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**Women's Rights to Form, Join, and Mobilize through Trade Unions:  
Summary of Key Issues**

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<sup>1</sup> The views expressed in this paper are those of the author and do not necessarily represent those of the United Nations.

## **Background**

A significant women's rights concern is access to secure employment that meets the tenets of ILO's decent work agenda. This has informed a number of global commitments emerging out of various UN platforms. The outcome policy instruments include those stated in the concept paper for the Expert Group Meeting (EGM). These issues inform the thematic focus of the 61<sup>st</sup> Commission on the Status of Women (CSW 61). They include the Beijing Declaration and Platform for Action, the Convention on the Elimination of All Forms of Discrimination Against Women, the 2030 Agenda for Sustainable Development. These are supported by a number of ILO Conventions regulating women's rights at work.

My focus in this paper is informed by a number of factors. First is the fact that women's survival in the workplace, is contingent on the power resources they can assemble. Legal provisions and instruments for defending workers' rights can only serve their purpose if they are applied. Their application, experience has shown, is not automatic, particularly in situations where employers have to bear costs either financial or political. Workers' movements have proven to be the most effective structures for ensuring employers' compliance with legal instruments. Their default mode, trade unions, have been engaging workplace rights for well over a century.

I use the term trade union, in this paper guardedly, aware of the traditional forms of representative organs of working people in setups that have a recognised employer. Their key tools for promoting workers' rights is collective bargaining and policy engagement (Cobble, 2012). Cobble (2012) and Ally (2005) highlight other forms of worker representation captioned, new unions. They include mutual aid or welfare organisations, community or political groupings. Their primary goal is 'changing labor and social policy or democratizing the larger society' (Cobble, 2012, p. 7). A situation that calls for re-defining trade unions as representative grouping of workers whose primary aim is to promote the rights of working people.

Social relations of gender compound women's working experience. First is the burden they carry into their work spaces, their unequal share of reproductive work. The second is the gendered stereotypes emerging out of the male breadwinner family systems that support differential tasks allocations and distribution of workplace entitlements. Years of research have produced evidence refuting existing assumptions that support the differential treatment at work. Yet labour force participation remains an arena for reinforcing stereotypes about women and their abilities and therefore entitlements (Rubery, 2013). The effectiveness of legislations that have emerged from the influence of feminists engaging policies can be determined only in the enforcement of such legislations.

Trade unions as representative of labour has legal recognition as enshrined in collective bargaining and instituted through tripartite systems. Such systems spanning national through regional continental arrangements culminate in the supra national body within the UN structures: the ILO. Various national constitutional statutes derived from ILO standards ensure that trade unions have legal and therefore the legitimate backing to promote workers' rights. The rights of workers to freely associate and organise in defence of their interests, is a recognised fundamental right enshrined in ILO standard bearing convention. Freedom of association and protection of the rights to organise and collectively bargain are covered by Conventions 87 and 98 passed in 1948 and '49 respectively. They form the first two of the eight

core conventions enshrined in the declaration on the fundamental principles and rights at work adopted in 1998 at the 86<sup>th</sup> International Labour Conference: a declaration that obliged all UN members to uphold ILO standards. Though all conventions so covered are important to discussions on women's empowerment in the world of work, I find four significant for the manner in which they capture women's workplace concerns. The first two mentioned above are about the right to freely associate and bargain collectively. Two others are on discrimination in the workspace. They are the Conventions 100 and 111 on equal remuneration and discrimination in employment and occupations. The last two tackle important questions on the intrusions of existing gender orders into conditions under which women work. The first two provide a guarded framework for making effective whatever instruments evolved in various spaces to promote women's rights at work. Trade unions remain an important vehicle for realising policy benefits. Compared with the new forms of worker representation, trade unions stand as the most effective so far in promoting workers' rights.

### **Trade unions in the changing world of work**

The discussion on women's rights of access to trade unions especially joining existing unions or forming their own, must begin from an appreciation of the present state of workers' movements. Trade unions have to persistently guard their internationally recognised right to exist and to effectively operate in the various workspaces. Their ability to do so is derived from external and internal factors. Contemporary external environment within which unions operate is dictated by the political economic contests that set workers as a cost to capital accumulation. Though employers have never totally welcomed labour movements, the current situation represents a period of intense hostility to labour. Captioned as neo-liberalism operating as globalisation, emerging policies are based on the assumption that robust national economies are those that produce for the international competitive markets at least cost. This goal has been achieved through rock bottom investments in the labour involved in production. Efforts by nations to remain competitive have given rise to a number of ultraliberal reforms to labour legislation and employment types.

Labour markets are marked by new forms of work significant in their precariousness, insecurity and low wages (Standing, 2014). In large parts of the world the promise of decent and secure jobs replacing pre-capitalist modes of production, be they subsistence or informal have not materialised. In fact such jobs provide viable alternatives to numerous job seekers both new and old, in countries that have long since lost the ability to provide standard formal employment. Union coverage in such sectors are problematic mainly due to employment forms that defy the standard Fordist relations on which unions developed. These inform major ILO standards. The second challenge is the visibility of workers within the sector. Even when organisational constraints have been overcome for informal workers, there arises the question of representation within union structures. Studies have shown the limit of union internal democracy on a number of scores. It is in these sectors that working women dominate.

Women's location in the labour market is marked by a number of features. First is their congregation in sectors and ranks where remuneration is low and conditions highly insecure. Forms of labour market segmentation by sex differ across nations but everywhere women are overwhelmingly represented in the service sectors, informal, subsistence and care work. Two concerns emerging from labour market segmentation is the class division among women workers often exacerbated by the health of the national economies where they spend their

working life. The other is the double edged effect on women's employment: a rapid expansion in women's formal waged employment, in more precarious work, with minimum working rights and reduced ability to mobilise and negotiate conditions of work.

### **Women's Union access and roles**

The need for women to be part of unions is the fact of their legitimate status within state legislations. A lot however, has been said about union organising constraints in the labour market sectors where women predominate like the informal economy and subsistence production. Concerns have been expressed about organising domestic and care workers, another work form where women dominate. This produces union situations where women are in the minority as union members, hold lower positions even as union leaders and therefore not seen in union activism. Outlining the gender equality situation in trade unions Cobble (2012) summarises the issues under three gaps, union access, leadership and priorities which I find useful. Globally women tend to be in the minority as union members and absent in union leadership: the representative deficit or access gap. Where they are present they tend to hold stereotypic positions and more likely to represent other women or hold less influential positions (Britwum and Ledwith, 2014). Studies show that the situation remains same irrespective of the sex composition of the unions (Britwum, 2016; Ledwith S., 2013; Hensman, 2002; Chinguno, 2014; Ledwith S., 2006). Women's participation in union leadership was not different whether the unions they were leading were predominantly female or male. According to Cobble (2012) union structures and processes creating the access gap derive from union origin informed by the conception of work as based in formalised industrial concerns, employing male breadwinning workers with dependent wives and children. Though hardly reflective of the global working experience, union structures have operated on these norms. The second aspect of union access is women's exclusion from union leadership negotiating teams. It derives from structuring union membership around the male breadwinner with no responsibilities beyond the workplace. Women's gendered domestic roles, sexual stereotypes that hold leadership positions as male preserves all account for this state of affairs. Women's exclusion from union membership and leadership impede union reaction to their issues, systematically silences them and renders their workplace challenges invisible or trivial.

Traditional trade unions, recognising the challenge posed by women's representation deficit to their survival and legitimacy, instituted decades ago, a number of interventions. Strategies included special organs, some with dedicated funding, needed institutional mandate and guiding policies. These are supported by quotas in union events and decision making structures as well as special seats. The actual impact on union internal democracy and attitudes varies. In several instances women's membership and leadership have increased dramatically (Britwum & Ledwith, 2014; Cobble, 2012). Such positive impacts notwithstanding, union membership remains characteristically exclusive of women workers in density, leadership and negotiating teams. Some have even warned of reversals in the gains made over the decades (Briskin, 2013; Parker & Douglas, 2010; Phllinger, 2010).

An emerging concern is whether gender democracy initiatives can empower women in their unions and the workplace. The ensuing criticisms range from the demobilisation effect in pushing single women into union leadership, the qualification of women leaders as most suited to representatives of all women and effectiveness of women's separate spaces (Britwum, 2012;

Hensman, 2002; Koch-Baumgarten, 2002). In all these approaches, the circumstances shaping union response form the basis for success. Such contextual factors include union ideology and commitment, number and power of women within unions and the historical environment when union equality strategies are being set up (Cobble, 2012, p. 46). The combination of strategies that most women's unions have utilised also explain successful initiatives (Cobble, 2012).

Effective strategies determine union ability to overcome the third gap i.e. union prioritisation of working women's concerns. Discussions focused on the very content of working women's needs and who has the prerogative to articulate them. Women's issues vary in response to their diverse locations like class, race and religion with temporal dimensions, subjected to constant redefinition in response to contemporary situations (Cobble, 2012). Here studies distinguish between class interests and those fundamental to women's working lives as gendered beings. Such interests might traverse the work place into community concerns. Mainstream patriarchal union interests cohere with women's once they cover wages and work-life balance concerns. Women and men union members are less likely to agree on harassment and violence around sexuality.

Studies have noted forms of organising amongst informal workers generally and women workers in particular (Ally, 2005; Lindell, 2010; Cobble, 2012; Britwum & Ledwith, 2014). Cobble (2012) calls such efforts women's 'New Unionism'. Noting the variations from traditional trade union structures, Ally (2005) also captioned such activities as 'organising and not unionising'. Alternative models for organising workers is the associational mode. The actors within such alternatives are numerous, ranging from informal economy workers themselves and their benefactors like NGOs, religious groups and human and women rights activists. Its strength is still under debate considering the success it provided in the run to the convention on domestic workers; Convention 189. A number lament that it fails to provide the basis for workplace protection as effectively as trade unions. This brings into the debate other actors and how they are providing the space for women workers to seek promotion of their rights.

There are a number of success stories of non-union forms of organising in the 3 continents where informal economy work dominates. Specific examples often cited in literature include the Self-Employed Women's Association of India (SEWA) and others it has inspired in South Africa, Cambodia and Thailand. In West African countries such as Ghana, Nigeria and Benin successful women trader's organising pre-dates independence (Britwum, 2013; Lindell, 2010). Their struggles for better working conditions sometimes took them right to the centre stage of struggle for political democratic rights (Prag, 2010). They employ a number of approaches aligned to traditional trade unions or act independently. But it is the issue of the day that determines who they align with (Britwum, 2013). Some contestations emerging from the space such actors provide include the level of agency that their engagements allow workers.

Working women's rights to form, join and mobilise through unions, derive from their gender positions shaped by the political economic contexts. The continuous informalisation of labour markets makes mobilising important for women workers now more than ever. A number of issues arise therefore that demand global attention. I suggest these to inform discussions at the EGM preparing for CSW 61 in 2016. These issues outlined below are framed around gender equality agenda setting for unions, engaging women's new mobilising initiatives, promoting

women's forms of agency and finally connecting women's workplace struggles with broader equality struggles.

They include:

### **1. Setting union gender equality agenda**

- Formal union education and its place in raising women's union consciousness;
- Gendering and un-gendering collective bargaining;
- Re-designating women's workplace needs as workers' needs;
- Moving unions to pursue benefits beyond the legislative mandated ones;
- Outlining the contextual factors that determine strategy success;
- Covering the gap between worker friendly and labour friendly union legislations;
- Getting male union leaders to identify with women workers' interests;
- Deepening understanding of union role in maintaining patriarchy.

### **2. Women's mobilising initiatives and agency**

- Women's agency and their ability to challenge gendered union structures and cultures;
- Building women's trade union consciousness and ownership;
- Enhancing women's ability to pursue their workplace rights to benefit;
- Accounting for women's power under patriarchy.

### **3. Mobilising to connect workplace and social struggles**

- Women's sexuality and trade union interests;
- Linking workplace struggles with broader social justice and political demands;
- Bringing care, subsistence and informal economy into the political economy of production;
- Defying notions of masculinity that legitimate commercialised sexuality and sexual violence;
- Distilling class from gender interests;
- Building bridges to connect national, continental and global gender agendas.

The signs within the international political economic arena show an intensification of informalising trends set to make women's rights to form, join and mobilise through unions more difficult. The issues and how they are framed should allow for deep discussions that ensure solutions for dynamic union formations that respond to women's needs in the myriad of spaces where they work and will continue to work for a while.

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