

Strategies to  
inspire, organise  
and represent  
workers.

# The Negotiator's Guide

**LRS** Labour  
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Service



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# 7

## Bargaining for gender equity

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**Collective bargaining is an important tool for representing workers' interests and has the potential to address structural gender inequities in both the workplace and the trade union.**

The struggle for equity is not only about treating men and women equally, but also involves treating the genders differently when necessary.

As an example, women are faced with a number of very specific challenges at work. Bargaining for gender equity focusses on providing for the specific needs and conditions of women workers.



- **Collective bargaining** is a process of negotiations between employers and workers aimed at reaching agreement on issues that affect them in the workplace.



- **Bargaining for equity** refers to the specific equity demands we place on the bargaining table.



- **Equity bargaining<sup>1</sup>** is about ensuring that collective bargaining is used as a tool to promote equity in the workplace and address the entrenched misconceptions about the role of women workers.

*1. Briskin, Linda. 2006. Equity bargaining/bargaining equity. Toronto: Centre for Research on Work and Society, York University*



## This chapter includes

- ✓ 1. Terms we need to be familiar with
- ✓ 2. Challenges women workers face
- ✓ 3. Bargaining equity – Critical demands for the bargaining table
- ✓ 4. Equity bargaining – The process
- ✓ 5. Suggestions from the ILO

Traditionally, trade union bargaining had the blue-collar male worker in mind, with his wage demands and conditions of employment shaping the bargaining agenda. And although more and more women have entered the workplace and find themselves in work characterised by insecurity and short-term contracts, the model for collective bargaining continues to be shaped by this outdated notion of the traditional male blue-collar worker.

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**Blue-collar worker:** Person (usually a man) performing both skilled and unskilled manual labour.

# 1. Key terms you need to know

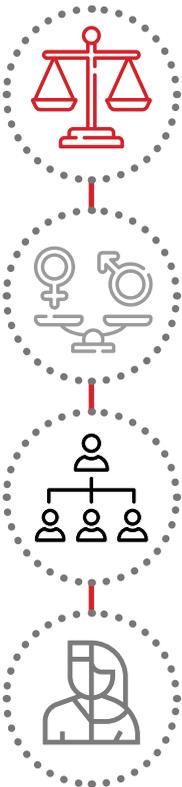
**Gender roles** refer to the roles and activities that society prescribes to and expects from men and women. Gender roles reflect assumptions about how men and women should behave. One such assumption is that women are considered natural caregivers and nurturers and are more suited to domestic chores such as cooking and cleaning, while men are considered to be natural leaders and providers and more suited to decision-making. These assumptions are cultural and not natural.

**Equity** means being fair. To achieve equity requires giving people what is needed to make things fair. This means disadvantaged groups may need to be treated differently, depending on their need.

**Gender equity** means fairness of treatment for men and women according to their respective needs. This may include equal treatment or treatment that is different but which is considered equivalent in terms of rights, benefits, obligations and opportunities.

**Structural gender inequality** refers to the unequal division of power and resources between women and men, kept in place through invisible rules defining masculinity and femininity.

**Gender bias** means an individual subconsciously attributing attitudes and stereotypes to a person based on their gender.



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## 2. Typical challenges women workers face

All workers face the challenge of intimidation by employers, the fear of job losses and restructuring, but women workers are further subjugated by the patriarchal nature of the world of work. These are some of the challenges that women often face:

- **Men** are assumed to be the wage earners while women are expected to carry out (unpaid) domestic chores and care for dependents. When women enter the labour market as wage earners, they often find themselves working a double shift: with the responsibility of earning a wage while still continuing with these unpaid responsibilities at home.
- **This gender bias** against women can lead to women being stereotyped as less productive and less competent due to some women having to spend their time and energy on unpaid domestic work instead of on their paid job.
- **Gender norm perceptions** exist when women are perceived as emotional and compliant and therefore not able to take up leadership positions in the workplace.
- **Gender stereotypes** can reinforce the perception that women are more suitable for care work jobs while men are more suitable for work in productive and financial sectors.



80%

**Woman globally continue to earn on average 80% of what men earn globally in 2020 – just because they are women.**

- The physical workplace, equipment and uniforms are usually created with the male physical body in mind, putting women at risk of injury, illness and workplace violence.

In general, women are stereotyped as being inferior to men, and this can be seen in the differences between what women and men earn. Even when women have the same type of work, the same level of experience and the same education as men, women globally continue to earn on average 80% of what men earn globally in 2020 – just because they are women.<sup>2</sup>

## **Patriarchy: A system of male-dominated power and privilege.**

A core patriarchal belief is that the world can be divided into a) public spaces, which are the most important and the natural domain of men and b) private spaces, which are secondary and the business of women. Keeping these two separate is what entrenches the subordination of women.

For women entering the labour market, there is no separation between the private and the public. Family responsibilities and care for children and the elderly do not disappear when a woman enters the workplace. She constantly has to juggle her time and energy between home and work, private and public – and for this, she is penalised, not rewarded.

2. PayScale. 2021. "The State of the Gender Pay Gap in 2018 | PayScale." *Compensation Research*. 2021. <https://www.payscale.com/data/gender-pay-gap>

### 3. Bargaining equity – critical demands for the bargaining table



#### Reconciliation of work, family and personal life

Workers struggle to gain control over their time, and for women workers, poverty is a key challenge. Juggling long hours at work with increasing responsibilities at home is an enormous burden on the health and wellbeing of women workers.

**Time poverty:** Because women carry out the bulk of responsibilities in the home, they have much less time for rest and leisure as compared to men.

#### The job of the union negotiator is twofold:

**Firstly**, ensure that employers take workers' care responsibilities into account. These responsibilities can have an effect on leave and hours of work, and these are key issues for the gender equity bargaining table.

#### Leave

- Annual leave
- Compassionate leave
- Maternity/paternity/parental leave
- Medical/sick leave

## Hours of work

- Basic hours and overtime
- Part-time work
- Flexible working time
- Night work
- Expectant and nursing mothers

**Secondly**, ensure that leave and hours of work are seen through a gender lens. Asking simple questions like “what does this demand mean for women” and “what does it mean for men” will both strengthen arguments at the bargaining table and open opportunities for discussing the unequal division of labour in the home.



## Safe and reliable transport

Our Apartheid geography and ineffective public transport system have left workers spending hours travelling to and from work. For most women workers, the day starts very early with a range of household tasks before they set off to take unsafe and inefficient transport to work. Returning home after dark, women workers then continue with all the evening household chores, usually getting to bed much later than everyone else in their family. For many months of the year, women workers leave home in the dark and return in the dark, facing harassment and even sexual assault on their daily commute.

Safe and reliable transport is a bargaining issue benefitting workers and employers. It is also a gender equity issue, as long hours spent commuting to and from work further eats into women's time and can present a real hazard to their safety.

A bargaining strategy which makes employers take responsibility for workers having access to safe and reliable transport will go a long way in supporting women workers to feel safe and secure in the workplace.

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## Workplace childcare to complement public services

Employers need to play a role in supporting the provision of affordable care as unpaid care work is a major challenge for working women. Creating policies that are 'family-friendly' is good for the company as well as for the well-being of both working women and men. There are a number of options that can be brought to the bargaining table:

- Company or on-site child care centres.
- Facilities in the community linked to the workplace.
- Financial support such as childcare or other personal service vouchers, funds or subsidies.
- Advice or referral services.
- Public-private partnerships to expand childcare provision.



## Equal pay for work of equal value

Equal pay for work of equal value speaks directly to the issue of gender equity and the value of and remuneration for the work mostly done by women versus the work done by men. Why, for example, are male-dominated occupations (e.g. electricians) paid more than female-dominated occupations (e.g. nursing)? The work traditionally done by men is valued more and paid more because of gender bias.

A demand for a gender audit can be one way of comparing female-dominated jobs to male-dominated jobs as well as other jobs that may have historically been undervalued due to gender, race, disability or any other discriminatory grounds.

The results of such an audit can support unions with the evidence needed to negotiate issues like job classification and equality in wages and benefits.



## Addressing Gender Based Violence (GBV) in the workplace

**Gender Based Violence (GBV):** violence directed against a person because of their gender, or violence that affects persons of a particular gender disproportionately. GBV includes physical, psychological and sexual violence.

A union leader seeking to address gender-based violence needs to be able to create a sensitive and safe environment in which to discuss it, as GBV is very difficult to talk about and generally underreported in work and society at large.

In 2019 the International Labour Organisation (ILO) adopted an important convention:

“The ILO Convention 190 on the Elimination of Violence and Harassment in the world of work recognises that the definition of the workplace in existing laws and regulations is very narrow. Violence and harassment can occur during travel to and from work, at social events related to work, or while dealing with customers and third parties outside.<sup>3</sup>

3. “Convention C190 - Violence and Harassment Convention, 2019 (No. 190).” n.d. [www.ilo.org. https://bit.ly/3HBTmd7](https://www.ilo.org/bit.ly/3HBTmd7)



**Pregnant women and new mothers are less likely to be covered by collective bargaining.**

of the physical workplace. The Convention further recognises that there are particularly vulnerable groups of workers, including workers in health, transport, education and domestic work, and those working at night or in isolated areas.”

This convention has opened up new areas of dialogue and negotiation between unions and employers, both as a gender equity issue and an occupational health and safety risk. Pregnant women and new mothers, migrant workers, domestic workers and workers in the informal economy face the highest risk and are less likely to be covered by collective bargaining. Our challenge is ensuring that we are able to cover these workers in our collective agreements.

**Some of the issues we can consider as part of our collective bargaining strategy include:**

- Occupational health and safety (OHS) committees should be involved in workplace safety planning.
- Paid leave for survivors of GBV.
- Access to women’s advocates and other designated support persons within the workplace.
- Sexual harassment policies and procedures.

Union leaders also have the responsibility of creating awareness inside the union and should address how the rising levels of violence and harassment at work, working conditions and weakened labour rights correlates with the increasing casualisation of work.

## 4. Equity bargaining – the process

Equity bargaining is about ensuring that collective bargaining is used as a tool to promote equity in the workplace and address the entrenched misconceptions about the role of women workers. A goal for the trade union negotiator is to extend the bargaining agenda to include the issues that reflect the intersection of the private area of family/home and the public area of work.

	<b>Roles of a union negotiator:</b>
	Extend the <b>bargaining agenda</b> to include the issues at the intersection of the private area of family/home and the public area of work
	<b>Chip away</b> at deeply entrenched gender roles, norms and stereotypes in both the union and workplace
	Ensure that employers take into account the <b>care responsibilities</b> of workers
	Ensure that leave and hours of work are seen through a <b>gender lens</b>



## Engaging our constituency to identify demands

People join the union as holistic beings and, in striving to understand our constituency, we ask questions and engage in discussions. These allow us to understand what people are thinking and saying, what they are feeling and what they are willing to do.



### **It is important to create safe spaces**

for your constituency to speak openly and honestly about their fears and aspirations.

## The WHO in the bargaining team

**We all want “strong representation” on the bargaining team, but what does this actually mean?**

A strong bargaining team not only understands the issues affecting all workers in the workplace, but is also **willing to challenge the gender stereotypes** that they and others hold.

A strong team is one that is sensitive, empathetic and **willing to address the needs and conditions** of women workers and all other marginalised groups in the workplace.



It is key to **include women in the bargaining team**, but not as silent partners. In order to have active and outspoken women in the bargaining teams, there first needs to be a process of dealing with the internalised gender stereotype of “only men can be leaders”.

**Both women and men fall prey to this stereotype.**

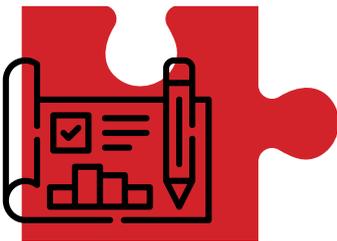
When workers only see men in leadership, they assume men are naturally better leaders. Having women in bargaining teams therefore challenges this stereotype.



## Preparing for bargaining

### 1. Assigning roles

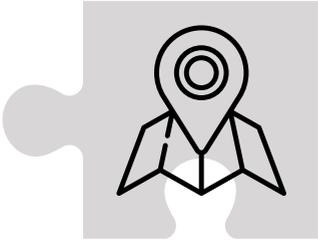
As elaborated on in Chapter 2, a bargaining team is elected at the beginning of the bargaining process. At this stage, we need to be conscious of not assigning roles based on gender stereotypes. If for example, we assume women are not good spokespersons or only capable of administrative roles, we might assign them the role of minute takers as a result. This can be a self-fulfilling prophecy, as the more you silence women, the more silent they become.



### 2. Planning and strategising

Women workers need a space and opportunity to identify and rally around the issues that affect them as women workers. In meetings and discussions, union leaders can:

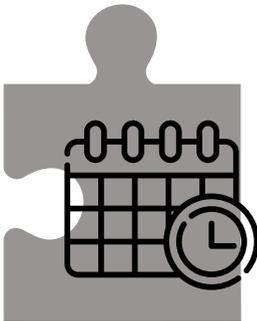
- Speak to women about the issues in the workplace and union that affect them;
- Make a short list of the things that matter most to women workers;
- Identify where, when and how these issues might be different from those that affect male workers.



### 3. The WHERE and HOW

The choice of venue or online platform for negotiations sets a psychological tone to the negotiation process, and it is therefore important that specific needs and conditions of all members of the team are taken into account. For example, members of the team living with disabilities might need special conditions to ensure their full participation e.g. wheelchair ramps and disabled-friendly toilets. Women members of the bargaining team will need to feel and know that they can access their venue safely and that they will not be faced with security challenges.

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### 4. The WHEN

There is an argument that timelines and deadlines are necessary to create a sense of urgency and 'push' bargainers to agreements. Timeframes need to take into account the home and care work that women workers particularly carry the responsibility for. Meetings that carry on after work and late into the evenings will often have implications for the involvement of women in the bargaining teams.

## 5. The ILO suggests some helpful steps in the ongoing fight for equal rights:<sup>4</sup>

- ✓ Promoting gender equality in employment doesn't end with the signing of a collective agreement. Follow up to ensure the awarded rights are implemented.
- ✓ Ensure that the negotiated policies, rights and benefits are communicated to all workers, including non-permanent workers.
- ✓ Collect data regularly to monitor the number of women and men that are hired, promoted and dismissed, as well as the number of workers in all job categories, salary levels and training programmes.
- ✓ Regularly monitor the implementation and effectiveness of collective bargaining policies, rights and benefits. Think forward to what can be achieved during the next round of collective bargaining.
- ✓ Deal with equality issues in education and training programmes.
- ✓ Publicise the work your union has done on behalf of women as an organising strategy. Also, publicise the union's objectives for bargaining and the strategies for achieving them.

4. Jane Pillinger, Verena Schmidt and Nora Wintour by. 2016. "Negotiating for Gender Equality." [www.ilo.org](https://www.ilo.org/global/topics/collective-bargaining-labour-relations/publications/WCMS_528947/lang--en/index.htm). September 27, 2016. [https://www.ilo.org/global/topics/collective-bargaining-labour-relations/publications/WCMS\\_528947/lang--en/index.htm](https://www.ilo.org/global/topics/collective-bargaining-labour-relations/publications/WCMS_528947/lang--en/index.htm)