredients can structural problems be overcome. The region still lacks properly structured public policies with a strategic perspective on employment that includes the creation of high-quality jobs and non-discrimination in all its dimensions.

This regional report provides a succinct diagnosis of the situation of women in Latin America and the Caribbean, showing both the progress achieved and the continuing problems hindering efforts to close gender gaps. It also describes examples of employment policies that incorporate the gender dimension, offering recommendations for policies that can contribute to gender equity.

The report was prepared collaboratively by the participating agencies. Of particular value were the proposals presented and prior discussions held by the technical teams,





the guest specialists and the meetings organized to consult with governments, unions and employers' organizations, as well as with women's organizations in the region. During 2012, in addition to a meeting of experts, seven regional consultation meetings were held at various stages of the preparation of this document, with the support of the Millennium Development Goals Achievement Fund. A total of 11 studies were specially prepared to enhance this report, dealing with specific aspects such as women's working day, the situation of young women, labour markets and employment policies in different regions and countries. These studies will be published online at a later date. This regional report has four chapters. The first examines the relationship between development and gender equality in light of the recent economic situation and the performance of the region's countries as regards the role of women in the labour market. Particular attention is paid to female workforce participation, the type and quality of jobs available to women, the gender unemployment gap, underemployment, the sectoral distribution of employed women, social security coverage, informal work, total working time and gender income gaps.

The second chapter looks at the effects in the region of gender discrimination, which translates into inequality and social exclusion. Discrimination starts with the contribution women make to the functioning of their families and of society through domestic tasks and family management, which is not recognized in national accounts or by society.

The evidence is that poverty is becoming increasingly feminized in the region. Women have to cope with income poverty, but also with time poverty, and indigenous and Afro-descendent workers are the worst affected. A great many women are employed in domestic work, an occupation in which the lack of decent work is especially acute. Despite the huge strides that women are taking in the labour market, there is still deep-rooted cultural prejudice and discrimination against female labour market participation in some of the region's countries.

The third chapter analyses public policies and initiatives for promoting employment and the conditions women need to enter and remain in the labour market. It examines the institutional underpinnings, mainstreaming, financing and oversight of these policies: How is a gender policy created? What resources are used? Which actors are involved? The role of unions and employers is discussed in relation to the formulation of policies and to social policy and its impact on women's empowerment.

The report concludes with a fourth chapter setting out some recommendations to support governments, employers' and workers' organizations and women's movements in their efforts to build policies to improve employment access and job quality in their respective countries.

ELIZABETH TINOCO

REGIONAL DIRECTOR
INTERNATIONAL LABOUR ORGANIZATION

ALICIA BÁRCENA

EXECUTIVE SECRETARY
ECONOMIC COMMISSION FOR LATIN AMERICA AND THE CARIBBEAN

MONI PIZANNI

REGIONAL DIRECTOR
UNITED NATIONS ENTITY FOR GENDER EQUALITY AND THE EMPOWERMENT OF WOMEN

HERALDO MUÑOZ


REGIONAL DIRECTOR
UNITED NATIONS DEVELOPMENT PROGRAMME

RAÚL BENÍTEZ

REGIONAL REPRESENTATIVE
UNITED NATIONS FOOD AND AGRICULTURE ORGANIZATION



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Editorial supervisión : Marilú Celedón

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Contents

CHAPTER 1	
DEVELOPMENT AND GENDER EQUALITY	13
Public policies and gender	13
The recent economic situation	15
Women in the region's labour market	16
Total working time	20
The income gap and the undervaluation of women's work	21
CHAPTER 2	
INEQUALITY AND SOCIAL EXCLUSION: THE EFFECTS OF GENDER	23
Inequality and social exclusion	23
Women especially affected by inequality	24
Discrimination and gender stereotypes	28
CHAPTER 3	
THE ANSWERS: THE ROLE OF THE STATE AND SOCIETY IN CONSTRUCTING GENDER EQUALITY IN EMPLOYMENT	29
The global agenda for gender equality in the workplace	29
Women's employment and ILO conventions	30
Legislating for decent work and gender equality	31
Mainstreaming the gender approach in public bodies	34
Equality in labour administration systems and employment policies	36
Labour institutions from a gender perspective	38
The role of employment policies in gender equality	39
Policies for groups especially affected by inequality	42
Organization, representation and voice	44
CHAPTER 4	
POLICIES FOR PROMOTING GENDER EQUITY IN THE WORKPLACE: RECOMMENDATIONS AND PROPOSALS	48
Public policy, employment policy and their coordination with national policy	49
Legal frameworks for ensuring gender equality	60
Action by workers' and employers' organizations	62
Other recommendations	64



CHAPTER 1

Development and gender equality

PUBLIC POLICIES AND GENDER

Incorporating the gender dimension into the development strategies of Latin America and the Caribbean creates a new analytical framework for policymaking and debate that is broader than the traditional approach, as it brings in an idea of work that includes both productive and reproductive work, together with the exercise of women's rights, as a precondition for economic growth to lead to greater well-being for all.

The creation of policies to enhance women's economic autonomy and the provision of decent work requires actions and policy measures by the public sector and social agents. Only determined action by governments and societies can reverse social and gender inequality, both of them persistent structural phenomena in the region. Left to themselves, such inequities tend to be self-perpetuating over time rather than fading away, and this holds true whether economic growth is strong or weak.

Economic development is a vital but insufficient condition for the promotion of equality. Countries need to move towards inclusive, sustainable development where the gender dimension is manifest from the outset. This means considering the effects of both macroeconomic and microeconomic policies and social policies, including employment policies, from a gender perspective.

Traditionally viewed as a component of social policy, employment policies need, from a gender perspective, to be broadly based, including job creation and access and opportunities for women to stay in and progress through the labour market on a basis of equal treatment and opportunity. In short, they are part of the journey towards decent work.

Economic policies are not gender-neutral, as their results have differing effects on different population segments. Women are overrepresented among the region's poor, since they earn less, as well as in segments with high levels of informal working and



among the unemployed, and this means that greater prominence needs to be given to economic policies that affect them, as preserving or rectifying these can have a critical effect on the quality of their jobs and lives.

In macroeconomic policy, where the gender perspective is traditionally not considered, there is still an important discussion to be had about the tax burden and its effect on women. For example, given how regressive the region's tax structures are, it may be assumed that poor women ultimately pay relatively higher taxes than rich men. Another possibility in this area is that when central banks set monetary policy they could try to ensure that a maximum of employment is generated with a minimum of inflation, instead of going only by inflation targets. Policies of this type would benefit societies and particularly women. It is also quite clear how exchange-rate policy affects the remittances female migrant workers send to their countries of origin. Similarly, sectoral, industrial, agricultural and science and technology policies have a direct effect on women's employment and its quality by shaping production structures that are more or less inclusive and more or less productive of well-being.

The main requirements for progress in applying development and employment policies that incorporate a gender perspective in Latin America and the Caribbean are to include the issue on the public agenda, amend legal frameworks and generate public policies. The current situation is an unmissable opportunity to make gender equity a priority goal in the countries' progress towards fair and inclusive development styles. The progressive weakening of the market deregulation paradigm and the renewed legitimacy of State intervention in the economy provide a promising framework for progress with gender equality. In addition, the restoration of a degree of fiscal balance and solvency is freeing governments to pursue policies in this area.

THE RECENT ECONOMIC SITUATION

The economies of Latin America and the Caribbean have been recording positive if heterogeneous growth rates despite the deep recession in Europe and the slow economic recovery in the United States. Following the irregular performance of the region's gross domestic product (GDP) in the early 2000s, the net result of which was low growth, there was a steady recovery cycle between 2004 and 2008, with annual growth of some 6%. The international crisis in mid-2008 did impact the region's economies and GDP declined in 2009 (-1.9%), but the recovery that then began was quicker

than forecast: the region grew by 6.0% in 2010, 4.3% in 2011 and an estimated 3.1% in 2012. This outcome was contributed to by rising commodity prices as a result of high demand from China.

In most of the countries, and in the region on average, economic growth in the decade was accompanied by progress on decent work. The average urban open unemployment rate dropped from 11.2% at the beginning of the decade to 6.5% in the third quarter of 2012, quickly reversing the increase seen in 2009. Similarly, most of the region's countries saw a rise in urban employment rates, with the regional average growing from 52% at the beginning of the decade to 56% in 2012. There was also an improvement in women's labour force participation and a slight reduction in wage gaps by sex (ILO, 2012a).

Historically, economic growth has not led to strong job creation in the region. Between 1991 and 2010, a 1% increase in GDP was associated with a 0.95% increase in female employment and a 0.54% increase in male employment. However, the elasticity of female employment dropped from 0.87 in 1991-1997 to 0.60 in 2007-2010. This decline in elasticity suggests that although female employment is still more growth-sensitive than male employment, it is less so than 10 years ago both in absolute terms and relative to men.

The impact of the 2008-2009 crisis on female employment

The economic and financial crisis that broke out in 2008 and dominated the global economy in the years thereafter also had a large impact on Latin America and the Caribbean: regional GDP dropped by 1.9% and per capita output fell by about 3% in 2009, the worst performance since the external debt crisis of the early 1980s.

Although the impact of the crisis on the labour market was not as strong as forecast, partly because of the policies applied in recent years, it did interrupt the process of continuous improvement in employment indicators that had begun in 2003 in a context of relatively high economic growth, with employment levels falling, unemployment rising and average job quality worsening.

The crisis was worse for men in the Andean countries and Southern Cone and women in Central America and the Caribbean. Taking a simple average for 14 countries, the female participation rate rose by 0.4 percentage points while the male rate fell by 0.1 of a percentage point; the employment rate held practically unchanged for women but fell by 0.8 of a percentage point for men; and the female unemployment



rate increased by a little less than the male rate (0.8 of a percentage point against 1.0 percentage point), as the sectors worst affected by the crisis (manufacturing and construction) employ a predominantly male workforce.

Another effect of the crisis was a drop in remittances. Notwithstanding the differentiated effects of the crisis on men and women, the subsequent recovery was also more favourable to male employment, and the unemployment gap by sex widened again as a result.

WOMEN IN THE REGION'S LABOUR MARKET

The mass incorporation of women into the workforce has been one of the most significant developments in the region over recent decades. In the 2000s, 22.8 million women entered the labour market in Latin America and the Caribbean. As a result of this progress, there are now over 100 million women in the workforce.

The integration of women into the labour market looks like a long-term structural trend. They provide their families with income to cover basic needs and an adequate level of consumption. The behaviour patterns of the younger generations, with higher levels of education and new working models and identities, reflect the increasing centrality of women's working plans to their lives, meaning that their participation in employment will carry on growing.

Women who participate in the labour market live mainly in urban areas, where they constitute 44% of the workforce, while in rural areas women account for 36%.¹ These are adult women of childbearing age: 7 of every 10 women aged between 25 and 49 are in the workforce. The time they give to the market and the time they spend caring for their families add up to a long working day.

There are differences by geographical area: in urban areas, the female workforce is mainly adult, while in rural areas there is a much more marked presence of the extremes, i.e. older and younger women, and even child labour. The proportion of women aged over 50 in the labour market has increased greatly in the last few decades, reaching

1 Rural women's labour force participation may be underestimated because this indicator does not include production for self-consumption, their involvement in the campesino economy or their role as unpaid family workers.

34.6% in 2010 – 2.3 percentage points more than in 2000 and 12.6 percentage points more than in 1990 (ECLAC, 2011). These women pioneered the mass entry of female workers into the labour market and created openings for younger generations after coping with many kinds of inequality and discrimination.

Women in the workforce tend to be better educated, owing to progress with educational attainments. Over half (53.7%) of all women in the economically active population (EAP) have 10 or more years of formal education, as against 40.4% of men. Indeed, 22.8% of women in the workforce have complete or incomplete university education, as against 16.2% of men.

However, women's participation is very heterogeneous in the region, and about a quarter of the EAP, male and female, are low-skilled. The low education levels of the EAP are becoming a critical obstacle to efforts to overcome poverty and secure better living conditions. This is especially true of indigenous women and rural women, whose educational levels are very low (falling short of men's), and Afro-descendent women, among whom illiteracy rates are high. Along with ethnic and geographical factors, this educational disadvantage largely explains the insecure, substandard and ill-paid employment conditions of these women at the present time. Low education levels in large swathes of the population and the problem of education quality in the region are reinforcing inequality in the labour market between men and women, and among women themselves.

The persistence of gender gaps in the labour market

Although more women have entered the labour market and are thereby contributing to the economy and productivity in the region's countries, there are still many obstacles preventing them from realizing their full economic potential.

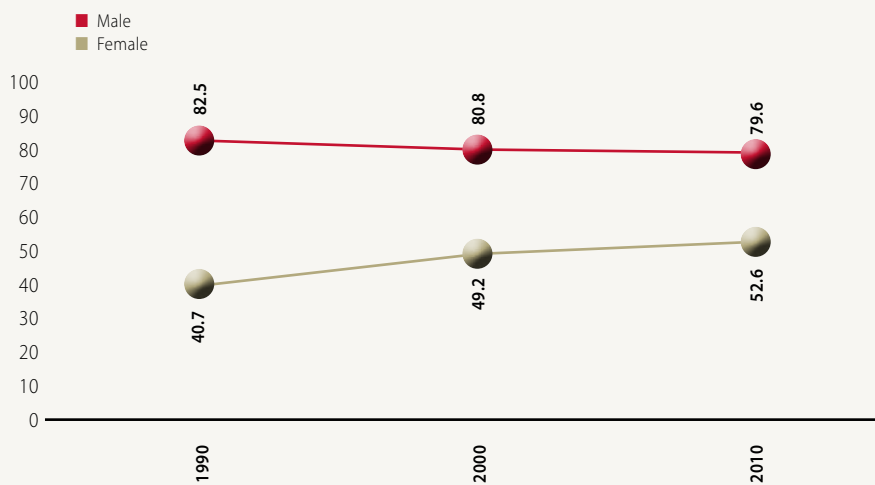
While the regionwide female labour force participation rate increased by about three percentage points in the last decade (from 49.2% in 2000 to 52.6% in 2010) and the male rate dropped by a percentage point (from 80.8% in 2000 to 79.6% in 2010), the gender gap in labour market participation is still substantial.

The higher barriers to employment for women are also reflected in their higher unemployment rates (9.1% of women against 6.3% of men). Women make up over half the region's unemployed.



FIGURE 1

Latin America and the Caribbean: labour force participation rates by sex, around 1990, 2000 and 2010 (Simple averages for 16 selected countries, in percentages)



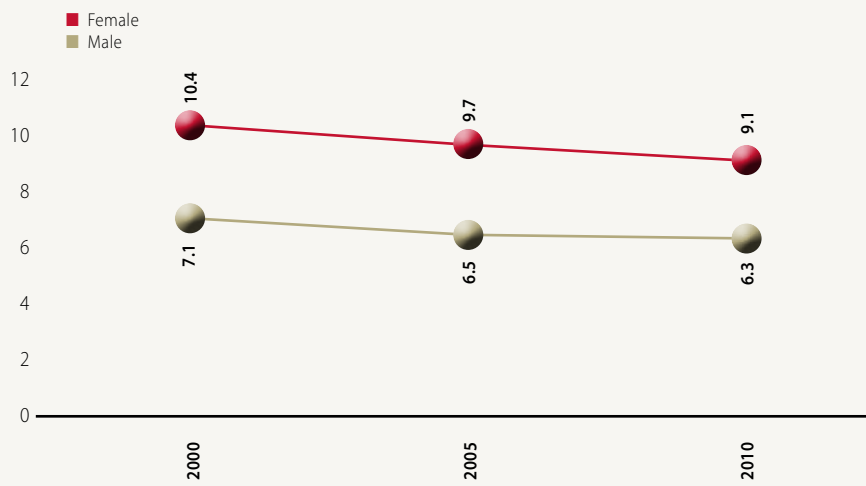
Source: Economic Commission for Latin America and the Caribbean (ECLAC), special tabulations based on household surveys from the countries
Processing: International Labour Organization (ILO).

Notes: (1) The participation rate is calculated by dividing the economically active population by the working-age population and multiplying by 100.

(2) Data from the following countries are included: Argentina (urban total, 1990-2000-2010); national data from the Bolivarian Republic of Venezuela (1990-2000-2010), Brazil (1990-2001-2009), Chile (1990-2000-2009), Colombia (1991-2002-2010), Costa Rica (1990-2000-2010), the Dominican Republic (1990-2002-2010), Ecuador (1990-2000-2010), El Salvador (1990-2001-2010), Honduras (1990-2001-2010), Mexico (1990-2000-2010), Panama (1991-2001-2010), Paraguay (1990-2001-2010), Peru (1990-2001-2010), Plurinational State of Bolivia (1989-2000-2007) and Uruguay (1990-2000-2010).

FIGURE 2


Latin America and the Caribbean: unemployment rates by sex, around 2000, 2005 and 2010
(Simple averages for 16 selected countries, in percentages)



Source: Economic Commission for Latin America and the Caribbean (ECLAC), special tabulations based on household surveys from the countries.

Processing: International Labour Organization (ILO).

Notes: (1) Data from the following countries are included: Argentina (2000-2010), Bolivarian Republic of Venezuela (2000-2010), Brazil (2001-2009), Chile (2000-2009), Colombia (2002-2010), Costa Rica (2000-2010), Dominican Republic (2002-2010), Ecuador (2000-2010), El Salvador (2001-2010), Honduras (2001-2010), Mexico (2000-2010), Panama (2001-2010), Paraguay (2001-2010), Peru (2001-2010), Plurinational State of Bolivia (2000-2007) and Uruguay (2000 urban, 2010 national).



Despite their rising education levels, women are still heavily concentrated in the tertiary sector;² where they represent 63.8% of all those employed in community, social and personal services and almost half (48.3%) of those employed in commerce. They are outnumbered by men in all other sectors. This trend strengthened in the last decade: of the 22.5 million new jobs taken by women in the decade, 86% were in the tertiary sector, 12% in the secondary sector and 4% in the primary sector. For men, the figures are 63%, 30% and 9%, respectively. The region shows a relatively high level of occupational segmentation by sex, and this is diminishing very slowly. The Duncan index³ for Latin America stood at 0.373 in 2000, indicating that 37.3% of the workforce would have to move to a sector where it is underrepresented for sectoral distribution to be identical.

The slowness of the decline in occupational segmentation by sex has contributed to the persistence of gender gaps in employment quality and quantity and in pay. Thus, doing away with these inequalities so that women have the same opportunities as men to obtain a decent job is an urgent unmet task for the region.

Another obstacle to obtaining decent jobs that particularly affects women in Latin America and the Caribbean are high and persistent rates of substandard working conditions. Women are less likely to be wage workers than men (60.7% against 68.5%), a large proportion can only find employment in domestic service (15.3%, against 0.8% for men), which is informal or unprotected in the great majority of cases, and women are twice as likely as men to be unpaid family workers (2.7% against 1.1%).

The decent work deficit is a structural challenge for the region, as it means that in many countries steadily rising GDP has not led to enough wage-paying or formal jobs being created, let alone brought an end to gender gaps in the labour market.

TOTAL WORKING TIME

One of the main obstacles to women's participation and development in the labour market is the inequitable distribution of total working time between men and women.

2 Incluye: servicios comunales, personales y sociales, el comercio, el transporte y las comunicaciones y la electricidad, gas y agua.

3 El índice de Duncan compara la relación entre hombres y mujeres en un sector dado. El valor de este índice fluctúa desde 0, en el caso que mujeres y hombres tienen distribuciones de empleo idénticas (equidad de género), hasta 1, donde hay desigualdad completa y ninguna mujer y hombre trabajan en el mismo sector u ocupación (inequidad absoluta de género).

The concept of total working time means the sum of hours spent on paid work for the market and unpaid work for the home.

Time-use surveys show that women work more in unpaid activities and men in paid activities, and that when the two working days are added together the former's total working time is greater than the latter's, while they have fewer hours of rest. These time constraints, together with occupational segregation, hinder women from taking up full-time jobs and reflect the persistence of traditional patterns of sexual division of labour. Women are also more subject to underemployment: 10% of working women and 5.2% of working men in the region would like to work more hours.

Another aspect that affects women's work quality is the new organization of the working day. In the last few decades, shift work, particularly in rotating shifts, has become more prevalent, as have fragmented working days with variable starting and finishing times and no fixed hours or limits of any kind. A compressed working week or month system has been created, as have new forms of part-time work outside normal daytime hours, mainly at weekends and on public holidays.

One result of changes in the organization of production and in payment systems has been an increase in the work rate, with effects on both male and female workers' health and personal and family life.

THE INCOME GAP AND THE UNDERVALUATION OF WOMEN'S WORK

Everything said above has a bearing on the differences in men's and women's pay: in 2000, women's earnings averaged 66% of men's, while by 2010 the proportion had risen to 68%. Although the income gap between men and women is tending to narrow slightly in many of the region's countries, a lot of time will be needed to completely close it if progress continues at this pace.

Wage discrimination is a persistent worldwide phenomenon closely associated with cultural gender norms, prejudices and stereotypes. Despite the mass entry of women into the workforce, there is still an image of men as the providers for the family, with women topping up this income. In addition, women are more heavily concentrated in low-income occupations and even in jobs that pay less than the minimum. Career advancement and promotion are still significantly harder for them to achieve than for men, and while "entry-level" wages are fairly balanced, they move apart as men take advantage of their greater opportunities for career advancement. This means that



the income gap widens with age, being greatest when people's careers peak, usually between the ages of 45 and 55. This indicates that men are able to progress further in their careers and attain positions of greater responsibility, while women have a lower career "ceiling" and fewer opportunities for advancement.

Although the incomes of workers of both sexes rise with years of education and the income gap between men and women has narrowed because of the higher earnings of women with more educational credentials, in most of the region's countries the starkest gender wage gap is found precisely among those who have studied at the post-secondary level (over 16 years in formal education).



CHAPTER 2

Inequality and social exclusion: the effects of gender discrimination

INEQUALITY AND SOCIAL EXCLUSION


The main activity of somewhat over a third of women aged over 15 in the region is unpaid: domestic work and family care. The economic contribution they make to the functioning of their families and society is not recognized or valued in the national accounts.

A more and more substantial part of this population are women who produce for self-consumption and those who are willing and able to work but are not actively seeking a job for one reason or another, most commonly because they do not think they will be able to get one. The great majority of these women cannot support themselves financially (30% of women in urban areas and 44% in rural areas have no income of their own), a situation that could result in their becoming poor if anything untoward occurs in the family (if they separate from their spouse or partner or the latter dies or becomes unemployed) or society (recession, inflation, natural disaster), even if they do not come from poor households.

Although poverty is on the decline in Latin America, poverty gaps between men and women have widened, leading to a “feminization of poverty”. Households headed by women are more likely to be in poverty and, particularly, extreme poverty: women head 43% of indigent households and 38% of poor ones.

A structural issue underlies these women’s poverty: the sexual division of labour. They spend much of their time on tasks for which they are not paid and which often make them subordinate to and dependent on men. The determinants of female poverty also have to do with the characteristics of their labour market participation and their lesser access to productive resources. Those from lower-income households find it harder to participate in the labour market: at 61.5%, the workforce participation of women in the fifth income quintile, the wealthiest, is almost double that of women in the first





quintile, the poorest (37.8%). Furthermore, the average regional unemployment rate is five times as high among the poorest women as among higher-income women. Just as households require a minimum income to purchase a basic basket of goods and services, they also need to be able to set time aside for activities essential to the family's survival and quality of life. Someone has to spend time cooking to turn products purchased in the market into everyday domestic consumption goods, cleaning and tidying to make the domestic environment hygienic and healthy, and looking after and educating children so that the standards and values essential for shared living and future social integration are passed on. But as with the income deficit, not all households are able to find enough time for domestic production, and if they do it is at the expense of the time needed to meet the physiological needs of some or other of their members. Women suffer from greater time poverty than men, especially when they are household heads or share with their partners the burden of providing financially for the family. This indicates that a substantial group of women are incorporated into the labour market at the cost of an excessive workload, with many not even managing to get the bare minimum of sleep or rest time they require.

If the time dimension is included alongside the income dimension, the proportion of households living in poverty rises. A study that considered both income and time poverty in three countries of the region showed poverty increasing from 10.7 million households (40.1%) to 13 million (50%) in Mexico, from 6.2% to 11.1% in Greater Buenos Aires (Argentina) and from 10.9% to 17.8% in Greater Santiago (Chile).

Although it is extremely difficult for poor women to obtain decent jobs, their contribution to poverty reduction in the region is very large, and takes two forms: paid work (including migrants' remittances), which increases households' incomes, and unpaid work, which contributes to household well-being.

WOMEN ESPECIALLY AFFECTED BY INEQUALITY

Employment opportunities in terms of job quantity and quality are segmented between men and women, and between women themselves. Women with fewer years of education and those who are young, belong to households at lower socioeconomic levels or are indigenous or Afro-descendent have to cope with a difficult institutional framework that tends to reproduce inequality in its different aspects.

Female rural workers and agricultural workers

The production structure does not create enough good-quality jobs for rural women, whose lives are strongly governed by traditional gender patterns. Their contribution to the campesino economy is little acknowledged and their access to land ownership limited. If they do own land, it tends to be in very small holdings (less than five hectares) that are barely adequate for family subsistence, and they have greater difficulty accessing inputs, credit and technical assistance to make the land produce.

Rural women are employed in agriculture on a highly insecure footing: over 50% are own-account workers or unpaid family workers, with the latter being under the resultant disadvantage that they receive no financial recompense for their activities, which makes them dependent on men. In all but four countries of the region, only a small fraction of women working in agriculture receive a wage.

While there are differences between the countries, the participation of rural women in agriculture is low, although it is greater in non-agricultural rural activities, particularly commerce and services. For certain crops, however, usually those involved in export production, the volume of temporary female employment is very substantial and higher than in the agricultural sector generally.

These workers are among the growing number of women who have entered paid agricultural work in recent years, many as temporary workers. However, this labour market participation is intermittent and often involves insecure and poorly paid jobs.

Indigenous and Afro-descendent workers

Indigenous and Afro-descendent women are particularly affected by poverty, and many begin working as girls and continue to do so throughout their lives. Their labour market participation has risen above the average for the region's women. The participation rate of indigenous women in the Plurinational State of Bolivia and Chile grew between 2000 and 2006 (from 82.1% to 82.7% and from 54.5% to 56.8%, respectively), as did that of Afro-descendent women in Brazil (from 67.7% to 69.7%) and indigenous and Afro-descendent women in Ecuador (from 71.0% to 71.8%).

Indigenous peoples and Afro-descendants, with populations estimated at about 58 million and 174 million, respectively, in about 2006, are among the most disadvantaged groups in the region. They have low levels of education, limited access to social



protection, substandard employment conditions and a greater likelihood of earning less than the poverty line (ILO, 2007).

Gender inequalities are also reproduced within indigenous or Afro-descendent groups or communities. Women earn less than men and their pay usually goes to a man in the family (partner, father, brother) who controls the earnings of the family group. They are also particularly affected by gender inequality when it comes to unemployment.

Migrant women workers

In recent decades, Latin America and the Caribbean has become a region of net emigration: emigration flows between 2000 and 2010 exceeded immigration flows by 11.0 million people. Over half of those emigrating from the region are women, and they are a majority in both types of labour migration: high-skilled migration, known as the “brain drain”, and migration by people going to work in positions for which they are overqualified as carers and domestic workers, known as the “care drain”.

Female migration leads to a twofold transfer of care. In the destination countries, migrants take on the care work that someone (a person or household) transfers to them. In the countries of origin, care work has to be transferred to other women in the family, so that migration chains form around care.

Women domestic workers

In Latin America and the Caribbean, there are between 17 million and 19 million people working in private households, representing about 7% of urban employment in the region. Quantitatively, domestic work is the leading occupation for women in the region, accounting for 15.3% of the female workforce (ILO, 2012).

Despite its importance for the lives of many families and the workings of society, paid domestic work is one of the forms of employment where there is the greatest deficit of decent work. In most of the countries, domestic workers are subject to special laws that leave them with fewer employment rights than women working for wages in the formal sector.

A major characteristic of domestic work is the low level of formal employment and social security coverage. Working days are long and, in many countries, deregulated (or only a very short rest time is provided for). Domestic workers are very poorly paid,



something that reflects the low social and economic value set on this occupation. In addition, the legislation of most of the region's countries allows for a proportion of domestic workers' wages to be deducted and replaced by payment in kind, and this factor has been adduced as one cause of low pay.

In most of the region's countries, domestic service is still the way into the labour market for the poorest, least educated women living in conditions of greatest social exclusion. In addition, indigenous and Afro-descendent women are disproportionately employed in this activity and have worse working conditions.

Young women

There are 104.2 million young people aged between 15 and 24 in Latin America and the Caribbean, some 50 million of whom are working or actively seeking work (ILO, 2010). They have difficulty joining the labour market because of their lack of work experience and an economic context that does not generate enough decent jobs. The unemployment rate is much higher for young people than for adults, and the jobs they obtain are more insecure and of lower quality.

All youth employment indicators show women as being worse off than men. Their workforce participation and employment rates are lower and they are more affected by unemployment. Their working conditions are more unstable and they largely work in lower-quality jobs. A large proportion are employed as domestic workers (26%), and the percentage of young workers in the private sector is 10 percentage points lower for women (54%) than for men (64%).

Although young women aged between 15 and 24 spend more time in the education system (9.6 years) than men in the same age bracket (9.1 years), they earn 15% less on average. This is a smaller gap than the one in the adult population (32%), but this does not mean the divide is closing. The greatest difference in incomes by sex occurs at the peak of a person's career, when earnings are highest, and this is generally between the ages of 45 and 55 (ILO, 2010).

One phenomenon that has caused increasing concern in the region are the so-called "neither-nors": almost 20 million young people in Latin America are neither working or looking for work nor studying. The main activity of many of these young people (almost all of them women) is domestic work and family care. Another group, mostly men, although it includes women, live in a situation of social marginalization, discouragement and exclusion.



More than twice as many young women as young men are outside the labour market (28%, as against 12%). When the reasons for their exclusion are identified, it transpires that 7 in every 10 young women not studying or working are carrying out unpaid domestic work, as against 1 in every 10 young men not studying or working.

DISCRIMINATION AND GENDER STEREOTYPES

The inequality women face is closely tied to discriminatory attitudes and behaviour in the labour market, rooted in society's complex system of gender relations. This is a systemic phenomenon that is bound up with the ways workplaces operate and rooted in dominant cultural and social values and norms. It is manifested in formal and informal work alike, but it may be more obvious in the latter, as it is beyond the reach of employment legislation and its enforcement mechanisms.

Discrimination shuts many women out of employment, especially certain occupations, and may result in their pay being determined by their sex rather than their merits. All discrimination heightens inequality by placing those discriminated against at a disadvantage with regard to employment opportunities, career development and the rewards of that work. Discrimination thus creates social and economic disadvantages for those affected by it and distorts the workings of the labour market.

Gender discrimination in the world of work has numerous manifestations, most of them subtle and indirect. It is manifested in areas as diverse as staff selection and recruitment, wage setting and pay rises, and behaviour such as sexual harassment.

Traditional gender stereotypes persist in the world of employment, just as though huge changes in women's roles and spheres of action had never occurred. Their effects are immense, as they are not confined to the level of individuals and their personal decisions but pervade social action on numerous levels: public policies, social institutions and the practices of individuals.

The rise in the proportion of women in the labour market has meant very substantial progress in equalizing opportunities between the genders, although a great deal remains to be done to bring about equality between women and men in the workplace.

CHAPTER 3

The answers: the role of the state and society in constructing gender equality in employment

THE GLOBAL AGENDA FOR GENDER EQUALITY IN THE WORKPLACE

Women's work and economic autonomy feature in almost all the international human rights instruments adopted in recent decades. A pioneering instrument was the United Nations **Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)** (1979), and it was ratified by the region's countries, which undertook to adapt their national legislation and implement policies to end discrimination against women in the workplace.

CEDAW provided the background to a number of international conferences on women's rights. In the area of women's work and economic participation, the **Fourth World Conference on Women** (Beijing, 1995) was particularly important. The Platform for Action it adopted establishes 12 critical spheres for the advancement of women, approved by the Member States of the United Nations. The Beijing Platform urges States to incorporate the gender perspective into all their programmes to ensure women's access to productive resources on the same footing as men and promote their participation in the development of their communities. It also asks them to pay special attention to the protection of persons employed on domestic work.

In 2000, the **Millennium Declaration** established eight interrelated development goals in a global agenda, the **Millennium Development Goals (MDGs)**. The effort to promote gender equity and combat discrimination in the world of work is particularly reflected in MDG 3, which is to promote gender equality and empower women. In 2008, target 1.B was incorporated into MDG 1, "Eradicate extreme poverty and hunger", the aim of this being to achieve full productive employment and decent work for all, especially women and the young.

The **World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance** held in Durban in 2001 reaffirmed that States had a duty to



protect and promote human rights and fundamental freedoms and apply a gender perspective, as women's enjoyment of civil, political, economic, social and cultural rights is essential for the development of societies throughout the world. States must take concrete measures to eliminate racism and discrimination in the workplace and ensure full equality in employment law. They must also eliminate barriers to participation in vocational training, employment, trade union activity and collective bargaining, among other things.

At the regional level, the **Inter-American Programme on the Promotion of Women's Human Rights and Gender Equity and Equality**, prepared by the Inter-American Commission of Women (CIM) in 1998, encourages member States of the Organization of American States (OAS) to formulate public policies, strategies and proposals for promoting women's human rights and gender equality in all spheres. Its goals include ensuring that women have full and equal access to work and productive resources.

The **Hemispheric Agenda for Decent Work in the Americas**, approved at the sixteenth American Regional Meeting of ILO held in Brasilia in 2006, defines gender equality and calls for the elimination of discrimination as a cross-cutting objective that is tied to economic growth with the creation of jobs for men and women and the effective enforcement of fundamental rights and principles in the workplace.

The **Regional Conferences on Women in Latin America and the Caribbean** held by the Economic Commission for Latin America and the Caribbean (ECLAC) are a global framework for gender equity in the workplace. The most recent agreement, the **2010 Brasilia Consensus**, includes: increasing recognition of the productive value of women's unpaid domestic work and caregiving; promoting legislation that extends the same rights to female domestic workers as to other workers; promoting equal employment laws that do away with discrimination and outlaw sexual harassment; guaranteeing pay equality for work of equal value between men and women and between women themselves; and developing active policies for the labour market and productive employment, with a particular focus on Afro-descendent women, indigenous peoples and young women affected by discrimination.

WOMEN'S EMPLOYMENT AND ILO CONVENTIONS

ILO conventions, which are binding, and their recommendations, which are non-binding guidelines, constitute a fundamental institutional framework for women's work.

Although all the conventions are relevant to the rights of women workers, some contain explicit provisions on equality and non-discrimination, or take account of women's and men's needs without mentioning them explicitly. Five conventions have been established as core instruments for attaining gender equality in the world of work:

- Equal Remuneration Convention, 1951 (No. 100);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111);
- Workers with Family Responsibilities Convention, 1981 (No. 156);
- Maternity Protection Convention (Revised), 1952 (No. 103);
- Maternity Protection Convention, 2000 (No. 183).

All the region's countries have ratified the Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), while the Maternity Protection Convention (Revised), 1952 (No. 103) has been ratified by 10 countries, the Workers with Family Responsibilities Convention, 1981 (No. 156) by 11 countries and the Maternity Protection Convention, 2000 (No. 183) by two countries.

LEGISLATING FOR DECENT WORK AND GENDER EQUALITY

Different provisions in the **constitutions** of all the region's countries enshrine the right to equality and/or non-discrimination in general terms, or with specific reference to non-discrimination for reasons of sex (CINTERFOR-ILO, 2000). The right to non-discrimination in employment derives from these broad prescriptions of formal equality. In the employment sphere, **labour codes** prohibit discrimination at work. Individual countries' **employment legislation** has been progressively adapted, and in several of the region's countries it proclaims the principle of equality and prohibits employment discrimination. There have been quantitative and qualitative advances in legislation forbidding sex discrimination in employment, as laws are including more and more grounds of discrimination and stipulating fuller protection. The countries have repealed virtually all provisions that discriminate against women in access to employment, work performance and termination of the employment relationship, the types of jobs open to them and, in general, all aspects relating to working conditions. Many of the old protective provisions were drafted with the idea that women were frail and, like children, required protection against long hours, dangerous and demanding work,



and night work. Women were also excluded from certain occupations to protect male jobs from female competition (ILO, 2011). However, there are still occupations in which women are overrepresented, such as domestic work.

In 1985, the International Labour Conference adopted a resolution on equal employment opportunities and treatment for men and women and recommended that all protective legislation applying to women should be revised in the light of modern scientific knowledge and new technology. Thus, the ILO Committee of Experts on the Application of Conventions and Recommendations referred to the need to reinterpret international legislation so that it better reflected the principles of employment non-discrimination and equal treatment for men and women. It established that, with the exception of standards and benefits related to maternity protection, "all other special protective measures are contrary to the objectives of equal opportunities and equal treatment of men and women" (ILO, 2011).

There have also been **advances in the region's jurisprudence relating to direct discrimination against women in staff recruitment**. Some countries ban job advertisements that exclude women applicants or are directed at just one sex, others have made it illegal to require a photograph on a curriculum vitae, and many firms apply so-called blind or non-discriminatory staff selection processes that involve a neutral assessment without knowledge of the sex of the person being recruited.

Sexual harassment is a form of discrimination

In addition, **a number of countries have incorporated the concept of sexual harassment into their legislation**. This behaviour has been recognized as a form of discrimination by the ILO Committee of Experts on the Application of Conventions and Recommendations and falls within the sphere of action of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

In 1985, the International Labour Conference recognized that sexual harassment in the workplace impaired the working conditions and employment and promotion prospects of those suffering from it. Since then, ILO has treated sexual harassment as a violation of workers' fundamental rights, declaring it to be a problem of health and safety and discrimination, an unacceptable working situation and a form of violence, mainly against women. Besides ILO Convention No. 111, both CEDAW and the Convention of Belem do Para (1994) require countries that have ratified these instruments to adapt their policies and standards with a view to combating sexual harassment.

Equal pay

As regards equal pay, the jurisprudence of most of the region's countries incorporates the principle of equal wages, but with restricted scope, as reference is made to an "equal wage for equal work" and the idea of "equal value", which allows different types of work to be compared, is lost.

The principle of non-discrimination in wages by reason of sex is dealt with in the national legislation of all the region's countries, but with different characteristics. Three main groups can be distinguished:


- Some countries establish a general ban on discrimination based on sex, among other things, without explicitly proclaiming the principle of equal pay.
- Other countries incorporate the wage equality principle, but strictly limit it so that it applies only to an "equal wage for equal work".
- A third group of countries forbid discrimination by reason of sex in "remuneration criteria", a broad formula that can be used to address direct and indirect wage discrimination and has been interpreted as implying acceptance of the objective assessment methods promoted by ILO.

Maternity protection and shared responsibility for care

Maternity protection was established to safeguard the health of mothers and of children before birth and during the first weeks of life, and to protect mothers from discrimination resulting from their condition. It consists in paid leave, protection against dismissal and breaks for breastfeeding. The Maternity Protection Convention, 2000 (No. 183) and the Workers with Family Responsibilities Convention, 1981 (No. 156) complement the anti-discrimination conventions already referred to and form the framework of protection for maternity and shared responsibility in the region:

- The great majority of the countries provide for women to receive monetary benefits during maternity leave, and several have even extended this leave to adoptive mothers.
- The countries' legislation often allows or prescribes changes in the duration of maternity leave if some unusual or unexpected event takes place during pregnancy or childbirth.



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- Maternity benefits are financed by the State or social security system in most of the countries.
 - All the countries have protection against arbitrary dismissal for reasons relating to maternity and guarantee women workers the right to return to the same job or an equivalent one after their maternity leave.
 - Most of the countries have legislation that protects breastfeeding and sets aside a portion of the working day for this as work time, meaning that it is paid.
 - A number of countries have begun to make provision for paternity leave to recognize the right of fathers to participate in the care of their children. Some countries extend this benefit to adoptive fathers.
 - Some countries extend maternity benefits to the father in the event that the mother dies during childbirth.
 - Two countries have made provision for parenting rights, so that leave to look after small children can be switched between the father and mother.

Notwithstanding these positives, there are some major limitations. Many women workers are not covered by legislation because this applies only to formal wage workers, while a number of countries specifically exclude particular categories of women workers from maternity legislation, examples being domestic, occasional or seasonal, and agricultural workers. Furthermore, coverage is low and non-compliance is widespread. Lastly, shared responsibility measures are the exception, the usual tendency being to reinforce the woman's role as the sole caregiver for children, excluding men from these benefits.

MAINSTREAMING THE GENDER APPROACH IN PUBLIC BODIES

Labour market regulatory frameworks and policies and institutions play a vital role in generating decent work and protecting and enhancing the position of those who suffer from situations of particular disadvantage or discrimination in employment, as women do. By themselves, however, these actions do not guarantee gender equality at work.

For employment institutions to help deal with the difficulties women experience in the labour market, they need to incorporate the gender dimension at every stage

from design to implementation and assessment of outcomes. This perspective has been incorporated only gradually in the region, in a process that began in the 1980s and gathered pace in the 1990s. All the countries created public institutions, mainly within the framework of the global agenda that came out of the United Nations conferences on women.

Mechanisms for the advancement of women have played a strategic role in introducing new policy ideas and management methods in the countries. Many of them came into being as commissions, divisions, offices or councils in ministries responsible for social policy areas such as employment, the family, health and education. At present, 40% of these mechanisms in Latin America have ministerial rank within the institutional structure, which facilitates access to decision-making (Gender Equality Observatory for Latin America and the Caribbean, 2011).

The political will is there in governments to institutionalize male and female equality in the workplace and meet international commitments, and this has led most of the countries to set up units or mechanisms within labour ministries that specialize in promoting gender mainstreaming. Although some gender units are strategically placed in the hierarchy (which facilitates decision-making access), most have only restricted influence because they do not rank high enough or have the human resources or independent funding they need to carry out their mission and activities properly.

Mechanisms for the advancement of women have developed national equal opportunity plans aimed at institutionalizing the gender approach right across all areas of public policy. Where gender equality in employment is concerned, second-generation plans have taken a quantitative leap in the way they address the issue, focusing on the need to protect and guarantee women's economic rights and access to decent work.

To improve women's access to high-quality jobs in the labour market, most equal opportunity plans incorporate learning and vocational training measures and recommendations for dealing with the sexist stereotypes that result in women being segregated into "traditionally female" jobs. A second objective common to these plans is the development of women's business skills.



EQUALITY IN LABOUR ADMINISTRATION SYSTEMS AND EMPLOYMENT POLICIES

In the view of ILO, the design and implementation of a national employment policy is the responsibility of the labour administration system, i.e., the Ministry of Labour, public institutions and social dialogue mechanisms, through which the labour administration can contribute to gender equality. Until recently, labour markets were administered in the region on the assumption of neutrality, without regard to the discrimination mechanisms affecting women in the workplace, but in recent years there has been a gradual shift in employment policy and all ministries have taken the goal of gender mainstreaming on board.

The challenge is to move towards full implementation. To do away with the kinds of discrimination that keep gender differences in being and make decent work available for women, it is necessary to design and implement employment policies that are oriented towards gender equality. This will ensure respect and protection for female workers' rights, remove the structural constraints on their incorporation and development in the labour market, increase their social protection and access to high-quality jobs, and give them a greater voice and representation.

On the whole, the region's countries do not have wide-ranging national employment policies designed to deal not just with employment legislation but with the actions of the labour ministry, training and business promotion policies and the core problems of the labour market, while also encompassing wider economic and social processes. In their conception and operation, employment policies are often disjointed, with no strong framework of integration to connect them to one another or to other national policies such as macroeconomic or indeed gender policies, which in practice function as separate worlds.

Much the same is true of gender mainstreaming, for although this has been gradually establishing itself in the region, employment policies and more specific policies dealing with women's work usually operate on a small scale, autonomously and often in parallel, which diminishes their impact.

Latin America and the Caribbean (20 countries): institutions in labour ministries that work for gender equality, 2012

Country	Name	Position in the hierarchy
Antigua and Barbuda	Directorate of Gender Affairs	There is a Ministry of Education, Sports, Gender and Youth Affairs. The labour ministry was dissolved/restructured into other areas in 2009.
Argentina	Coordinating Committee for Gender Equity and Equal Opportunities at Work	Office of the Chief of Staff, Ministry of Labour, Employment and Social Security
Bahamas	Bureau of Woman's Affairs	Ministry of Labour and Social Development
Bolivia (Plurinational State of)	Gender Office	Ministry of Labour, Employment and Social Security
Brazil	Anti-discrimination Unit at the Department of Labour Relations	Ministry of Labour and Employment
Chile	Ministerial Representative for Gender	Ministry of Labour and Social Welfare
Colombia	Special Group for Gender Equity at Work	Attached to the Minister's office
Costa Rica	Gender Advisory Office	Ministry of Labour and Social Security
Dominican Republic	Technical commission for the promotion of equal opportunities and non-discrimination at work	Ministry of Labour
Ecuador	Gender and Youth Unit (2010)	Ministry of Labour Relations
El Salvador	Unit for Equity between the Genders	Executive Directorate, Office of the Deputy Minister, Ministry of Labour
Guatemala	Working Women's Unit	Department of Social Welfare, Ministry of Labour and Social Welfare
Haiti	Women and Children Service	Ministry of Social Affairs and Labour
Honduras	Working Women's Programme	Department of Social Welfare, Ministry of Labour and Social Security
Mexico	Department of Employment Equality	Social Inclusion Division, Ministry of Labour and Social Welfare
Nicaragua	Office for Equality and Non-discrimination in Employment	Ministry of Labour
Panama	Office of Gender and Work for Equality	Ministry of Labour and Occupational Development
Paraguay	Working Women Social Affairs Division	Office of the Deputy Minister for Labour and Social Security, Ministry of Justice and Labour
Peru	Office for the Promotion and Protection of Fundamental Employment Rights	Department of Fundamental Rights and Health and Safety at Work, Office of the Deputy Minister for Labour, Office of the Minister at the Ministry of Labour and Employment Promotion
Uruguay	Gender Advisory Service	National Employment Department, Ministry of Labour and Social Security

Source: International Labour Organization (ILO), on the basis of the organizational structure of the countries' labour ministries

LABOUR INSTITUTIONS FROM A GENDER PERSPECTIVE

Appropriate legislation is a necessary but insufficient condition for equality of opportunity and treatment in employment and occupations. To enforce the law, there needs to be effective labour inspection and a judicial machinery that can resolve conflicts over the application of and compliance with employment legislation and collective agreements.

According to the ILO Labour Inspection Convention, 1947 (No. 81), the purpose of **labour inspection** is to enforce the law, supply information and advice to employers and workers, identify problems not covered by the law (with a view to proposing legal reforms) and monitor the implementation of collective agreements. Labour inspection services have an important role to play in bringing about better conditions and reducing gender inequality in the workplace. Employment discrimination, sexual harassment and maternity protection are some of the areas where greater efforts are required.

Their work is difficult, however. There are not many precedents for investigating discrimination, and it may not even be considered a priority given the small number of complaints, which is a vicious circle because the lack of results is one reason why women workers do not report discrimination. There are sectors employing mainly women that are rarely inspected, such as domestic work. In addition, there are situations in which women prefer not to report violations, in relation to maternity protection or sexual harassment for example, out of fear of reprisals. Another sensitive aspect is that labour inspection is usually confined to the formal economy.

The **minimum wage** is another labour market institution of great importance to gender equality, and is found in most of the countries that have ratified the ILO Minimum Wage-Fixing Machinery Convention, 1928 (No. 26) and Minimum Wage Fixing Convention, 1970 (No. 131). Even where this has not happened, mechanisms have been set up to implement it. Setting a minimum wage has major effects on domestic demand in an economy as well as being a vital policy for putting a floor under the earnings of vulnerable workers or those belonging to occupational categories with a low level of unionization and little bargaining power.

Since there are a great many women, and particularly indigenous and Afro-descendent women, in these jobs, a minimum wage can help to reduce gender, racial and ethnic inequalities by exerting a positive impact at the base of the wage pyramid. By raising wages at the bottom of the wage distribution, it narrows the gap between lower- and higher-paid women and between men and women. Empirical analysis suggests that

the countries with the highest minimum wages are also the ones with the lowest levels of inequality (ILO, 2008).

Minimum wages operate for formal-sector workers, although they can also benefit women in the informal sector by their trickle-down effect on pay. They can even be an incentive to participation for many women who have not joined the labour market because of the low pay on offer. The effectiveness of the minimum wage in narrowing the wage gap depends on the law being enforced, which means that oversight mechanisms are very important.

THE ROLE OF EMPLOYMENT POLICIES IN GENDER EQUALITY

Employment policies play a vital role in development, as they respond to the imperative need for high-quality jobs to be created in sufficient numbers to generate a virtuous cycle of growth and well-being in the countries.

The main employment policy actions include: job placement, vocational training, direct and indirect job creation, unemployment insurance and the production of employment information. These actions are carried out in government programmes that are not necessarily coordinated with one another and that usually make no distinction between men and women, meaning that they fail to consider the discrimination affecting the latter or, at best, treat them as part of the “vulnerable groups” category. Dealing with gender inequities in the labour market requires the implementation of new employment policies whose goals and fundamental characteristics include the participation of women in the labour market on an equal footing with men. In addition, they need to be coordinated with one another and guided by a strategic development logic of a territorial character, so that they draw together the actions of different bodies concerned with productive development and maximize the territorial impact of their action, together with the private sector.

Job placement

Job placement systems provide a support service to workers and firms in the job-seeking process by generating and disseminating information on vacancies and the general situation of the labour market. All the region’s countries have public-sector job placement services, albeit with varying levels of development, material resources,



infrastructure and staffing; private-sector employment agencies have also proliferated recently, most of them focusing on placing more highly skilled workers.

Although the valuable contribution made by job placement services to women's labour force participation should not be overlooked, there are still major challenges, such as job offers that reinforce gender stereotypes, revealing prejudices that may allow discriminatory behaviour to emerge.

Vocational training programmes and skills certification

Education is a necessary condition for entering and progressing in the labour market. However, the returns on education are different for women and men, owing to occupational segregation and the lower value set on occupations with a large female presence. This gives vocational training programmes great potential to contribute to gender equity in the labour market, since expanding the subject areas in which women are trained improves their access to sectors where they are underrepresented or absent. Another option for improving the access of women with fewer skills and/or a low level of education to the formal labour market is to bring in certification mechanisms for existing skills and capabilities and/or those acquired in different spheres (school, family, community, work experience) but not formally recognized. These programmes are important for recognizing and professionalizing a variety of occupations, for example in the area of care, where many women work.

Direct job creation

Emergency public job creation programmes are in a grey area between employment and anti-poverty policies. They are a way of providing low-paid temporary jobs to members of poor households, especially household heads, whether men or women. They are usually implemented in response to large increases in unemployment resulting from economic crises, seasonal factors or natural disasters. They concentrate on labour-intensive activities such as clean-up, construction and maintenance of physical infrastructure for the benefit of the community.

Women usually participate massively in emergency job creation programmes. Unemployed men are not attracted by them because they are unwilling to work for such low wages (or subsidies) and prefer to wait for better job opportunities. In the case of women who have not hitherto entered the workforce because of a lack of options,

on the other hand, these programmes create the opportunity to do so. Despite their heavily female coverage, they do not have a gender approach.

Job creation in the private and public sectors

The most important route to indirect job creation is to generate and exploit a favourable macroeconomic environment. Macroeconomic policies can contribute to women's employment by way of: (i) fiscal policies allocating public investment to infrastructure that lightens the care tasks done by women; (ii) financial policies to promote growth and improve access to financial services in rural areas or for the development of small and medium-sized enterprises in the informal economy, where women are concentrated; and (iii) industrial policies and other sectoral strategies based on comparative advantages that give priority to developing know-how and good-quality employment.

All the region's countries have indirect job creation programmes, whether involving production development policies or recruitment subsidies. Production development programmes for micro and small enterprises include programmes for credit, seed capital, technical assistance for business management and formalization, and marketing support.

Another class of programmes that indirectly support job creation are legal incentives provided by the State to promote the recruitment of workers by private-sector firms. The stimulus consists of a subsidy that reduces non-wage employment costs or covers part of the wage, for a limited time and in the expectation that the contractual relationship will outlast the subsidy. Although this instrument has been little used in the region, a number of countries have deployed it to deal with youth unemployment in recent years.

Green jobs also open up opportunities for women. However, the green economy does not automatically generate decent jobs and greater social equity, and nor does it guarantee respect for gender equality. For the transition to a green economy to be socially inclusive and respect gender equality, there is a need for policies that explicitly promote decent job creation for men and women.

Meanwhile, almost all the region's countries have public- or private-sector programmes for low-income women entrepreneurs, usually with the aim of helping them to escape the poverty their families live in. Some public-sector production development agencies have mainstreamed gender equity in all their programmes and policies, which



usually include training, loans and the creation of favourable environments for the development of microenterprises.

There have also been major advances with non-traditional financial services, such as bank guarantees, factoring and leasing, reducing the pressure on women entrepreneurs to provide physical collateral when applying for a loan. These actions have a great deal of potential to promote gender equality at work since for cultural and in some cases legal reasons women entrepreneurs face greater difficulty than men in providing the requisite guarantees.

Unemployment insurance

Unemployment insurance is a passive employment policy tool designed to provide income during unemployment. Important though this instrument is, unemployment protection schemes have historically had only a very small presence in Latin America. Seven countries of the region have them, although their coverage and scope are restricted because of the high proportion of workers in the informal sector of the economy (Maurizzio, 2010). In this situation of low overall coverage, women's access to these benefits is more limited.

POLICIES FOR GROUPS ESPECIALLY AFFECTED BY INEQUALITY

In Latin America and the Caribbean, there is growing concern about the situation of disadvantage, discrimination and/or social exclusion of certain groups in society. In recent years, there has been a rising awareness of the need to give priority to the situation of women in these communities, since they suffer from a twofold disadvantage, as women and as members of these.

A first area in which the countries have adopted measures to deal with discrimination against women has been the ratification of international agreements and the adaptation of their own legislation to these. Particular mention should be made of the adoption of the ILO Domestic Workers Convention, 2011 (No. 189), which has been ratified by four countries in the region and is currently undergoing ratification in a further two.

Another important development has been the adoption of the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), which refers explicitly to equal opportuni-

ties and treatment for men and women and to protection against sexual harassment. However, the wide gender gaps seen in the indigenous population indicate a need for progress with effective enforcement of the law.

There has also been progress as regards migrants. ILO has its Migration for Employment Convention (Revised), 1949 (No. 97) and its Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). Convention No. 97 requires any State ratifying it to apply to immigrants lawfully within its territory, without discrimination in respect of nationality, race, religion or sex, treatment no less favourable than that which it applies to its own nationals in respect of a wide range of employment laws and regulations. Convention No. 143 provides that States must respect the fundamental human rights of all migrant workers, suppress clandestine migration for employment and smuggling of migrants, and adopt and follow a policy that guarantees equality of treatment in matters such as employment and occupation, social security and trade union and cultural rights.


Again, in 2004 the ninety-second meeting of the International Labour Conference adopted by consensus the Resolution concerning a fair deal for migrant workers in a global economy, which calls for a plan of action to be drawn up for migrant workers. In 2005, a tripartite meeting of experts convened by ILO debated and adopted the "ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration". Its purpose is to help improve the management of labour migration and thereby contribute to the growth and development of origin and destination countries and of migrants themselves; it also promotes gender-sensitive migration policies.

Where **public institutions and policies** are concerned, particular mention should be made of the programmes and campaigns that have been undertaken in many countries to deal with the informal status of domestic workers, and of the concern to address the numerous overlaps between gender and racial inequality in countries with large Afro-descendent populations.

Initiatives aimed at moving towards gender equality in indigenous policy and for Afro-descendants have also been set in motion. In most of the region's countries, however, the development of employment policies for indigenous and Afro-descendent women is a task that has yet to be undertaken.

There are various initiatives in Latin America that seek to reverse the difficulties encountered by campesinos or small producers in obtaining physical capital (land and water), financing and training programmes to improve their businesses.





There are two types of policies for migrant workers in the region's countries. First, recipient countries are reviewing their migration policies in view both of the rise in intraregional migration and of the feminization of migration. Second, countries of origin are trying to solve four types of problems by: (i) dealing with the causes of migration, for which they plan to create employment opportunities in order to "retain" labour, and particularly skilled labour; (ii) encouraging responsible use of remittance resources by reducing transfer costs and channelling them towards education and productive activities, and by changing the law to facilitate the use of remittances and allow grandmothers to become children's guardians when their mothers are away; (iii) developing strategic partnerships between emigrants and local communities by providing incentives for return and exchanges of professionals; and (iv) introducing public-sector mechanisms or policies to assist the assimilation of the immigrant population and family reunion.

As regards the young, Latin America has progressively set up institutions in this area, creating units that specialize in the issue and, in some countries, enacting youth laws and/or policies. However, a general gender approach mainstreamed in youth policies is something for the future.

ORGANIZATION, REPRESENTATION AND VOICE

The inequality faced by women in the workplace is a reflection and consequence of their lesser access to political, economic and social power. Although democracy is now a universal value in the region, strengthened by instruments, norms and the consensus of the international community, a number of challenges must be met before it can be fully realized. One of the most important is the creation of mechanisms to guarantee women the full exercise of their rights. Gender equality is a democratic principle and is regarded both as a goal in its own right and as a prerequisite for deeper democracy (Archenti, 2011; Bareiro and Echaury, 2009; Bonder, 2009).

Although women make up 50% or more of the region's electorate, their presence in **national parliaments** in 2011 was just 22%, a substantial rise since the start of the decade, when it was 13%, but below the world average of 28% (ECLAC, 2011).

An unprecedented number of women have taken office as presidents in Latin America over the last decade: Michelle Bachelet in Chile (2005), Cristina Fernández in Argentina (2007), Laura Chinchilla in Costa Rica (2010) and Dilma Rousseff in Brazil (2010).

Affirmative action policies have played a crucial part in raising women's political representation. Twelve countries in the region have adopted **parliamentary quotas**, and those that have implemented them are the ones with the greatest female representation. The proportion of women in ministerial cabinets has also increased, but is still clearly inadequate. Where **executive office** is concerned, only two countries have adopted an affirmative action policy.

Progress towards gender equality requires power and influence to be redistributed from men to women. This requires action to encourage men to give up some of their economic, political and social power, together with the organized involvement of women.

Women in executive positions

Progress with women's skills in recent decades has not been matched by the incorporation of women into corporate management positions, although more and more firms are recruiting them to high-level positions. In Brazil and Mexico, the countries of the region with the greatest female presence in executive positions, women make up 5.1% and 6.8%, respectively, of board members and 5.4% and 4.3%, respectively, of board chairpersons, according to a study by Catalyst (2012).

Women in employers' and workers' organizations

Discriminatory structures that limit female participation are also reproduced in the economic and employment spheres. Both unions and business organizations are crucial actors in the construction of national employment agendas. Although substantial progress has been made, women are a small minority in these organizations, which continue to be shaped by sociocultural criteria that manifest themselves in gender inequality. Women are usually underrepresented on the executive committees of unions and still more so in business organizations.

The great majority of chambers of commerce and industrial associations have traditionally been headed by men, and while there has been progress in recent decades, women are still underrepresented there. Despite a considerable increase in the number of businesswomen in the region, their membership of these organizations is still limited and their access to leadership positions is very limited and largely confined to women's departments (where they exist) and social or employment divisions.



Women in executive positions in union organizations

Despite progress with women's representation and the adoption of a gender agenda in union organizations, women are still underrepresented in these, particularly in executive positions. Of 32 national union organizations in the region's countries, only three have a woman president or general secretary, and women are a minority on executive committees. The imbalance is explained by a culture that women union executives consider male chauvinist or "machista" and by the disadvantages affecting women in the labour market.

In recent years, union organizations have adopted quota systems to ensure women's access to and participation in decision-making and representative bodies. Proportions range between 30% and 40%, with parity being proposed in some cases.

Social dialogue

Social dialogue is essential for incorporating the gender approach into the world of work. Women's participation is low, however, at just 14% in Latin America (Breneman-Pennas and Rueda Catry, 2008). When women's participation is broken down by the group they represent in social dialogue forums, a large difference is found between government representation (26%) and that of employers (7%) and workers (7%). This limits democratic representativeness and the contribution from viewpoints that would enhance analysis of the issues brought up for debate.

One positive social dialogue experience are the tripartite commissions on equal opportunity and treatment in five countries of South America and the Tripartite Commission on Equal Opportunity in the Plurinational State of Bolivia.

Collective bargaining

Collective bargaining is another of the employment institutions that are very important for improving women's employment conditions, as it is the process whereby employers and workers reach a collective agreement that sets the conditions for the employment relationship in terms of the rights and responsibilities of the two sides. This institution has played a pioneering role in promoting gender equality by reaching agreements on clauses (paternal leave after childbirth, for example) that have subsequently been passed into law.




However, the region faces a number of problems that are preventing collective bargaining from fully performing the functions it was created for: (i) it has weakened in all but three countries and covers a limited number of workers, (ii) other than in the public sector, women tend to be in industries and firms where collective bargaining does not take place, so they do not benefit from it; (iii) women are underrepresented in union leaderships and to a still greater extent in negotiations, which reduces the chances of clauses with a clear gender focus being negotiated (although even so women workers are better placed and there is less gender inequality in firms that negotiate); and (iv) negotiations tend to centre on wage issues, neglecting other demands that are important to women, relating to childcare support services, reduction of the wage gap and policies of non-tolerance of sexual harassment, among others. Women's participation in collective bargaining is 14% in the Southern Cone countries, 33% in the Andean countries and 38% in Central America, the Caribbean and Mexico.



CHAPTER 4

Policies for promoting gender equity in the workplace: recommendations and proposals

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Gender equality and women's economic autonomy are goals that have yet to be achieved in Latin America and the Caribbean. There have been many advances and positive developments on this front, but the region still has a long way to go in order to close the gaps between men and women, which are exacerbated by racial and ethnic inequalities. A series of recommendations will be presented here concerning the development of policies that can help move the region forward towards gender equality and economic autonomy.

Employment and women's economic autonomy

In order to address the situation that women face in the workplace, changes will have to be made in the structural systems that underlie the inherent inequality of that situation. First of all, the unequal distribution of the amount of time that men and women devote to unpaid work sets up barriers that hinder many women from benefiting from job and income-generating opportunities, limit their occupational choices and hold them back from assuming positions as representatives in political affairs or other walks of life. Second, steps must be taken to overcome the gender inequalities in the workplace that are generated and maintained by a variety of overlapping and interactive systems of discrimination. Third, the region's production structure has an extremely limited capacity to create the jobs –particularly decent jobs– that are needed.

The overall situation in Latin America and the Caribbean

Social and gender inequality in the region is a structural problem that will have to be tackled with the help of public policy action. The combined effects of policies

and social dialogue are essential components in a development model that includes gender equality as one of its defining principles.


Women in the region have made major inroads in terms of their access to employment, education and participation in decision-making. They have succeeded in narrowing the gender gaps in some indicators, such as the labour-force participation rate, and, to a lesser extent, have reduced the extent of occupational segregation and the income gap. Yet the pace of the reduction in these disparities is far too slow, given the urgent need to solve these problems: a series of short-, medium- and long-term measures and policies will therefore be required in order to eradicate inequality in Latin America and the Caribbean.

PUBLIC POLICY, EMPLOYMENT POLICY AND THEIR COORDINATION WITH NATIONAL POLICY

When properly coordinated with a pro-growth macroeconomic policy and a structured, broad-based social protection policy, employment policies can have a strong impact on distribution and make a decisive contribution to the sustainability of the economy. A first step is therefore to determine how well these policies leverage one another and what their potential impact can be in various areas, including that of gender equality as a priority for equitable development.

As stated in the ILO Global Employment Agenda, policy actions focusing on both the macroeconomic and microeconomic aspects of supply and demand in the labour market must be mounted in order to bring about quantitative and qualitative improvements in employment. ILO Employment Policy Convention, 1964 (No. 122) is an effective instrument for promoting full, productive and freely chosen employment. In order to bring about a qualitative improvement in labour markets, a strong institutional structure must be in place in this sector, together with clearly defined and effectively applied legal frameworks and a broad-based social dialogue in which workers and employers are both actively involved. This is the kind of environment that will be conducive to the development of gender equality policies and gender mainstreaming. It is not easy for women to find, keep and/or return to a job. In order to ensure that women will have access to the labour market, it is important to invest in the distribution of information on careers and business ventures, particularly those in which women have traditionally not engaged; school and vocational training improvement





programmes that will focus on poor women and on ethnic and racial factors; programmes to support access to paid employment for women whose past experience centres around the home; policies aimed at educating and informing people about the need to eliminate discrimination in job selection and in job promotion and occupational training opportunities; policies designed to help young people to enter the labour market, with special emphasis on mothers or those with family responsibilities; policies designed to promote, support and provide recognition for the work performed by rural women; and the development of national systems to combat discrimination in employment and help people to reconcile the demands of work, their families and their personal lives in ways that will ensure that domestic tasks are distributed equally between men and women.

In order to create a social environment within the workplace that will help to prevent discrimination against women, cultural change must take place. This change can be promoted through the use of legal mechanisms and, most importantly, through self-regulation or voluntary anti-discrimination standards and behaviour in the workplace. Specific measures can take the form of:

- **Maternity and paternity benefits.** Men and women should enjoy equal rights and benefits that will help them reconcile their family and work-related responsibilities.
- **Protection for women against all forms of violence.** On the job, this includes protection from sexual and other types of harassment and from the restriction of freedom of association or of the right to engage in trade union activity. Effective programmes are also needed to protect and support victims of domestic or other forms of violence so that they can remain in their jobs or, if they are unemployed, so that they can find work.
- **Equal treatment.** Men and women must be treated equally in terms of their access to opportunities for promotion and career development, including training, and the necessary steps must be taken to ensure that considerations relating to family responsibilities do not become factors of discrimination. Gender should not be a criterion when employers are deciding whom to lay off or dismiss. Women often run up against a “glass ceiling” that bars them from the most senior positions in a firm or institution, which are usually held by men. It is also important to ensure that promotion procedures are transparent. Affirmative action strategies are usually needed in order to provide women with access to the most senior management posts.

- **Equal pay.** The principle of “equal pay for work of equal value” must figure as a fundamental work standard. Equal pay audits should be conducted, wage-setting systems should be developed that are based on the type of work performed, and precise, reliable statistics should be compiled on wage scales for different occupational groups within the firm or institution.

Another important tool that can be used to narrow the wage gap between men and women is the establishment of a *minimum wage*, which then serves as a point of reference. The policy that determines how the minimum wage is set should be examined with a view to the possibility of increasing or maintaining the purchasing power of the lowest-paid workers. Penalties and oversight systems should also be strengthened to improve the enforcement of labour laws.

In order to increase the number of women in occupations where few or no women have traditionally been employed, the following measures can be taken: (i) the use of a package of sectoral incentives and educational and vocational measures to promote training for women in technical and technological areas where they are under-represented; (ii) fostering cultural changes with the help of educational campaigns, collective agreements and business policies that will provide recognition for women’s entry into new sectors and for men’s entry into what have traditionally been viewed as “women’s occupations”; (iii) the promotion of gender equality at all levels of education but especially technical schools and institutes.

Women who are especially vulnerable to unequal treatment

Gender discrimination is often compounded by other forms of discrimination and inequality that have to do with the personal characteristics of certain women and the work that they perform.

Rural women and female agricultural workers. These women’s presence in the workforce is largely invisible, and this situation tends to further undermine their working conditions. This situation needs to be addressed by means of measures and policies at various levels. In order to strengthen their rights as citizens, it is important to:

- Ensure legal protection for their access to land, education, occupational training and an established civil status. In order to provide equitable access to land and its use for production by women farmers, an agrarian reform



effort should be launched that addresses gender issues, promotes the development of land markets and land leasing arrangements for small-scale farmers, and provides for the establishment of joint title to land and movable property. As part of this process, discriminatory inheritance laws should be changed.

- Ensure that all workers are covered by formal-sector employment arrangements so that they will have access to social benefits such as full retirement pensions and paid sick leave when they fall ill or are injured in an accident in the workplace.

For women wage earners employed in the agricultural sector:

- Guarantee equal labour rights and social protection for temporary female workers and women wage earners in the agricultural sector and put in place the necessary measures to enforce those guarantees.
- Encourage the parties involved to draw up and sign written labour contracts, since this will help to make rural women workers more visible, safeguard their labour rights and give them access to social security coverage.
- Develop strategies for reducing the intermittency of agricultural wage work.
- Promote efforts to ensure that occupational health and safety policies address the problems of agricultural workers and that these issues are covered in activities undertaken to raise awareness about occupational health and safety, maternity benefits and sexual harassment.
- Improve the representation of rural women, help them to make their voices heard, encourage them to organize trade unions and give them greater access to collective bargaining arrangements.
- Contribute to government efforts to enforce labour standards and provisions, particularly those dealing with wages, working conditions and working hours.

For women campesinos and owners of small family plots:

- Support small-scale rural ventures, and especially the women involved in them, by lowering gender-based barriers to credit, creating an enabling business environment, and strengthening business and agricultural outreach services.
- Increase the scope, depth and suitability of financial services for women in rural areas.

- Develop social security systems for informal male and female entrepreneurs that provide for the payment of cash benefits during maternity leave or family benefits and expand childcare services.


Indigenous women and women of African descent. The following are just some of the many tasks that need to be undertaken in developing policies to combat the double discrimination to which these women are subject:

- The establishment and political and financial empowerment of departments and ministries devoted to the promotion of gender, ethnic and racial equality.
- Campaigns to foster an appreciation within society of indigenous peoples, Afro-descendants and other underprivileged groups, with special emphasis on overturning stereotypes of these women.
- Contribution to a better understanding of these groups by including questions on ethnic or racial identity and a question to identify the sex of the respondents in national censuses, household surveys and administrative forms.
- Steps to provide these women with greater access to education and occupational training.
- Promotion of affirmative action in employment in order to ensure equality in terms of recruitment, job retention and promotion for indigenous women and women of African descent.
- Incorporation of ethnic and racial dimensions into the projects and programmes of workers' and employers' organizations.
- Establishment of procedures to ensure the presence, on an equitable basis, of indigenous women and women of African descent in the civil service at all levels and in all regions.

Migrant workers. It is of crucial importance that the countries sign, ratify and promote the application of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, along with other international and regional instruments and agreements for the protection of the rights of women migrants. At the national and international levels, the following tasks need to be undertaken:

- Migration laws and gender equality policies should be modified in order to ensure that migrant workers have the same labour rights as other workers (especially in the case of domestic workers).



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- Information should be compiled that can serve as a basis for policies and agreements on migrant governance. Steps should be taken to generate data and knowledge about migration that can inform appropriate policies.
 - Host countries should permit migrants to circulate freely, guarantee the protection of the law for vulnerable settlements, encourage women migrants to organize, enforce contracts, offer social security rights, enter into bilateral agreements, and facilitate the use of secure, effective remittance transfer systems.
 - Countries of origin need to examine the underlying reasons why unskilled or low-skilled women emigrate so that they can ensure that those women migrate by choice, not by necessity, and so that they can encourage those who have left to return. These countries need to develop employment policies that address gender issues rather than relying on migration to solve their unemployment problems.
 - Steps should be taken to boost and support initiatives aimed at lowering the cost of transferring remittances.
 - Host and destination countries should be encouraged to engage in a social dialogue on the issue and to create tripartite mechanisms to address the question.
 - Steps should be taken to foster intergovernmental cooperation and dialogue concerning labour migration policies in consultation with other social representatives, civil society and migrant workers' organizations.
 - Countries should enter into binational migration agreements that address the situation of transnational families and provide for family reunification in the country of origin and in the host country.

Domestic workers. In order to improve working conditions for domestic workers, States should seek to ratify the ILO Domestic Workers Convention, 2011 (No. 189), and amend their laws in the light of this instrument with a view to aligning the rights of domestic workers with those of other wage earners and guaranteeing decent working conditions for them. The measures provided for in the Convention and in its accompanying Recommendation No. 201 include:

- Modification of laws and practices with a view to guaranteeing the same labour rights for domestic workers as those enjoyed by other workers.
- Passage of legislation on normal working hours, overtime pay, daily and weekly rest periods, and vacation days.

- Measures to ensure that, where a minimum wage exists, it also applies to domestic workers and that wage levels are set without discrimination on the basis of sex.
- Provision of effective advocacy services and protection against all forms of abuse, harassment and violence.
- Measures to bring domestic employment into the formal sector and ensure that domestic workers have full social security coverage, including maternity benefits.
- Measures to ensure that female domestic workers are informed of their conditions of employment in an appropriate, verifiable and easily understandable manner, preferably by means of written contracts that are in accordance with the applicable national laws or collective agreements.
- Enforcement of the applicable laws and establishment of complaints mechanisms and procedures.
- Campaigns for the purpose of disseminating information on the rights and duties of employers and domestic workers and for raising awareness about the social and economic value of domestic work.
- Adoption of measures and the provision of support for action aimed at ensuring that domestic workers of both sexes are able to exercise their right to engage in trade union activity and enjoy freedom of association and that their right to engage in collective bargaining is recognized in practice. States should protect the right of domestic workers and of their employers to establish organizations, federations and confederations as they see fit and to become members of such institutions.
- Reinforcement of programmes working to eradicate child domestic labour. This type of labour is usually performed by children from poor, rural households, a large proportion of whom come from indigenous or Afro-descendant communities. A minimum age for the performance of domestic work should be established that is in accordance with the ILO Minimum Age Convention, 1973 (No. 138), and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), and that is not lower than the minimum age as established by law for workers in general. Steps must also be taken to ensure that domestic work performed by persons under 18 years of age but above the minimum working age does not deprive them of the ability to attend school until completing their compulsory education or jeopardize



their ability to take advantage of opportunities to obtain a higher education or job training.

- International cooperation focused on ensuring that the above provisions apply equally to migrant domestic workers.

Young women. It is difficult for young women to gain entry into the labour market. Even though, on average, they have more years of schooling than their male counterparts, their wage income levels are lower, and domestic and home care duties, as well as early motherhood, have a greater impact on them than on young men. Policies to promote decent work opportunities for young women should be integrated with, as a minimum, the following public policy elements:

- Continued school attendance, including participation in job training and higher education, and the promotion of young women's entry into careers that have traditionally been engaged in almost exclusively by men.
- Vocational guidance and support for entry into the labour force, with emphasis on respect for the rights of young people engaging in employment or internships.
- Vocational guidance services, which can be used to help young women to consider non-traditional courses of study or types of employment and to enter sectors where they are underrepresented.
- Emphasis on the protection of young women from sexual harassment in the workplace.
- Establishment of systems for assisting young women with family responsibilities (children or other family members) in order to shield them from the negative impact that teenage motherhood can have on their educational and career options.
- The adoption by States of specific measures to reduce the gender gap in youth employment programmes and the establishment of arrangements for working with the private sector to set up procedures that will avert sex discrimination in selection and recruitment processes.

Transitioning the work performed by women into the formal sector

- Policies for incorporating forms of employment performed by women into the formal sector and for raising the awareness of workers and employers about the

benefits of entry into the formal sector for people and businesses and about the importance of facilitating the collection of taxes to fund social security systems.


- Incentives for businesses, especially microenterprises and small-scale ventures, to enter the formal sector of the economy.
- A review of policies and regulatory systems in the light of the need to protect workers engaged in atypical forms of employment and limiting the use of such contracts.
- Coordination of employment and social security systems to facilitate contributions and payments, as well as the necessary verifications and procedures used by workers and businesses in connection with life events such as motherhood, accidents, retirement, etc.
- Oversight and special programmes in areas associated with a high degree of labour informality and female employment.
- Emphasis on addressing the issue posed by the personal care duties assumed by women with a view to facilitating their transition from informal to formal employment.
- Establishment of a framework at the national and local levels to support informal-sector women workers' right to organize.

Institutional structures in the labour market

If equality is to be promoted, States must be committed to upholding the labour rights of women, and this commitment is reflected in the existence of institutions and stakeholders that work to accomplish this. Labour-market institutions have a decisive role to play in employment policies having a gender dimension, and these institutions should be working to mainstream a gender perspective into their structures.

Public employment services. The first recommendation is to establish public employment services in those countries where they do not yet exist and to strengthen them in those countries where they are already in operation, as provided for in the ILO Employment Service Convention, 1948 (No. 88). These services should incorporate a gender perspective, which means that they should take women's needs and possibilities into consideration, while also working to help women find better jobs. Coordination among the different public employment offices and units is important, as is the provision of gender training to their staff.





Job placement. Recommendations in this connection include: the establishment of a public job placement system; the operation of such agencies during times and in places that are accessible to women; the clustering of employment announcements on a non-discriminatory basis; the expansion of job placement services to include vocational guidance focusing on certain lines of work, selection processes and how to prepare for them (e.g., how to prepare resumé); consideration of the fact that many people may need assistance in order to attend job interviews and to defray the transportation and/or meals expenditures involved in looking for work; training for job placement agents to raise their awareness about gender, ethnic and racial issues and about the prejudice that young people may face; and training on labour rights for businesses and workers.

Occupational training. Appropriately distributed, integrated occupational training systems should be developed. These systems should be integrated with educational systems and investment and development plans, as well as with workers' organizations; they should also be integrated with public employment systems and initiatives undertaken by the Ministry of Labour and other ministries, especially in relation to strategies for encouraging women to choose fields of specialization in which women are underrepresented. Vocational training and guidance should be offered in order to facilitate the entry of women into the labour force or their re-entry after having left to give birth or take on other family duties. Training activities undertaken by businesses, schools and vocational training centres should take the specific aspects of women's paid and unpaid working hours into account and adapt to them. Curricula and teaching methodologies should be modified in order to accommodate women's life and work patterns, as well as the special needs of indigenous women, women of African descent, women migrants and, in particular, female domestic workers. Skill certification for women should be promoted. Training in job search techniques, vocational guidance and advisory services, basic remedial instruction and specific skills acquisition opportunities may improve women's prospects for finding employment.

Unemployment insurance. It is recommended that the possibility of offering unemployment insurance be considered in countries where it is not already in place. Measures should also be taken to expand coverage for women and to extend it to include sectors that are not covered at present. Factors that influence women's access

to unemployment insurance should be studied in order to gain a clearer picture of the implications of gender, ethnic and racial discrimination.

Labour observatories (monitoring centres). The information and studies produced by labour observatories, which should in all cases be disaggregated by sex and by personal characteristics such as race, ethnic identity, age and education, among others, need to be analysed from a gender perspective in order to gain an overall picture of labour markets, demand and supply, and future trends. Labour observatories can also make a highly valuable contribution to the improvement of national statistical systems.

Labour inspections. In order to ensure proper oversight, States should provide their labour inspection offices with skilled human resources and should provide specialized instruction to selected members of inspection teams concerning discrimination, sexual harassment and maternity protection. Programmes should be developed to provide instruction on labour rights to employers and workers, with emphasis being placed on the subject areas of greatest interest to women. Inspection programmes should be designed that will cover those areas in which the more subtle forms of discrimination take place and in which discrimination is generally not reported. Labour inspections can also play a role in preventing discrimination by providing inputs and data that can lead to changes in labour laws and by furnishing technical advisory services to employers and workers. In order to improve compliance with labour laws and strengthen their enforcement, the applicable laws need to be made more operational by streamlining mechanisms and procedures for the lodging of complaints concerning discrimination and sexual harassment and for investigating those complaints and penalizing those responsible. It is also recommended that standard procedures be devised for dealing with cases, such as those involving sexual harassment, which are more difficult to investigate and that studies be undertaken to assess compliance with existing laws and regulations, to evaluate the effectiveness of those statutes and to detect factors that hinder the reporting of violations or observance of the laws and regulations currently in place. Systems for compiling, processing and analysing the information gathered by labour inspection offices should be reviewed and standardized. The office hours and locations of the service desks of labour inspection units should be made more flexible in order to make them more accessible to women workers.



Minimum wage. It is recommended that countries establish minimum wages that are in line with basic standards in order to ensure that wage levels are sufficient to afford decent living conditions. The purchasing power of minimum wages should be maintained and –the pace of economic growth and development permitting– increased so that these benefits will be distributed among the population.

LEGAL FRAMEWORKS FOR ENSURING GENDER EQUALITY

In recent decades there have been major advances in terms of the establishment and adaptation of national and international non-discrimination and gender equality standards and governmental agreements at various levels. Countries still have a long way to go, however, before they have completed a review of all applicable codes and standards to ensure that they include all the provisions required to ensure equality and eliminate discriminatory concepts and practices. Bearing in mind the region's diversity and the inroads that it has made, the following measures are recommended.

Ratification of international conventions. International labour instruments establish minimum standards that are to be observed worldwide. These conventions are applied at the national level through their ratification and the subsequent adaptation of national laws. In addition to serving as a basis for the adaptation of national laws, the ILO Equal Remuneration Convention, 1951 (No. 100), Discrimination Convention (Employment and Occupation), 1958 (No. 111), Workers with Family Responsibilities Convention, 1981 (No. 156), Maternity Protection Convention (Revised), 1952 (No. 103), and Maternity Protection Convention, 2000 (No. 183), offer guidance for the design of policies aimed at achieving gender equality in the labour market and are both a source of inspiration for good labour relations and models for collective agreements. Their ratification also reflects a State's desire to provide its inhabitants with a better quality of life. It would therefore be advisable for States that have not yet ratified these international conventions to take the necessary steps to do so.

Review of legislation and its alignment with international standards. In addition to passing new laws to provide greater equality of opportunity and consolidate the principle of non-discrimination, penalize sexual harassment and protect migrant workers, existing laws should be reviewed in order to determine if they need to be

amended in order to adapt them to the labour market and ensure that they do not act as obstacles to the employment of women. Thought must be given to the ways in which laws can act as a barrier to the recruitment of women, and these laws need to be reviewed in the light of the principles of gender equality and shared responsibilities on the part of men and women, especially in the case of measures relating to childcare, maternity protection and the care of dependents and other persons. In order to adapt existing legal and regulatory frameworks so as to bring them into line with international conventions and to fill any gaps that may exist in new laws and/or regulations, the following steps are recommended:

- Prepare gender-sensitive manuals or compendiums and easily understandable handbooks on international and national labour laws and standards.
- Provide training to workers, employers and members of civil society organizations regarding the international labour and gender equality regulatory framework so that they will become advocates for gender equality laws applying to the labour market.
- Civil society organizations and international agencies can provide legislators with technical assistance in carrying out such activities.
- Within the framework of the global agenda for combating violence against women, steps should be taken to improve legislation, judicial practice and support for the reintegration into society and into the labour market of women victims of violence.


A society-wide dialogue should focus on the nature and implementation of a strategy for the application of the conventions and agreements identified as being instruments of key importance for progress towards equality in the labour market.

Labour courts. These courts must be strengthened in order to increase compliance with laws and regulations and to ensure that workers have access to justice. The following measures are therefore recommended:

- Provide judges with training on international standards and national laws relating to the core ILO anti-discrimination conventions: the Equal Remuneration Convention, 1951 (No. 100), the Discrimination Convention (Employment and Occupation), 1958 (No. 111), the Workers with Family Responsibilities Convention, 1981 (No. 156), the Maternity Protection Convention, 2000 (No. 183), and the Domestic Workers Convention, 2011 (No. 189).



- Create mechanisms for providing people who wish to lodge complaints with access to a public defender and furnish information, assistance and legal defence services free of charge to help them to defend their rights.
- In countries where there are no labour courts or labour lawyers, these institutions should be established. In addition, technical and awareness-raising training should be provided to court personnel in respect of gender equality and, in particular, non-discrimination and maternity protection.



Reverse the burden of proof. Discriminatory acts are usually committed in private, in the absence of witnesses and without there being any written proof that they have occurred. Persons who commit such acts are in a position of authority relative to the person who is being discriminated against and to other people who might be able to testify. These potential witnesses may be intimidated, either because they fear that they may lose their jobs or fall out of favour with a superior or be the object of some sort of reprisal. In view of these factors, it is both acceptable and necessary to reverse the burden of proof (i.e., reverse the general principle according to which the person who demands the fulfilment of an obligation bears the burden of proof) in cases of discrimination, sexual harassment and maternity protection.

ACTION BY WORKERS' AND EMPLOYERS' ORGANIZATIONS

Two processes are key to promoting gender equality in the labour market: social dialogue and tripartite consensus. Governments should not only consult organizations representing employers and workers regarding labour-market issues or job training programmes, but should also seek their cooperation in the development of economic policies having an impact on employment promotion. Greater participation by stakeholder representatives is not only of fundamental importance in ensuring the successful application of the necessary measures, but can also play an important role in strengthening social dialogue.

Recommendations for businesses. Pro-equity measures benefit both businesses and workers. Human resources development, which helps to boost productivity, is one such measure. Developing a profile as a company that supports equality of opportunity is an essential component in projecting a good public image and is in step with

the movement to promote corporate social responsibility. In addition, it is advisable to record and share good practices relating to plans of action for achieving gender equality within the firm.

Recommendations for employers' organizations: Promote the participation of women and the establishment of mechanisms for increasing the number of women in management positions; strengthen the presence of gender issues on organizational agendas; develop or expand experimentation with gender-equity seals to include a larger number of businesses; develop and adopt codes of good practice that include procedures for promoting gender equity in personnel recruitment and selection and in career development, for achieving gender parity in the distribution of decision-making positions, and for developing policies to support staff members of both sexes in dealing with their family responsibilities. The State has the opportunity to work in coordination with employers' organizations in this area.

Trade unions: The distribution of women in workers' organizations and the positions that they hold should be mapped out, and this map should then be used as a basis for developing an action plan to promote their increased presence in the entire range of positions (not just those related to social or women's issues). Efforts should also be made to encourage women workers to join trade unions by informing them about the benefits of membership. States that have not yet done so should be urged to ratify the ILO conventions on gender equality and non-discrimination, particularly the Maternity Protection Convention, 2000 (No. 183), the Workers with Family Responsibilities Convention, 1981 (No. 156), and the Domestic Workers Convention, 2011 (No. 189). Trade union organizations should identify and promote the cultural changes needed to eradicate sexist practices, devoting particular attention to the problems that union leaders report encountering in their organizations, such as male chauvinism, gender discrimination, the "glass ceiling", failure to share family responsibilities, authoritarianism and a lack of political will to establish equal conditions for all (Bastidas Aliaga, 2013).

Progress remains to be made in gender mainstreaming trade-union policies, strategies, actions and structures. One step to be taken in this regard should be the continued implementation of the affirmative action policy that provides for a 40% quota, as a minimum, for women's participation in all training courses, events, conferences and levels of trade union organizations. Another means of empowering women in trade



union organizations is to provide them with skills training in negotiating so that they can act as workers' representatives in collective bargaining sessions.

Placing equality of opportunity on trade unions' agendas is a means of making them more representative of their constituency and of enhancing their legitimacy. This is an area in which trade unions can make a visible impact in terms of women workers' job quality and quality of life.

Workers' organizations can play an important role in the following areas: the dissemination of information on workers' rights; the development of training and awareness-raising programmes for men and women workers; cooperation in the enforcement of labour laws, particularly in connection with non-discrimination and equal pay for work of equal value, and the provision of support to female members who are discriminated against; promotion and/or strengthening of tripartite equality of opportunity commissions that can serve as consultative bodies and advocates for social dialogue, decent work, and the promotion of equality and non-discrimination for women in the workplace; and the introduction of non-discrimination clauses in collective bargaining agreements, which are an essential means of expanding the coverage and range of rights and benefits provided for by law and of introducing new rights.

Civil society. Civil society organizations have a special role to play, and this is particularly true of women's groups that are partnering with other sectors to identify stakeholders that are in a position to promote pro-equity policies. This type of effort can foster a dialogue that encompasses such issues as competitiveness and productivity, gender equality and the rights of women workers. The chances of success in positioning these types of policies on the government's agenda are heightened if more and more people and organizations become involved and work to advance this cause.

OTHER RECOMMENDATIONS

Knowledge creation:

- Incentives for schools, universities and research centres to undertake research into the social realities of the gender dimension in the countries of the region and its interrelationships with race and ethnicity.
- Incentives for research on occupational health and safety in the occupational groups where women are in the majority (e.g., domestic work).

- Development of participatory methodologies for the monitoring and evaluation of employment policies.

Statistics:

- Inclusion of gender identification in national and other statistics (including statistics disaggregated by race and ethnicity) and in administrative records and in programme and policy reports and assessments in general, given the importance of developing policy indicators that are sensitive to gender, race and ethnicity.
- Compilation of more accurate information on time use by introducing new surveys or improving existing ones.
- Research on the various roles performed by women (as workers, employers and domestic workers).
- Dissemination of information to the general public.
- Organization of gender-equality information and educational campaigns, with particular attention being devoted to schools and instructional content.
- Dialogues and information activities regarding policies and initiatives seeking to promote equality in employment in Latin America and the Caribbean.
- Dissemination of employment-related educational materials.

Recommendations relating to social dialogues focusing on policy development:

- Promotional and other measures for ensuring the participation of workers' and employers' organizations, women's movements and other relevant civil society organizations in the definition, planning, introduction, monitoring and evaluation of public policies.
- Careful consideration of concepts and approaches to gender issues that serve as a basis for public policy in order to ensure that they do not lead to the perpetuation of gender inequalities and stereotypes.
- Promotion of transparency and disclosure of policy outcomes on an ongoing basis.



