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Women's Labor Rights and Economic Power, Now and in the Future

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* The views expressed in this paper are those of the authors and do not necessarily represent those of the United Nations.

Introduction

For the vast majority of the over 1.3 billion women workers employed in today's global economy, economic empowerment is inextricably linked to securing labor rights, including the right to freedom of association and collective bargaining. These rights are embedded in an array of agreements at the International Labor Organization.¹ Many other legally binding rights instrument, including the Universal Declaration of Human Rights, encompass both the right to work and the right to assemble, organize and form trade unions.

Despite these legal protections and some important gains in gender equality and poverty reduction over the past several decades, significant structural barriers hinder women attaining economic empowerment. The majority of women workers globally labor for very low wages, in unsafe and unhealthy working conditions, with little or no job security or social protections. While new forms of work are emerging from the globalizing economy, they are often built on old structures of exploitation and discrimination, perpetuating poverty and inequality for hundreds of millions of women.

To secure women's rights and economic empowerment, numerous transformations in the world of women's work, both paid and unpaid, are necessary. Work must be viewed as a continuum that encompasses both paid and unpaid labor, in order to understand the constraints women face in realizing both their rights to decent work and rest and leisure. Unpaid work needs to be brought to the forefront of an agenda that promotes the realization of women's rights: It must be recognized in statistics and policy, reduced by public investment, and redistributed so that unpaid work is shared equally between men and women.

Economic policy informed by and accountable to labor and human rights principles will provide the foundation from which women can break down barriers and realize their rights, including addressing inequities in caring duties in the home. It will also promote broadly shared growth. Rights-based labor and community organizing among women workers and their allies can shift power relationships, change working conditions and address barriers to full and equal participation in the labor market.

In a recent paper addressing women's economic empowerment, "Transforming Women's Work: Policies for an Inclusive Economic Agenda,"² the authors called on policymakers to develop and implement a coherent combination of macroeconomic, labor market, human rights and social policies specifically designed to transform women's work worldwide, support women workers' organizing to assert their voice and power, and secure worker and economic rights enshrined in internationally recognized human and labor rights agreements. The briefing paper was informed by a group of experts who met to discuss women's economic empowerment, with a focus on macroeconomic policy and labor rights.³

The paper that follows includes and expands upon that work, and echoes the call for concerted rights-based policies and practices that will transform labor markets and provide decent work as a basis of women's economic empowerment globally.

I. Gendered Effects of the Current Economic Policy Framework

Economic policy too often adheres to a vision of development that assumes maximizing economic performance through free-market capitalism will automatically result in growth that 'lifts all boats.' That model ignores the structural barriers women face, and often works at cross-purposes with gender equality and other human rights.

a. Macro-economic Policy

Macro-economic policies affect the operation of the economy as a whole, shaping the availability and distribution of resources. These policies reflect and determine key economic, political and social considerations, including demand, growth trajectories, exchange and interest rates, banking and foreign exchange reserves, and regulation of the financial sector. Monetary policy also impacts employment and the utilization of productive resources.

Nominally gender-neutral macro-economic policies implemented under the neo-liberal development paradigm reflect and reinforce gender biases. Contractionary monetary policy, which prioritizes the reduction of inflation over employment creation or addressing structural socio-economic barriers, disproportionately affects women and other marginalized groups.⁴ Women are particularly hard-hit by austerity policies, implemented in many countries in times of economic crisis, often under pressure from international financial institutions.⁵ Austerity policies cut public employment in areas like health care and education where women often comprise the majority of workers,⁶ and cut social services and infrastructure, including the child- and health care that women rely on.⁷ A 2010 survey of 56 developing countries found that a full two-thirds were responding to the 2008 economic crisis by cutting areas of the budget that had significant effects on gender equality, including education, healthcare, and subsidies for food, fuel and basic items.⁸ In Mexico and Honduras, women workers accounted for over 70 percent of layoffs resulting from the 2008 crisis.⁹

While all states face budget constraints and competing priorities, research demonstrates that public investments in physical and social infrastructure designed to alleviate gender inequality and poverty can result in greater productive capacity and stimulate growth.¹⁰ Expansionary fiscal policy is sustainable when it is focused on holistic economic investment.¹¹ A critical analysis of the gendered impacts of resource allocation not only reduces unintended consequences of gender-blind budgeting, but prevents governments from silently de-prioritizing women's rights.¹²

Women may also be disadvantaged by tax policies that reduce corporate obligations, which weaken a government's ability to provide public services, as women disproportionately rely on these programs.¹³ In Britain, changes to direct taxes and social

security introduced by the government since 2010 raised 26 billion pounds, 80 percent of which came from women.¹⁴ Further, macroeconomic, trade and other policies that ignore gender also generally ignore the structural barriers and social discrimination that affect other disenfranchised groups, including racial, ethnic, sexual or religious minorities. Women who also belong to these other groups may be particularly affected by policies that ignore or exacerbate social disadvantages. In these cases, human rights principles provide additional guidance for recognizing and addressing multiple and intersecting identities such as, but not limited to, gender, race, ethnicity, class, sexual orientation, ability, nationality, religion and age, to ensure the diversity of the whole person is recognized and valued.

Economic policies that create and reinforce disparity between men and women persist, even though gender inequality is linked to overall economic inequality and diminished growth over time.¹⁵ Yet it is also true that in the short-term, certain forms of gender inequality, such as wage gaps between men and women, can create higher growth, by reducing the cost of women's paid labor.¹⁶ Since the operation of many economies remains biased in favor of short-term profits over long-term sustainability, it carries an inherent gender bias that perpetuates unequal economic and social systems. Both men and women suffer when rigid hierarchies block paths to human achievement and long-term, sustainable development.

Human rights principles provide an important framework for assessing and guiding the design of macroeconomic policy. They include: non-discrimination and equality; progressive realization; maximum available resources; non-retrogression; minimum core obligations; accountability, participation and transparency; and extraterritorial obligations.

Core Human Rights Principles for the Assessment and Development of Economic Policy and Women's Economic Empowerment

- 1. Non-discrimination and Equality:** A fundamental aspect of states' human rights obligations is that of non-discrimination and equality. The Universal Declaration of Human Rights (UDHR) Article 2 states that: "everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) also sets out steps that a State party must take to eliminate discrimination, including adopting appropriate legislative and other measures. Article 4(1) recognizes the legitimacy of "temporary special measures aimed at accelerating de facto equality between men and women." It is clear that CEDAW does not only mean the absence of a discriminatory legal framework, but also means that policies must not be discriminatory in effect. CEDAW requires that states achieve both substantive and formal equality and recognizes that formal equality alone is insufficient for a state to meet its affirmative obligation to achieve substantive equality between men and women. Less attention has been paid to the fact that both UDHR and ICESCR specify 'property' among the grounds on which 'distinction' in the enjoyment of rights is not permitted. It has been accepted that this refers to the wealth or poverty status of people.
- 2. Progressive Realization:** The International Covenant on Economic, Social and Cultural Rights (ICESCR) specifies that states have the obligation of "achieving progressively the full realization of the rights recognized in the present Covenant" In other words, governments must mobilize the available resources in order to enhance the enjoyment of economic and social rights over time. This obligation recognizes that the resources at the disposal of a government are limited, and that fulfilling economic and social rights will take time.
- 3. Maximum Available Resources:** The principle of maximum available resources says that the state is required to use the maximum of its available resources to meet human rights obligations. Resource availability is not just 'given' to states but depends on how the state mobilizes resources to finance its obligations to realize human rights.
- 4. Non-Retrogression:** This means that once a particular level of enjoyment of rights has been realized, it must be maintained. This implies that retrogressive measures on the part of a state must be avoided. States must demonstrate that they have considered alternative policies that might avoid the need for expenditure cuts that are retrogressive. An example of a potentially retrogressive measure would be cuts to expenditures on public services that are critical for realization of economic and social rights; or cuts to taxes that are critical for funding such services.
- 5. Minimum Essential Levels/Minimum Core Obligations:** States that are parties to the ICESCR are also under a "minimum core" obligation to ensure the satisfaction of, at the very least, "minimum essential levels of each of the rights" in the ICESCR.¹⁰ However, even in times of severe resource constraints, states must ensure that rights are fulfilled for vulnerable members of society through the adoption of relatively low-cost targeted programs.
- 6. Accountability, Participation and Transparency:** The importance of accountability and participation is emphasized in the Limburg Principles¹⁴ on the implementation of ICESCR. Under these principles, states are accountable to both the international community and their own people for their compliance with human rights obligations. This requires a concerted effort to ensure the full participation of all sectors of society. Popular participation is required at all stages, including the formulation, application and review of national policies.
- 7. Extraterritorial Obligations:** The Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights state that States have obligations relating to acts and omissions that have effects on the enjoyment of human rights outside of that State's territory. These include administrative, legislative, adjudicatory and other measures. Realizing women's rights necessitates going beyond the promotion of women's empowerment in the labor market. The question of the enforcement of labor rights, the quality of employment, and volatility of earnings must also be considered. One reason women face different economic circumstances to men is because of their responsibility for unpaid labor. Work must be viewed as a continuum that encompasses both paid and unpaid labor in order to understand the constraints women face in realizing both their rights to decent work and rest and leisure. Unpaid work needs to be brought to the forefront of an agenda that promotes the realization of women's rights: it must be recognized in statistics and policy, reduced by public investment, and redistributed so that unpaid work is shared equally between men and women.

b. Trade Policy

Traditional approaches to trade policy promoting pro-business regulatory schemes, incentivizing foreign investment and enhancing low-wage, low-skill export sectors have been a global driver of precarious, unsafe employment for women, rather than producing decent jobs with fair pay and good working conditions. In many countries, trade and trade policy have not pulled women out of poverty as promised. For example, a recent analysis of major apparel-exporting countries found that wages for garment workers fell in real terms between 2001 and 2011.¹⁷

Neoliberal trade and economic policies often simultaneously tout weakening labor regulations, lowering or eliminating tariffs, and reducing market regulation and protections in order to drive export-led growth. Income from tariffs has traditionally been a major source of revenue in developing countries, and the gains from increased exports have not offset losses, particularly as more countries compete with one another in low-cost, low-skill sectors, where women workers predominate. In many countries, overproduction increased unemployment, and growth stagnated as public budgets shrank.¹⁸

Deregulation and other economic policies have also helped drive the power of large multinational corporations, and concentrate wealth in fewer hands. Modern trade and investment agreements, for example, often narrow how governments legislate in the public interest and empower transnational corporations and wealthy investors to challenge policies that limit profits.¹⁹ Failing to meaningfully regulate the private sector has resulted in increased inequality, precarious work, tax avoidance and evasion, systemic financial risk, environmental degradation, and the failure to realize human rights.²⁰

At the same time, the power of workers to negotiate better working conditions and secure their rights has been systematically undermined by economic policy and accompanying laws and practice. States have the primary role in preventing or halting violations of workers' rights to freedom of peaceful assembly and association, with clear obligations to protect, promote and fulfill these rights, even in the global economy. Yet worker's ability to exercise their rights is in precipitous decline. In its 2016 global rights index, the International Trade Union Confederation (the largest labor organization in the world, representing 168 million workers in 155 countries) reported that restrictions on freedom of speech and assembly, including severe crackdowns in some countries, increased by 22 percent, with 50 out of 141 countries surveyed recording restrictions. The report also found that 82 countries exclude workers from labor law, and more than half of all countries deny some or all workers collective bargaining.²¹

Attacks on basic union rights harms women workers. There is a direct link between growing income inequality and declining unionization.²² Union membership brings large benefits for women workers, helping to reduce pay gaps and increase incomes and benefits. For example, unionized women in the United Kingdom earn on average 30 percent more than non-unionized women and have more paid leave, while unionized men

make only 7 percent more than non-unionized men.²³ In Canada, trade union women earn just over \$6.65 per hour more than non-unionized women.²⁴ Through collective bargaining, women workers can use their power to increase wages, benefits, and working conditions in the short-term and long-term. Economic policies that empower corporations and weaken the fundamental right to form labor unions impact women's ability to negotiate a fair and equitable distribution of economic growth.

II. Labor Force Participation, the Gender Pay Gap, Occupational Segregation and Unpaid Work

Traditional macro-economic and trade policies ignore structural barriers that impact women's ability to enter and compete fairly in the labor market, reinforcing unequal outcomes.²⁵ For example, discrimination and other social norms converge with employers' economic power to lower women's pay both absolutely and relative to men and funnel and segregate women into low-wage and low-status labor markets. The growth of precarious work in the modern economy, and the heavy, hidden and disproportionate burden of unpaid labor on women's income, opportunities and well-being contribute to an uneven playing field, and to the intergenerational transfer of poverty. These barriers must be systematically addressed as part of larger strategies to enhance women's economic empowerment.

a. Labor Force Participation

Women's labor force participation is an important measure of social and economic well-being. With the right conditions--fair wages, safe workplaces, training and advancement opportunities, the rights to organize and bargain collectively--paid employment helps women achieve economic independence and enhances their agency and social mobility.

Only about 50 percent of women are in the paid, formal labor force, compared with almost 75 percent of men, and the overall increase in women's labor force participation has stagnated.²⁶ In 128 economies, clear legal barriers to women's entry remain, from restrictions on certain forms of employment or the right to own property to requiring male relatives' consent for women to work.²⁷ There are also many pernicious barriers to entering the labor market and obtaining decent work, such as the effects of pure discrimination on hiring, and the pressures on women's time and mobility imposed by their disproportionate burden of unpaid labor, discussed below.

b. Gender Wage Gap

The gender wage gap prevails across the globe, reflecting both pay discrimination in specific jobs and occupational segregation, with higher-paid male-dominated jobs and lower-paid female-dominated jobs. An ILO study of 83 countries found that on average women earn between 10 percent and 30 percent less than men through paid employment.²⁸ This inequality is connected to both structural barriers and discrimination.

Adequate data on the gender wage gap does not even exist for many countries, suggesting a need to prioritize collecting and analyzing this data, particularly across much of Africa and South America. Official estimates for other states vary from 37.5 percent in the Republic of Korea, to 24.8 percent in India, to 17.8 in the United States.²⁹ The average gender wage gap in Organization for Economic Cooperation and Development (OECD) countries is currently calculated at 15 percent.³⁰ The lowest recorded gap is 3.5 percent in Slovenia.³¹

Compounding the problem, estimates for many countries may be artificially low because they fail to account for workers in the informal economy (see box). Informal workers generally earn less than formal workers, and women, many of them migrants, usually comprise a significantly higher proportion of informal workers.³² There is evidence that the gender earnings gap persists even in the informal economy, to the benefit of male workers.³³ To accurately assess the gender wage gap, statistics on informal workers must be gathered and analyzed.

Women in Informal Employment: Globalizing and Organizing (WEIGO), a non-governmental organization, defines the informal economy as “the diversified set of economic activities, enterprises, jobs, and workers that are not regulated or protected by the state.”¹ This includes workers without the formal social protections or status associated with employment, and companies that are not registered or otherwise licensed or recognized.

Worker organizing is an important tool for addressing the gender pay gap, particularly for discriminatory treatment within workplaces. Collective bargaining provides a transparent process for comparing wages for similar positions, giving women critical information to fight against discrimination. Many countries do not keep adequate data to assess the union effect on gender equality, but statistics from the United States indicate that the wage gap for unionized women is 40 percent less than for non-unionized women.³⁴ Policies that require wage transparency within organizations can also help to address gender pay disparity at the firm level.

c. Occupational Segregation

Gendered occupational segregation is a consistent feature of labor markets globally. It reflects continuing societal barriers to equal opportunity in the labor market, and is one of the largest contributing factors to the gender wage gap, as women are generally concentrated in areas with lower pay, lower prestige and fewer benefits.

Women are particularly underrepresented in the industrial sector, which accounts for 26 percent of male employment but only 16 percent of female employment. This sector tends to pay higher wages and benefits, and the male-female gap actually appears to be widening.³⁵ Meanwhile, the service sector, which tends to pay lower wages and offer fewer benefits, accounts for almost 48 percent of female wage employment around the world. Within the OECD countries, the service sector constitutes 80 percent of women’s

employment compared to 60 percent of men's.³⁶ Agriculture also claims more women workers than men.³⁷

When an occupation is over-represented by women workers, it is “feminized.” Sometimes these occupations are associated with stereotypical gender roles, such as women’s preponderance in paid care work or nursing,³⁸ while in other cases it reflects qualities ascribed to women workers, such as docility, manual dexterity or a willingness to work for low wages. From an economic standpoint, such segregation is inefficient, as women miss out on positions where they would be better matched and more productive.³⁹

Occupational segregation has trapped millions of women workers in precarious, poorly-paid and often dangerous work. Women tend to be crowded into the lowest levels of the global value chains, in sectors such as garment production, electronic assembly and agriculture. Often, supervisors and managers in these same industries are overwhelmingly male.⁴⁰ When industries are upgraded along the supply chain into higher technology or higher skilled work, these jobs often become “de-feminized” regardless of the skill and education level of women workers.⁴¹ In essence, when previously feminized jobs in the supply chain become better jobs, they are de-feminized, reflecting market power and discriminatory gender norms rather than skills.

d. Women’s Unpaid Work

Unpaid work (labor that is done without direct form of compensation), includes child and elder care and household tasks, anything from cleaning and cooking to gathering basic resources like firewood and water.

Globally, women and girls do more unpaid work than men (See box), and their work creates a tremendous amount of value for the economy. The heavy and disproportionate burden of unpaid work inhibits women’s literal and figurative mobility, forecloses opportunities, and perpetuates a deeply entrenched structural advantage enjoyed by men that transcends cultures. When women spend more hours on unpaid work, they have less time and flexibility available for market work, education or leisure activities. Care duties often necessitate finding employment within or in close proximity to the home, or work that fits with school or hospital schedules. Societal pressures can steer women towards jobs that are not perceived to suffer skill loss if there is a break in employment. Employers make choices about hiring, firing and promotions that reflect stereotypes and assumptions about women as primary care-givers and secondary earners. This results in gendered employment structures that are shaped by and reinforce women’s unpaid care duties, with women more likely to work part-time, on-call, in their own homes or in paid caring labor.

As advocated by the Center for Women’s Global Leadership, unpaid work needs to be: recognized, in terms of statistics, analysis, and policy implications; reduced, in terms of public investment in appropriate infrastructure and services; and redistributed, in terms of measures that promote equal sharing of remaining unpaid work.⁴²

Recognizing unpaid work requires accurate information. Many countries do not conduct time use surveys or otherwise collect any data on how much time women and men spend on unpaid work. Unpaid work is virtually never accounted for in macroeconomic statistics, such as gross domestic product. In the United States, unpaid childcare services alone account for an estimated \$3.2 trillion, roughly 20 percent of gross domestic product (GDP).⁴³ In Mexico, unpaid care and domestic work accounts for an estimated 21 percent of the national GDP, while in Tanzania it accounts for approximately 35 percent of GDP.⁴⁴

Reducing unpaid work requires infrastructure investment. States have a fundamental duty to ensure access to the basic necessities required for human life. When this responsibility is not honored, women often bear the burden of ensuring survival for themselves and their families. For example, in rural sub-Saharan Africa, women and girls collect water for nearly three-quarters of all households.⁴⁵ This burden would be greatly reduced or even eliminated by adequate public provision of water. Likewise, public provision of energy would address the time women spend gathering fuel. Sanitation services and adequate healthcare would reduce illnesses in the household requiring care.⁴⁶ Investments in physical and social infrastructure have been shown to not only reduce unpaid work, but enhance gender equality in terms of health, education, and income outcomes.⁴⁷

Redistributing women's unpaid work requires both targeted policies and changing social norms regarding gendered responsibilities. Investments in childcare, early education, paid leave, social security and other programs shift some responsibility for these critical activities from women to society as a whole, while driving economic gains from increased employment. It is estimated that if 2 percent of GDP were invested in the care economy in OECD countries, employment would increase between 2.4 percent and 6.1 percent. That would translate into almost 13 million jobs in the United States and 3.5 million in Japan.⁴⁸

There is still a role for targeted policies to address prevailing attitudes about unpaid work, and ensure that responsibilities and burdens shift within households. For example, in Norway, parental leave policies total nine months of paid leave, three that can be taken by both parents together, and three for each parent that are non-transferable, thus incentivizing greater paternal responsibility for early childcare.⁴⁹

Work must be viewed as a continuum that encompasses both paid and unpaid labor in order to understand the constraints women face in realizing both their rights to decent work, rest and leisure. Any agenda that promotes the realization of women's rights must prioritize unpaid work. It must be recognized in statistics and policy, reduced by public investment, and redistributed so that unpaid work is shared equally between men and women.

III. The Changing Nature of Work

A global economy geared toward enhancing corporate profit and limiting employer responsibilities have led to the growth of precarious work arrangements.⁵⁰ Precarious employment exist in both formal and informal work, and involve many different employment models, including part-time, short-term or temporary contracts, on-call schedules, and layers of subcontracting or franchising in addition to work outside any structured employment relationship. Those with informal employment have less job security and less power relative to their employers, with little opportunity to bargain for higher wages and better working conditions. Women are particularly concentrated in insecure forms of employment.

The labor market used to be described by two types of employment – traditional wage employment where workers had relatively high stability, but relatively low autonomy, and entrepreneurial self-employment where workers had high autonomy but less stability. The International Classification of Status in Employment system defines work along this axis of risk and control,⁵¹ but the modern labor market has realigned to place increasing amounts of risk on the worker while employers often retain high levels of control.⁵² This has disempowered many workers, particularly women, and led to economic vulnerability.

This shift towards precarious work, while the result of intentional business strategies to minimize responsibilities to workers and cut costs, is also tied directly to the failure of governments to regulate labor markets in a way that ensures fundamental labor rights and social protections for all workers.

a. Precarious Hiring Arrangements

Corporate strategies for minimizing responsibilities to workers, and liability for labor rights violations take on an array of forms depending on the legal and cultural context. Companies may use contingent arrangements, complex webs of subcontracting or arrangements like franchising. In the United States, employers regularly attempt to classify workers as independent contractors or hire contracting firms to avoid domestic legal obligations to pay the benefits required for workers designated as employees.⁵³ In Colombia, the vast majority of workers in many industries are hired on short-term, renewable contracts, which allows the employer to avoid paying into social security, worker's compensation and other public programs, and to thwart unionization efforts by simply cancelling contracts with labor agitators.⁵⁴

Women workers bear the brunt of inequalities resulting from the growth of precarious work. They are often concentrated in sectors that utilize precarious hiring, from export-oriented agriculture and low-skill manufacturing to part-time or on-demand work.⁵⁵ They comprise a majority of temporary and short-term contract workers.⁵⁶ Women, generally have greater care duties and longer lifespans than men, and are particularly hard-hit by the evasion of social protections that are attached to employment, from parental and sick leave to pensions.

After more than 30 years of deregulation, structural adjustment and privatization, migrant workers are subject to the worst expressions of free market economics.⁵⁷ Recent decades

have seen a rapid growth of female labor migration, with tens of millions of women yearly channeled into sweatshops in low-end manufacturing supply chains. In Cambodia, almost 90 percent of garment factory workers are young women who have migrated from rural areas to the city. Migration from neighboring countries has provided an essential source of low-wage labor to the thriving export industries of Thailand and Malaysia.⁵⁸ Labor trafficking is a migration issue of major concern, and the number of young women coerced, deceived, trafficked across borders, exploited and often brutally abused continues to grow. Victims of trafficking are likely to be forced into exploitative labor situations due to their inability to speak the local language, and their irregular status in a foreign country.⁵⁹ Unregulated and unethical labor brokers are a lead player in precarious hiring arrangements that exploit migrant women workers. They funnel women into stereotypically ‘female’ jobs in sweatshops and domestic work, often under difficult conditions.

Flexible employment policies, which involve deliberate deregulation to decouple employers from their responsibilities to workers, have been promoted as a means of economic development. The International Monetary Fund and other financial institutions have championed weakening labor protections and deregulating economic sectors to drive growth and attract investment. However, any short-term gains from driving down worker bargaining power and wages are off-set by the long-term destabilizing effects of increasing poverty, and the political weakness that results when workers cannot claim their democratic rights. These policies have an outsize impact on vulnerable groups, including women and racial and ethnic minorities. Workers with less pay decrease consumer demand and the tax base for social services, just as reliance on these programs often increases. Reduced employer contributions to social safety nets further shrinks the public coffers. Workers are less able to organize and demand a fair share of economic wealth, increasing inequality and the inter-generational cycle of poverty, particularly for women and minorities.

Once again, there is a need for adequate data capture to fully understand the impact of precarious work, and its particular effects on women. Governments should analyze the use of precarious hiring arrangements, and ensure policies extend equal rights and social protections to all workers.⁶⁰

b. Accountability and Global Supply Chains

Women workers are concentrated at the bottom of global supply chains shaped by the export-led development model. Special economic zones, where women workers typically account for 60 percent to 90 percent of the 65-million-strong labor force, reduce or outright eliminate worker protections to attract foreign investment and spur industry. Lax enforcement of existing laws may provide a short-term market advantage for employers, but these policies result in poorly paid, often dangerous jobs that are highly unstable and subject to the whims of international demand. Technological advances have made it easier to fragment production, pitting workers and firms against one another in a single and highly feminized global labor pool, which applies downward pressure on women’s wages and labor standards. Communities are treated as interchangeable, with no long-

term investment in skills or infrastructure. Women are regarded as a cheap, flexible and ultimately expendable workforce.

The fragmented structure of global supply chains means that lead companies almost never directly hire the workers who actually make products or contribute resources to the global supply chain, and are not usually held liable for labor practices in the production process, despite having a huge amount of influence on pricing and conditions.⁶¹ This separation makes enforcing labor rights particularly challenging. The relentless demand for lower cost production fuels abusive practices, as it is often simply impossible to produce at the prices demanded from powerful lead firms while providing a living wage to workers.

The lack of accountability has unique, gendered impacts on the female workforce. In addition to wage theft and hazardous working conditions, gender-based violence, particularly sexual harassment (hostile environment and quid pro quo) is common in global supply chains. Research involving women in Kenya's export processing centers and tea and coffee sectors revealed that more than 90 percent had experienced or observed sexual abuse within their workplace, and that 95 percent of all women who had suffered workplace sexual abuse, were afraid to report the problem, for fear of losing their jobs. The vast majority noted that promotions were related to some form of sexual relationship with a supervisor.⁶² A study of female farmworkers in California found that nearly 40 percent experienced sexual harassment ranging from verbal advances to rape on the job, and 24 percent said they had experienced sexual coercion by a supervisor.⁶³

Women's risk of gender-based violence at work is impacted by social norms that devalue women, the degree of male dominance (in terms of numbers and norms) in the workplace, and related segregated labor markers that concentrate women's work in certain job categories, such as in small-scale manufacturing and electronics. Gender-based violence at work is deeply harmful to individual survivors, and reflects and perpetuates the pernicious power relationships that are the root of gendered social and economic inequality. Studies show it affects every aspect of survivors' well-being, agency, voice, and self-actualization, including livelihood/employment prospects, physical and emotional health, and involvement in civic activities, such as trade unionism and advocating for one's labor and human rights. It also undermines productivity and thus, gain, striking a blow to the economic survival of poor and own-account workers, as well as impacting employers' bottom line.⁶⁴

The structure and incentives used in supply chain production, and the attenuated chain of responsibility creates a climate of impunity with respect to harassment and abuse. In a study of the garment industry (which is dominated by women workers), researchers found that "supervisors are more likely to extract sexual favors (called quid pro quo sexual harassment) in firms that provide production incentives to line workers. Supervisors who are charged with monitoring the productivity of individual workers for the purpose of determining the production bonus appear to extract some portion of the bonus in the form of sexual favors in exchange for reporting work effort that is bonus-eligible."⁶⁵

International framework agreements with global corporations are one mechanism to help address gender-based violence and other forms of abuse that specifically impact women in supply chains. The global trade unions IUF and IndustriAll recently negotiated an agreement with Unilever to ensure implementation of established procedures that allow employees, including those working for contractors, to safely report abuse, and that specifies processes for addressing complaints.⁶⁶ Recently, workers campaigned globally to ensure that the International Labor Organization launches a standard-setting process for the development of international labor standards to combat gender-based violence at work.⁶⁷

c. The Impact of Technology

New technology platforms present both opportunities and challenges to labor markets and gender equality. New technologies can offer opportunities to grow economies and promote opportunities and autonomy for women. However, the on-demand or “gig” economy, while often characterized as innovative and entrepreneurial, reflects antiquated, often exploitative employment models.⁶⁸

Fundamental rights at work apply regardless of the structure of that work. However, too often, employment created in the “gig economy” is precarious jobs, where workers cannot earn a living wage or benefits but remain totally dependent on the company to obtain work. Modern technology lets firms compartmentalize work into smaller tasks. When combined with high levels of un- or under-employment, businesses have access to a vulnerable workforce and little incentive to “hoard” skills. Employers such as Uber can structure employment relationships to shift virtually all risk--for wages, insurance, and social protections--onto workers.

Troublingly, gig economy jobs are sometimes discussed as particularly suited to women under the assumption that flexible, ad hoc schedules present a solution to managing the ‘work-life’ balance. This automatically assigns women a higher burden of unpaid care work, and assumes that the preferential way to address this issue is flexible schedules, not better pay, better access to childcare and other support services or rethinking social stereotypes. While “on-demand” jobs are marketed to female workers, the direct-hire, full time formal-sector employees at technology companies creating these new platforms are often predominantly male. Some workers may have a legitimate desire for greater flexibility in scheduling, but many work part-time or temporary gigs not out of choice, but because there are not better jobs available or adequate social services.

Governments must ensure that all businesses, regardless of their structure or novelty, respect fundamental labor rights, and recognize the economic reality of employment relationships. While attempts to twist legal definitions or characterize employment laws as antiquated are not limited to emerging sectors of the economy, the effort to evade government regulations is particularly pronounced in this arena. In some instances, new regulations may be necessary to address technologies or services, but in many cases it is simply a matter of rigorously and creatively applying existing laws.

d. Informal Work

Informal work, which has always existed but has increased over the past several decades, constitutes the majority of employment for women in many countries. Informal work covers job classifications from own-account workers to employers who own and manage informal sector enterprises, to ‘informalized’ jobs in the formal sector (see box, Section II.b). Marginalized individuals or groups may face structural barriers or social constraints to accessing jobs in the formal sector. Further, employers hoping to pay lower wages or avoid legal obligations that come with formal employment often seek out informal arrangements.⁶⁹

For millions of women workers, transitioning into the formal economy could mean job security, employer contributions into social protection programs, and membership in a trade union that would represent their interests. However, the structural factors that drive many women into informal work have to be meaningfully addressed.

In 2015, the International Labor Organization adopted an international labor standard to provide a rights-conscious framework for transitioning millions of informal workers and businesses into the formal economy.⁷⁰ This transition must be accomplished in a fair, measured and sustainable way, which often requires intermediary steps of extending increased access to legal protections, financial resources including credit and property and business rights. Governments must ensure that informal workers have access to core labor protections, including the rights to freely associate, engage in collective bargaining and be free from discrimination, and have access to social protections including education and healthcare. Access to social services are particularly critical for women to address the unpaid care work that often drives them into informality.

Governments must ensure workers have access to social protections, regardless of the nature of the work they do or the form their hiring takes. States, taking into account their own unique circumstances, must ensure that all citizens have their most basic needs met through the development of social protection floors (See box). Some governments have tackled gaps to specifically include informal workers, for example Uruguay made changes to its national healthcare system in 2011 to allow “*empresas unipersonales*” (one-person businesses) to receive healthcare.⁷¹ These efforts need to be more widely adopted and scaled up to ensure full, equal access to all basic social protections.

Social Protection Floors

The United Nations has defined four basic social services that governments must provide to all citizens: quality, accessible healthcare, including maternal care; basic income security for children, including access to nutrition and education; basic income security for working-age people to earn sufficient income, particularly in cases of sickness, unemployment, maternity and disability; and basic minimum income security for the elderly.

Labor protections can and should be deliberately extended into informal workplaces. States must enact minimum wage floors for all workers regardless of the nature or employment structure of their work. Minimum wage laws particularly impact women, as they are concentrated at the lowest end of regional and national pay scales.⁷² Specific initiatives should address home-based, own-account, piece rate, domestic and other workers to ensure their income also meets this wage floor. A widely cited successful example is an initiative in Pakistan to extend minimum wage laws to bidi cigarette rollers who work out of their homes by extending minimum piece rates guarantees, which not only enhanced workers' income but gave them greater negotiating power with employers.⁷³ To ensure these initiatives are successful, states must further ensure accountability for businesses and buyers.

IV. Collective Action to Promote Women's Economic Power in the Changing World or Work

Greater access to discriminatory labor markets is not sufficient to ensure economic security, autonomy or equality. Women must have access to decent work, where their rights on the job, including access to safe working conditions, fair pay and freedom from discrimination. This requires both top-down government strategies to address precarious work and protect fundamental labor rights and bottom-up worker and community organizing to identify abuse and define solutions.

According to the ILO, **decent work** sums up the aspirations of people in their working lives. It involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men. **Decent work** programs direct public and private resources towards creating meaningful opportunities and social mobility, guaranteeing rights and respect on the job, promoting social dialogue through strong worker organizations and extending social protections to all workers, including safe working conditions, access to health care and family leave, sufficient workers' compensation and allowance for adequate leisure time and rest.

See: <http://www.ilo.org/global/topics/decent-work/lang--en/index.htm>

Bottom-Up Organizing

One of the best strategies for women's economic empowerment is, quite simply, widespread access to decent work. Given the systemic nature of gender discrimination in

labor markets, however, this will require women collectively exercising their power and voice to build economic systems geared to justice, sustainability, and shared prosperity.

With more than 70 million women organized in trade unions today, and many millions more in cooperatives and other worker rights organization, women workers, their organizations and their communities are in the best position to monitor labor conditions, report problems and articulate needs and solutions. Women workers are building powerful alliances to shape the conditions of their employment, from the local level to policies governing the global economy. Unfortunately, too often women trade unionists and other human rights defenders are subjected to violence, threats and harassment. Many governments have exacerbated this situation by allowing impunity for such retaliatory acts, or by narrowing the space for civil society participation in public debate and policymaking.⁷⁴ Governments have a fundamental duty to protect the rights to association and assembly, and ensure activists are not subject to threats and reprisals.

Women organizing in workplaces and communities is indispensable to upholding fundamental labor rights, changing power dynamics and defining policy priorities. For example, women textile workers have led efforts to unionize in Honduras. In a country with rampant labor rights violations, and low wages and unionization rates, women leaders have been able to negotiate collective agreements in six factories that not only raise wages but include specific provisions around childcare and maternity leave.

Organizing can address exclusions from labor protections, which often reflect stereotypes that view traditional women's work as beyond the purview of economic accounting and legal protections. Domestic workers, most of whom are not covered by labor laws, have organized to improve their lives and livelihoods. Mobilization across borders resulted in a new international labor standard, and many national legislative initiatives that gave domestic workers the right to form unions, work regulated hours and receive paid benefits, and laws that increased penalties for sexual harassment.⁷⁵ In 2010, Kenya guaranteed domestic workers the rights to minimum wages and to form unions,⁷⁶ while in Brazil the first collective bargaining agreement covering domestic work went into effect in 2013.⁷⁷ Organizing changed policies and norms, and enhanced rights-consciousness among domestic workers themselves.

Trade unions and worker organizations are increasingly organizing in the informal economy, playing a crucial role in the transition from informal to formal and gaining greater rights and recognition.⁷⁸ The Brazilian National Movement of Collectors of Recyclable Materials (MNCR)⁷⁹ was instrumental in pushing for a national solid waste policy, enacted in 2010, which formalized and prioritized relationships with waste pickers' cooperatives,⁸⁰ and aimed to reduce child labor by enrolling families in *Bolsa Familia*, a program that provides direct cash payments to send children to school.⁸¹

IV. Looking to the Future:

Achieving women’s economic empowerment and rights-based sustainable development will require a transformation of women’s interaction with labor markets. Government policies must be reoriented towards gender equality and women’s economic and social rights, with a commitment to creating decent work for all. To succeed, the enforcement

Promoting women’s rights in the labor movement

Trade unions must intentionally create an inclusive, representative movement. This requires both top-down approaches to promote women in leadership positions and shape gender-conscious agendas and advocacy, and bottom-up strategies to support women workers engaged in grassroots organizing and local women’s committees, forums and other mechanisms to identify priorities. Currently, in the United States, women are 44 percent of union members but occupy only 20 percent of top leadership positions.¹

Unions should identify and implement ways to support women workers. This includes incorporating gender-focused priorities into collective bargaining, such as demanding information on pay and promotion during negotiations with employers and including contract provisions that explicitly remedy discrimination and provide benefits most valued by women workers such as maternity/paternity leave; providing equal training and career opportunities to women; enhancing accommodations and flexibility for family care; and identifying policies and best-practices for combatting gender-based violence at work. The labor movement must advocate for public policies that address occupational segregation and create equal opportunities in education, training and recruitment.

of labor rights, the quality of employment, and volatility of earnings must also be considered.

This requires a comprehensive and coordinated approach that puts in place pro-worker and equality-enhancing enabling environment, to include: macroeconomic policies designed to value women’s unpaid work and social reproduction; policy and legislative changes to address structural barriers and inequalities, including discrimination, low wages, access to care services, and occupational segregation; and workplace practices and policies so that employers, in dialogue with labor unions, are addressing pay discrepancy, career progression, and overall conditions of work. It requires a robust labor union movement acting in full support of women’s labor rights. It also requires changing societal stereotypes about the nature and value of work, promoting new norms where, for example, men take on an equal share of care work.

The recommendations below are not intended to be a comprehensive map of all policies, but to highlight some key areas for greater action. This far-reaching and comprehensive agenda is not a task for policymakers alone. Governments, employers, labor unions, human rights and social justice organizations must all engage to ensure the full

realization of women's rights in the 'private' sphere of the home and family, as well as the 'public' sphere of politics and the market.

Recommendations:

Governments should:

Design macroeconomic policy to mobilize the maximum possible level of resources to realize women's economic rights and to reduce gender inequality, including in unpaid care work:

- collect data on unpaid and informal work, and integrating unpaid work, social reproduction and informal work into the formulation and evaluation of macroeconomic policies;
- craft integrated policies that promote and support decent work and full employment for women; and develop ongoing tripartite engagement between policy makers, employers and women workers and their unions and allies to ensure policies are grounded in the reality of women workers, and address the particular systemic discrimination they face;
- implement and monitor the impact of gender-responsive budgeting to ensure resources are being funneled at the national and local level to enhance women's economic rights and well-being;
- invest in physical infrastructure to support human capital formation and the care economy, such as schools, hospitals, and gender-inclusive transport systems.

Reform trade and development policy to emphasize long-term growth and accountable business practices:

- conduct research into the gendered impacts of trade policies, and specific trade and investment agreements, with a view to identifying what aspects of the agreements enhance women's work, and what aspects undermine their labor rights.
- reassert governments' duty to adopt sensible economic and social policies that protect and promote women's economic and social rights, with particular attention to labor, without being subject to legal challenges from corporations.
- regulate business activities to respect women's rights and meaningful, long-term community investments that promote decent work for women; and
- ensure that the sustainable development goals are not undermined by trade policies.
- recognize, reduce and redistribute care work by collecting accurate information, investing in physical and social infrastructure and the public provision of child

care, education and elder care, and implementing policies that support the equal distribution in the household of the provision of care.

- be held accountable in the event of failure to adequately investigate or remedy exploitation of women in supply chains.

Address structural barriers to decent work and full employment for women workers:

- ensure access to basic social protections for all workers, without regard to sex, nationality, race, employment or migration status.
- create a living-wage floor for all workers, in both the formal and informal sector.
- build a robust and gender-inclusive labor rights inspection, monitoring and adjudication system capable of identifying and addressing gendered labor rights violations, such as gender-based violence at work and discrimination.

Protect labor and community organizing:

- protect the right to freedom of association, assembly and speech to allow women activists to organize unions and other civil society organizations and engage with policy debates.
- protect labor activists and other human rights defenders from retaliation.
- promote and implement labor laws that improve the bargaining power and position of women.

¹ In addition to key conventions such as those covering maternity protection rights and equal pay for equal work, the ILO Declaration on Fundamental Principles and Rights at Work (1998) places an obligation on all ILO member States (irrespective of ratification of the relevant conventions) to respect, promote and realize, in good faith and in accordance with the ILO Constitution, the principles concerning fundamental labor rights. These rights are: freedom of association and the right to collective bargaining, nondiscrimination in employment and occupation, effective abolition of child labor and elimination of all forms of forced or compulsory labor. The Declaration applies to all men and women workers, and to migrant workers, irrespective of their legal status.

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