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Gender, Labour Rights and the Ethical Trading Initiative (ETI)[i]

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Introduction

This paper intends to inform discussions about gender issues and labour rights in the Ethical Trade Initiative (ETI) in the UK.

What is The ETI?

The Ethical Trading Initiative (ETI), which was established in 1998, is a tri-partite alliance of companies, NGOs and trade union organisations whose shared aim is "to improve the lives of poor working people around the world."

The main instrument for achieving this aim is the ETI Base Code, which was jointly negotiated and agreed by the three groups within the ETI alliance. It comprises a set of minimum labour standards that reflect those established under the main ILO conventions, including freedom of association, health and safety at work, non-use of child labour and non-discrimination on the grounds of race, religion, caste and gender. The Code is voluntary, but all member companies are required to commit to the aims of the Base Code and to adhere to a set of Implementation Principles that accompany it. These include a commitment to monitor company practices in these areas, to commit resources to awareness-raising and training and to take corrective actions to address breaches of the code in the supply chain.

The main activities of the ETI are aimed at identifying best practices in relation to the Base Code through collaborative research and the development of tools to enhance company capacity to implement and monitor the provisions of the Code. This work is guided by the ETI Board and the inputs of the different Caucuses whose members represent the three constituent sectors of the ETI (the corporates, trade unions and the NGOs).

The work of the ETI is funded primarily from member contributions (60%) and also by DFID (40%). Company membership has grown to over 50 companies including many well known brands (Next, Gap, Monsoon) and supermarket chains (Tesco, Sainsbury's, ASDA). NGO members include the large NGOs, such as Oxfam, Save the Children Christian Aid, CAFOD, and smaller ones, such as Women Working Worldwide (WWW), the Homeworkers Worldwide UK (HWW) and CAWN.

CAWN and the ETI

CAWN is one of the founding members of the ETI and has participated actively in its work through its involvement in the NGO caucus. In addition to the regular duties of all NGO members, that include contributing to company monitoring and inputting into the policy development and best practice identification, CAWN has played a key role in placing gender issues firmly on the ETI agenda together. From 2006-8, CAWN coordinated the work of the Gender Working Group, which was set up to develop gender awareness and a strategy and

tools aimed at mainstreaming a gender focus at all levels of the ETI. The other members are: Women Working Worldwide (WWW), Homeworkers Worldwide UK (HWW) and WIEGO (Women in Informal Employment: Globalising and Organising).

This paper, commissioned by CAWN, is one of the outputs of the work of the Gender Working Group. Drawing heavily on the CAWN's longstand experience of working on these issues with women's groups in the region[ii], the paper explains what is meant by a gender perspective on labour rights and codes and puts forward some recommendations for better practice. It looks beyond the 'discrimination' clause in the ETI Base Code and explores some common myths about gender that often undermine efforts to improve the situation of women workers in global supply chains. After providing a brief overview of the ETI and CAWN's role within it, the first section of the paper introduces some important issues on gender and labour rights. The second briefly examines the ETI from a gender perspective. The third unpacks myths about gender discrimination. The fourth section offers some examples of good practices. The last section makes some recommendations.

The paper does not represent the official policy of the ETI, but has been discussed and approved by other members of the Gender Working Group of which CAWN is a part. As such this paper does not claim to offer all the answers but rather serves as a first step towards opening up the discussion on these issues with ETI members and the Secretariat. It may also provide important insights for other stakeholder initiatives and for those organisations working on issues of labour rights and codes of conduct.

Gender and Labour Rights [iii]

Before going on to look at the specific relevance of gender in relation to labour rights, we need to establish what we mean by the terms 'gender' and 'discrimination'.

What is Gender?

Gender is socially constructed and learned. While biological sexual differences are the same across the world, being a woman or a man (gender) is very different in various cultures and changes over time. The position of men and women in society differs widely from one place to the next and can change over time. These differences are determined by the social, cultural, legal, political and economic environment. At one level, they also reflect differences in what is meant by the terms 'male' or 'female' or 'masculine' or 'feminine'. People themselves define certain behaviour and qualities as being masculine or feminine and identify certain activities as being appropriate for women or men in a specific society. In this way, gender roles are allocated based on what is considered to be 'appropriate' (for example, man as the breadwinner and woman as the carer). This, in turn, has given way to a gender division of labour (productive, reproductive and community work). These gender differences shape and influence the life experiences, knowledge, perspectives and priorities of men and women, respectively.

What is discrimination?

Discrimination can be direct or indirect. Direct discrimination occurs when a person is treated less favourably than others due to their sex, race, nationality, disability, sexual orientation, marital status etc. Indirect discrimination occurs when a rule, condition or requirement, which is applied to all groups, has an adverse effect on people from one or more of the above-mentioned groups without any acceptable justification.

Adapted from Wassenaar (2006) and Oxfam website.

Gender-based discrimination can be both direct or indirect and can apply to both men and women. As a rule, women are more likely to be adversely by such forms of discrimination than men Thus, in this paper we focus on women.

In order to respond to the needs of women workers, it is important to recognise that the way in which most women engage in paid (and unpaid) work is often different from the way men do. A recent report of the International Labour Organisation (ILO, 2007) shows the persistence of gender gaps in employment and pay and highlights the need for integrated

policies addressing sex discrimination in remuneration and occupational segregation by sex, while reconciling work and family responsibilities.

Research shows the importance of gender considerations and the need for gender-sensitive monitoring practices in relation to labour standards (see for example, Auret and Barrientos (2004). This research also draws attention to the inadequacy of the concept of 'worker' and the importance of recognising many sub-groups of workers, such as women, men, home workers and migrants.

Research has also shown that precarious work leads to new risks and vulnerabilities that are not contemplated in traditional labour legislation (Rittich, 2004). What is more, the International Labour Standards and the equal treatment clause are based on a contract of a '*male breadwinner*', typically a wage-earner, pursuing employment in the public sphere in receipt of a family wage and a '*female caregiver*' confined to the private sphere' (Vosko, 2004, p2). Feminist research shows that this is not the case in many households (see for example, Safa, 1995). Although there are variations by countries and regions, the following points are some of the learning.

- Whether or not they are in paid work, women tend to take on most of the responsibility for domestic work, including the care of children and the elderly.
- In addition to their unpaid work at home, women often need to earn a wage as the men's wages are insufficient to meet all the family's needs. Moreover, men, even if they are in paid employment, are usually less likely to contribute to the expenses of the household and children
- Single mothers are under even greater pressure to earn a living, as they are the sole breadwinner
- Although this varies according to countries and regions, informal employment is a larger source of paid employment for women than men, with women over-represented in informal employment and with the majority of home workers being women (ILO 2007).
- Small unprotected workplaces have been traditionally outside the reach of official trade unions and, therefore, more open to exploitation
- In many countries and sectors, most of the women who are employed in large, more regulated workplaces are young unmarried women[iv].
- Women often do different jobs from men, and these jobs are mostly considered to be worth less than men's jobs (Pearson, 1998). Women (and men) are paid less in 'women's jobs' simply because they are considered to be 'women's jobs'. This form of occupational segregation with pay equity being is based on indirect, rather than direct discrimination (i.e. different jobs are assigned to women and men). However, it is also common for women to get lower wages for the same or equal work (ILO, 2007).
- Women also experience both direct and indirect discrimination in relation to access to training and/or promotion. Women are less often seen as appropriate candidates for training and promotion and/or their household and caring responsibilities interfere with these opportunities for advancement.
- It has also been contended that women are employed because they are considered a more 'docile' workforce (Elson and Pearson, 1981).
- Women are generally viewed as a more flexible workforce than men, employed when needed and more easily dismissed when demand is low. Although some women may prefer this flexibility to combine with their unpaid work at home, it is also the case that they often have no better alternative. It could also be argued that employers are taking advantage of gender differences to fit the economic demands for flexibility in the market.

In line with its mission to "improve the lives of workers" – both men and women, the ETI needs to address these widespread forms of discrimination experienced by women in the workplace. Key issues underpinning gender-based discrimination in the workplace that need to be addressed include:

- The insecure nature of much women's work;
- The lack of recognition of home workers (mostly women) as workers.

- The lack of social protection for workers in outsourced and unregulated workplaces (such as for homeworkers).
- Irregular and unpredictable hours which are hard to reconcile with domestic responsibilities;
- Gender differences in pay and access to training and promotion;
- The abuse of gender-based power imbalances, e.g. sexual harassment and gender-based violence in the workplace;
- Inadequate recognition of women's reproductive role and their maternity rights including taking leave to carry out family care (sick children, elder care, etc.) and access to childcare.
- The lack of safe transport to and from work.
- The need for collective forms of organising women workers in ways that take into account their gendered circumstances, career aspirations, illiteracy and home working.

Gender and Codes of Conduct: A Conceptual Framework

Barrientos S and Sally Smith, 2006) shows that the code has had little or no impact on tackling gendered discriminatory practices. This is so despite the fact that the sites included in the study had been audited by ETI companies and given the category of compliant by company internal/external auditors (Barrientos, 2007). Thus, the authors conclude that the Code is not making any significant difference to the lives of women workers at the bottom of the global supply chains of ETI member companies.

It has been argued that "*Codes of Conduct are generally oriented towards tackling overt aspects of employment such as working conditions and wage rate*" and that "*it is important to recognise that broader social norms, including the combined productive and reproductive responsibilities that women assume, have a direct bearing on women's position within the labour force*" (Barrientos, Dolan and Tallontire, 2003, p9).

The "*gender pyramid*" developed by Barrientos, Dolan and Tallontire (2003, pp9-11) is a useful tool for understanding the gender blindness of most voluntary Codes of Conduct that have been developed by companies (see Figure 1 below for an adapted version of this figure). The gender pyramid divides the key issues relating to the conditions of employment into three inter-linked levels: at the top, come Firstly, the tip of the pyramid covers the formal issues that both men and women confront in the workplace [freedom of association, collective bargaining, safety and hygiene, living wages, contracts, discrimination, and work hours]. The next level addresses employment related issues, which are usually more important to women than to men due to women's role in household and childcare responsibilities [provision of housing, training, workplace childcare, reproductive rights, maternity, paternity and parental leave, transport and occupational health and safety]. The third level relates to "*the broader socio-economic circumstances that affect women's ability to access particular types of employment and the conditions of employment they subsequently experience*" (ibid., p9) [social norms and practice, education, domestic responsibilities, and gender relations]. Thus, we see that the further down in the pyramid, the greater the proportion of women in comparison to men affected by those issues.

The three levels of the pyramid can be broadly equated with the four types of gender intervention as expressed by Coleman (2002) (see figure 2): to equip women (based on the disadvantage of women in the world of work and trade, for example, to provide women with skills on health and safety and others); to create equal opportunities (to address structural or environmental factors that militate against women's ability to compete on a level playing field, by new standards, policies and guidelines to tackle behaviours such as sexual harassment and discrimination, with flexible practices such as flexible working hours and parental leave); to value difference (changing embedded structures that lead to gender inequalities and oppression by, for example, creating women-only structures and childcare provision) and to make a new reality (opening different conversations between men and women about what is possible, what can be said and what can be taken seriously, and by whom, a process that requires disrupting power regimes to bring about change where both women and men flourish).

The empirical research findings of 5 case studies (Costa Rica, UK, India, South Africa and Vietnam) in the ETI Impact Assessment show the same pattern as this conceptual pyramid (including Coleman's Framework). Gender issues on which the ETI has had some impact are the more 'visible' ones, and include those found at the top of the pyramid, particularly in level 1 (Barrientos, 2007).

- Health and safety (toilets, hygiene, protection).
- Contracts for regular women workers.
- Reduced overtime (mixed impact as migrants without children tend to want to work more)
- Harsh treatment (less verbal abuse – auditor reports).
- Access to employment benefits (including maternity benefits).

Conversely, in the case of issues that are more 'embedded' in society (Barrientos, 2007), the ETI has had very limited impact. These are mainly situated in levels two and three of the pyramid. Moreover, the study shows that even in the case of the more obvious forms of discrimination, the ETI's impact has been quite limited. These include, for example:

- Gender discrimination by 'task' and equal pay.
- Widespread gender discrimination in hiring and promotion.
- Disproportionate number of women significant on temporary contracts.
- Disproportionate representation of men in management and supervisory positions (especially in South Africa, India, Costa Rica. Less so in Vietnam and the UK).

Figure 1: The Gender Pyramid (adapted from Barrientos, et al, 2001 and Coleman 2002)
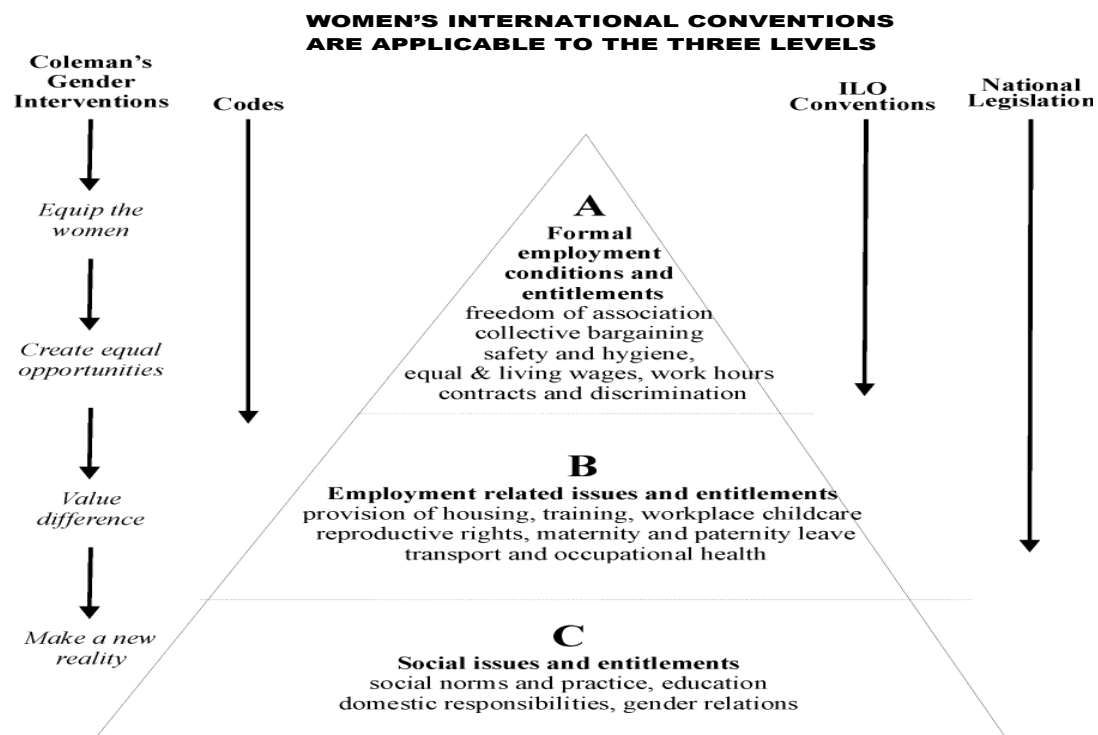
Note: Women's labour rights are also included under various international conventions, platforms for action and declarations relating specifically to women, such as: CEDAW (the Convention on the Elimination of All Forms of Discrimination against Women) (www.un.org/womenwatch/daw/cedaw/); the Beijing Platform for Action (www.un.org/womenwatch/daw/beijing/platform/); and the Declaration on the Elimination of All Forms of Violence Against Women) (www.unhchr.ch/html/menu3/b/21.htm)

Figure 2: *Frames to think about Gender in Corporate Social Responsibility. [Adapted from Coleman, 2002]*

	Problem seen as	Intention	Action
First frame: to equip women	Women lack right skills and knowledge	Minimise differences	Skills development mentoring
Second frame to create equal opportunities	Biased recruitment and promotion	Create level playing field, eliminate bias	Revised policies and training, flexible work
Third frame to value difference	Women's skills not recognised and valued	Re-value differences as result of socialisation	Diversity training, consciousness-raising
Fourth frame to make a new reality	Apparently neutral practices have different impacts	Legitimate multiple ways of being	Challenge assumptions and create new stories

The ETI Base Code and Gender

The ETI Base Code states that:

> *There is no discrimination in hiring, compensation, access to training, promotion, termination or retirement based on race, caste, national origin, religion, age, disability, gender, marital status, sexual orientation, union membership or political affiliation.*

When referring to harassment, the Base Code also mentions sexual harassment: "physical abuse or discipline, the threat of physical abuse, sexual or other harassment and verbal abuse or other forms of intimidation shall be prohibited". Thus, specific gender issues are not explicitly mentioned in the ETI Base Code; instead, they feature as part of a general clause on discrimination, and sexual harassment features in a general harassment clause. In other words, the Base Code deals mainly with equality in wages, hiring and firing, and sexual harassment, but does not include issues such as maternity protection, work–family balance provision and so on. Therefore, the Base Code is very limited in terms of scope with regards to the three levels that the Gender Pyramid represents.

Neither has gender been mainstreamed into the institutional structure of the ETI. There is no focal person with expertise available to ETI members, no permanent working group, pilot project or publications specifically devoted to gender. There is also inadequate consideration of gender within ETI strategies and policies. One example is the strategic document that emerged from the 2005 ETI Conference, which highlighted five key directions for the ETI, which did not include any focus on gender issues and women workers. However, gender has been introduced into ETI events, conferences, workshops and publications. An example is the latest ETI workbook, where gender is addressed in the section regarding good practices for companies.

The ETI Secretariat has also cited the following additional examples of ways in which gender has been taken on board by the ETI[v]:

- Increasing female representation on the board, in chairing caucus and project groups.
- Gender expertise among some individual members of the Board and the Secretariat.
- The priority attached to gender in the selection criteria applied in recruiting researchers for the aforementioned Impact Assessment by the IDS (Barrientos and Smith, 2006)
- The selection of several Project Coordinators with local [and gender] expertise over the last 3 years (e.g. Kenya and China).
- The smallholder and homeworkers groups both have taken a conscious decision to look at gender.
- Specific actions within the ETI such as the complaint presented by WWW on Kenyan Flowers. This had a very central gender focus in an industry in which the majority of the workforce is made up of women workers.

Myths/Stereotypes about Gender Issues and the ETI Base Code

We live in a world of gender (among other) stereotypes. We are surrounded by messages about women being weak, passive and carers and men being strong, active and breadwinners. These kinds of ideas are all too familiar, although the content of each stereotype varies from place to place. With regard to the area of labour rights and codes, we can also find specific myths that draw on the societal ones and that need to be scrutinised. The first of these relates to the effectiveness of the 'discrimination' clause in the codes in isolation from any other gender-specific provisions. Next, in the spirit of free and open discussion within the ETI, we go on to identify other gender myths that need to be challenged.

Myth: 'Discrimination' clause in the Base code is adequate

No. It is open to interpretation.

A Code of Conduct itself, as a document, does not completely show a commitment (or lack of it) to gender equality. The process is more complicated than that as there are training programmes, manuals, forms to be filled in by auditors, drafts of reports and final reports, as well as other procedures and systems in place that have an impact on the interpretation of gender issues in Codes of Conduct. All these practices go though a process of interpretation by different individuals.

The ETI Base Code has an appendix called "ETI implementation principles". This document refers to "commitment", "monitoring and independent verification, and reporting", "awareness raising and training", "corrective actions" and "management procedures, pricing and incentives". Some of the statements are very vague, and some are disclaimers. For example, "workers whose work is covered by the code are, *where possible*, made aware of the code and implementation principles or procedures" (emphasis added). This statement allows for workers to be unaware of the Base Code and also does not tell us who is supposed to make workers aware or how. If the workers are not aware and are not consulted, it leaves open key issues, such as discrimination experienced by women workers, to be interpreted by the auditors and other actors.

The interpretation of the codes is mainly carried out by individuals and institutions that often lack gender awareness. Consequently, the implementation and monitoring of codes of conduct frequently fail to pick up on or address issues affecting women workers, thereby both upholding and reproducing to gender insensitivity and/or discrimination.

In many cases, Codes of Conduct may be the only source of information for women workers about their right to protection against all forms of gender-based discrimination. Thus, it is important that all the forms of discrimination which affect women, as well as their specific needs, are included, so that codes can be used as a tool for workers' education, rather than a generalised statement of intent that can not easily be seen to relate to their own lived realities.

The inclusion of more specific issues within codes is also needed to enhance company compliance. Unless they are clear about what forms of discrimination they are supposed to

identify and take action to address, it is very difficult for them to do so.

However, as argued below, 'unpacking' the concept of discrimination is not always as straightforward as one might expect!

Myth: The discrimination clause in the Base Code will ensure Gender equality

No. Gender equality is more than freedom from discrimination

Gender equality involves positive promotion of women's rights and gender equity, and that promotion is not just a matter of affirmative action, but involves thinking about the different roles and needs of men and women and planning with these differences in mind.

The Base Code does not make a specific commitment to supporting female employees, or addressing the challenges that women face linked to family obligations, such as childcare and domestic work. Nor does it address women's vulnerability when leaving work late at night and their need for safe transport home. Such issues need to be integrated into the ETI Base Code. Beyond these basic issues, the ETI Base Code could also be used to go further and suggest more progressive policies aimed at promoting the advancement of women in the workplace and/or challenging the unequal gender division of labour in the home.

Women's circumstances, in particular their heavy domestic responsibilities, put them in a disadvantageous position compared with men. Consequently, they are less likely to benefit from training and promotion opportunities. Thus, positive action policies are needed to help women to enjoy equal access to such opportunities

Another issue stems from the fact that the evaluation and monitoring of the implementation of codes does not, as a rule, differentiate between how these may be applied to women and men, respectively. Thus, for example, the differential access of men and women to training and promotion opportunities would not be picked up in a monitoring report.

Gender discrimination can be tackled as a separate 'stand alone' issue

No. Gender is related to all labour rights issues.

A clear example relates to overtime. Often, access to overtime pay is the only way to top up the basic salary (often below what is required to live on). However, some women are to do overtime on account of their childcare responsibilities. Those that are able to, often can do so because older (girl) children have to stay at home to look after their younger brothers and sisters, thereby, in some cases, denying them other opportunities, such as further education. In such cases, the gender impact of employment conditions can be seen to extend beyond the workplace to other members of the household. This example illustrates the need to take into account the wider social and cultural context of women workers' lives.

Another example, concerns the issue of sexual harassment. Since women are concentrated at the bottom end of hierarchies, they are more likely to suffer from the abusive behaviour of supervisors and managers. As previously mentioned, the issue of sexual harassment is one that is addressed in the ETI Base Code.

Women also face particular issues in terms of health and safety that need to be referred to specifically. Codes need to ensure that employers provide safe working conditions for women with respect to menstruation and pregnancy. During pregnancy, women should receive extra protection from toxic substances and given lighter tasks without losing pay or being demoted. Several ILO conventions protect this right. Women working at home or in small workshops should receive information about health risks not only for themselves but also their families.

There are other myths that need to be unpacked; the table below only shows some preliminary ideas for further analysis.

Other Myths around Gender and Codes

Gender equality is 'not a priority'
No. A big proportion of the supply chain workforce of ETI members is made up of women; a majority of homeworkers are women. For this reason alone, gender should and in a few cases, has been recognised as a clear priority by ETI members.
No. Without a gender analysis, codes are ineffective in practice because they do not fully address discrimination.
No. In many countries there are equal opportunities policies that have to comply with under government contracts.
No. It is a priority for committed members of the ETI. Some initial good practices have been put in place recently.

Gender 'Discrimination' is cultural and structural so 'nothing can be done'
No. Culture can be oppressive and is not fixed.
No. Local people are also fighting to change oppressive cultures.
No. The elimination of discrimination, including sex discrimination, is a universal right included in the Universal Declaration of Human Rights and other overarching international HR instruments
No. It is not only about 'out there' it is also here and with us. Companies also have to deal with staff from many countries and cultures who are directly employed.
No. If companies are serious about being socially responsible, then they should also be addressing discrimination, being sensitive to the local culture/society while challenging oppression.

Gender discrimination would be 'solved' with freedom of association
No. It depends on the gender awareness of the trade unions and on the specific provisions included within collective agreements. Both these depend on the level of women's involvement in trade unions, both at the grass-roots level and in top decision- making positions. The involvement of women in trade unions helps to ensure that issues of importance to women are prioritised on the bargaining agenda. Trade unions also need to extend their reach so as to include workers (predominantly) women outside the traditional workplace setting. In this respect, there have been some advances among ETI companies[vi].

It is 'too costly' to eliminate discriminatory practices
No. It depends on measures taken. For example policies on sexual harassment, the promotion of attitude change and more gender sensitive auditing do not need to be costly.
No. Far from costly, measures aimed at addressing gender, are cost effective: a more gender-equal workforce is a happier and more productive workforce.

Discriminatory practices can be completely solved by ETI companies implementing codes
No. It will depend on other factors outside codes practices but companies can contribute to the solutions, rather than being part of the problem. But, this is not the responsibility of companies alone. Responsibility must be shared by all ETI members, including the Secretariat and will require concrete actions that deliver results.

Good Practice on Gender[vii]

This section puts forward a set of core standards that need to be addressed as a way of moving issues of gender equality from being "hidden" within calls for **freedom from discrimination** into the "open" and to the forefront. Many of the issues indicated below represent good working practice for both women and men. The issues have been classified in a way that also largely corresponds to the Gender Pyramid's three levels and the findings in the ETI Impact Assessment (visible versus embedded issues), i.e. those issues covered/not covered by the ETI Base Code and those that are specific to homeworkers.

Issues covered by the ETI Base Code:

• *Employment insecurity*
Security of employment is a major concern for many women workers but especially non-permanent workers. This means shifting seasonal and casual workers towards more permanent contracts.

• *Overtime.*

Overtime is often compulsory and frequently exceeds the maximum hours set out in codes and national laws. Overtime pay levels vary and are often lower for women. Overtime may be denied to workers on temporary contracts. For women regular overtime makes it difficult to balance productive and reproductive roles and has the potential for negative consequences at a societal level. Arranging childcare at short notice when overtime is required is particularly problematic. Personal safety can also be an issue if transport is not provided after dark.

Policies and practices needed to address these issues may include: eliminating compulsory overtime, ensuring that overtime is kept within legal limits, standardizing overtime pay (on a gender-equitable basis) giving longer notice periods when overtime is required, offering equal access to overtime for both permanent and temporary staff and providing safe transportation home following overtime shifts.

• *Sexual harassment.*

The persistence of sexual harassment (particularly from male supervisors), despite the intentions of some managers who wish to eliminate it, is often related to the hierarchical employment structure of companies. This, coupled with the lack of senior female staff in many workplaces, makes women reluctant to report incidents of harassment.

These problems could be addressed by employing more women in both supervisory and management roles, creating opportunities/spaces where women can safely report incidences of sexual harassment, restructuring businesses to follow flatter structures, and adopting zero tolerance policies towards the perpetrators of sexual harassment, gender-awareness training for male workers, as well as supervisors. Other measures, that have been identified by the ETI Trade Union coordinator, Annie Watson, include the provision of separate toilet facilities (on the grounds that a lot of sexual harassment takes place in unisex toilets) and the inclusion of a simple question such as 'what mechanism do you have for dealing with a complaint about sexual harassment? in audits as a way of exposing the deficiencies.

• *Representation.*

Women's representation in trade unions, despite progress, is still disproportionately low in many countries and sectors, especially at the leadership level. There are different reasons for this, some related to women's circumstances, such as the high proportion of women workers on temporary contracts, and others to do with the male ethos and management style of trade unions. If trade unions are serious about attracting more female members, they will need to review their working practices and adopt less top down and more participatory ways of working. They also need to address practical issues, such as meeting times and places so that they are made more convenient and accessible for women workers to join as members and as leaders. According to the ETI TU coordinator, Annie Watson, women are beginning to campaign to change their trade unions and they have been backed by those members who support a more progressive agenda. It is also important for trade unions, women's organizations and labour NGOs to collaborate more closely on the basis of mutual respect.

• *Wages.*

Low pay is a serious problem affecting both men and female workers. However, as previously discussed, women tend to be in the least well paid jobs for reasons linked to gender-based socio-cultural norms that determine women's access to education, training and employment opportunities. Single mothers are particularly badly affected, as they cannot afford to pay someone to look after their children while they are at work.

Besides raising wage levels for all workers, the principle of equal pay for work of equal value should be applied, especially in the case of jobs mainly filled by women and the additional financial responsibilities for childcare and child-rearing should be recognised when setting pay scales for women.

• *Health and safety.*

Poor health and safety standards remain a problem for both men and women at work, ranging from dangerous electrical wiring and messy working environments to the widespread unprotected use of chemicals, and a lack of first aid supplies, protective safety equipment and guarding on machinery. However, there are some health problems that are more commonly experienced by women, such as musculo-skeletal disorders resulting from repetitive work and problems linked to pregnancy. In addition, women's mental health is adversely affected by job insecurity and

sexual harassment, sometimes resulting in high levels of stress. Another problem is the lack of attention to occupational health and safety for home-based workers (mostly women).

To address these problems, there is a need to enhance general awareness of health and safety in the workplace, which should also address health and safety issues that mostly affect women.

Issues not covered by the ETI Base Code:

• **Opportunities for promotion.**
Lack of few opportunities for upward career progression tends to diminish worker motivation. This is a serious issue for women, who are more likely to be in low paid, dead-end jobs with few prospects for career advancement. Women are also more likely to be subjected to sexual harassment and expected to grant sexual favours in return for promotion or other employment opportunities. In addition to the above-mentioned measures for addressing sexual harassment in the workplace, companies should adopt equal opportunities policies in relation to promotion and access to educational and training opportunities that will enable them to move upwards in the company. Alternative forms of business ownership, such as women's fair trade cooperatives may also provide women with the opportunity for more equitable working conditions.

• **Pregnancy and maternity leave.**
Key problems faced by women workers include: forced pregnancy testing, denial of rights to maternity leave, unfair dismissal on grounds of pregnancy and lack of access to information about their employment rights in relation to pregnancy and maternity leave. Inadequate or no provision of maternity leave creates anxiety about income security and can lead women to seek abortions and/or hide their pregnancies, both of which can cause adverse long-term health effects. Infants who cannot be well cared for also suffer.

Measures called for in order to address these problems, include: ensuring that both female and male staff know their rights under international conventions and national legislation relating to pregnancy and parental leave; giving women workers information about contraception and sexual reproductive health; ensuring the health and safety of pregnant workers and protecting workers against unfair dismissal on the grounds of pregnancy. This also means that businesses employing a large number of women workers need to include adequate funding for maternity leave and costs relating to pregnancy and maternal health when drawing up their business plans.

• *Childcare.*
Childcare facilities make a significant difference to women's ability to participate in the labour market, yet few companies provide such facilities. Childcare is very important for homeworkers. Companies need to work creatively with their women employees to find ways and means of providing them with easy access to convenient and affordable childcare facilities.

• *Transport.*
Where workers have to use public transport, they can experience problems of unreliability, overcrowding and long delays. For women, in particular, late night public transport – if at all available – might be unsafe, increasing the chances of physical/sexual abuse and attack. This implies the need to arrange overtime work according to availability of public transport, or ensuring that alternative safe transportation is available to staff at affordable or subsidized rates.

Issues that are specific to homeworkers[viii]:

Homeworkers face special circumstances that are often overlooked in labour rights debates and that need to be taken into account when incorporating gender into codes of conduct.

• *Recognition as workers.*
Homeworkers tend to be regarded, either as women doing something in their spare time, or as self-employed or small business women and they are rarely recognised as workers. Since homeworkers usually work in their own or neighbour's houses, it is very easy for the employment relationship to be disguised and/or treated as a buying/selling, rather than employer/employee relationship. When men are also working as homeworkers, women are frequently not even registered as workers but as family members helping out. Consequently, they are denied access to formal employment rights and protections. So it is crucial for

homeworkers that there is some explicit recognition of them as workers (such as a letter of employment, an employment contract or a worker's ID card. and they should have access to the same statutory rights as other workers. The form of this may vary according to the local context - whether it is

• *Social protection:*
Low pay is a major issue for homeworkers. But of equal, if not greater concern is the issue of social protection, namely access to health and pension rights and benefits. For example, Homeworkers Worldwide UK found that homeworkers in rural China consistently reported that they were doing homework in order to cover the costs of health and children's education.

Health insurance and pensions should be seen as a basic right. Establishing this can also be an important first step in organising and bringing women out of insecure, informal employment as Homeworkers Worldwide UK has experienced. This was one of the early achievements of the union of homeworkers in Madeira. Many homeworkers came forward to be registered once they saw an immediate benefit to themselves and their families from the social security scheme that the union fought for and achieved. There is no reason why health insurance and other benefits should be free. Homeworkers can contribute to these, but employers and also, the government should also contribute to such a scheme. Recognition of joint employer/ employee liability can be facilitated through the tracing and mapping of supply chains.

Other issues related to the implementation of codes:

There are issues that go beyond what is covered and not covered in the ETI Base Code. Some are explained below.

• *Lack of awareness of rights and code.*
Many workers are unaware of their employment rights and of national and international legislation that are relevant to them. Poor communication with workers about codes and their importance can be a reflection of wider communication problems between management and workers in the industry. This means educating managers on the importance of employee participation in addressing issues relating to working standards,

and ensuring that employees receive full information on their rights and responsibilities as workers. Such awareness-raising needs to include a clear gender perspective.

• *Auditing and Monitoring*
Most practices around auditing/monitoring fail to respond to gender issues. Auditors, buyers, and factory-based managers should receive gender-awareness training and specific guidelines on how to interpret clauses such as the discrimination clause. Gender-sensitive female auditors should be included in every audit team and they should be the ones who talk to women workers. Sensitive issues, such as sexual harassment, may require specific considerations. Research has given us important methodological insights (for example, Auret and Barrientos, 2004). Some of the issues are:

- Participatory methodologies, particularly women-only focus groups, should be used to help uncover violations that are of priority to women workers.
- Off-site interviews should be used to reduce the risk of retribution and provide a safe space where women workers do not fear speaking about sensitive issues.
- Auditing companies should make contact with local trade unions, in particular women's representatives, and women's organisations prior to the audit to discuss endemic issues, such as discrimination.
- Local independent monitoring groups and civil society organisations, which have a gender- sensitive approach, can be employed to design and/or participate in audits and in the follow up of remedial plans.
- Sites with a large female/ethnic minority workforce where discrimination is evident at supervisory and management levels (e.g. a largely female workforce with few or no female supervisors) should not be signed off as compliant. They should flag up gender discrimination as an issue, and agree the adoption of equal opportunities strategies with suppliers.
- To begin to assess whether the needs and rights of women workers are being addressed it is essential to collect gender-disaggregated information.

• *Complaints procedures.*

Many companies have an informal approach to complaints, ranging from an open-door policy to suggestion boxes. This fails to recognise that many workers are in vulnerable positions and are fearful of communicating with management. This is especially true for women workers, who may be reluctant to discuss problems with male supervisors. Organizations such as trade unions and labour NGOs can play a role in, for example, redesigning complaints procedures so that all staff can voice their opinions with confidence and be listened to with respect resulting in appropriate action being taken. Appointing more women to supervisory and management positions may also serve to make complaints procedures more amenable to women workers. Complaint mechanisms should be accessible to workers to voice their grievances (in confidence where necessary) at any time - not just when auditors are in the workplaces - which would allow for worker participation in monitoring and verification systems.

• *Communication.*

Poor communication between workers, supervisors and management is the cause of many workers' welfare problems. Management delegates authority and power to supervisors (predominantly men), who often abuse this authority in their relations with workers. Some workers fear that they risk being sacked if they express any grievances to management without the supervisor's consent. This means providing different types of training and performance measurements for those in supervisory and management roles so that their expected performance includes a greater respect for the workers. Clearly, this implies the inclusion of disciplinary procedures if disrespectful communication is used.

An example by a company member of the ETI with some promising initial good practices is Chiquita Brands International. The company states that it has the following practices in their own plantations in Costa Rica[ix]:

- Provision of childcare facilities.
- Women workers with children can choose to work few hours in a day.
- The provision of transport or help to buy bicycles.
- The punishment of sexual harassment cases.
- The promotion of women with professional qualifications to supervisory positions.

These practices need to be researched on the ground and more good practices adopted by ETI companies need to be collected and documented.

Recommendations ETI Base Code

According to the Impact Assessment, the following gender recommendations are important (Barrientos and Smith, 2006; Barrientos, 2007).

- To differentiate between 'visible issues', such as health and safety to 'embedded issues' such as gender discrimination. One example is that women constitute a significant proportion of casual/temporary workers.
- The ETI (Secretariat) and Companies should support guidelines, training and awareness on the causes of discrimination and equal opportunities
- Buyers purchasing practices should avoid over-reliance on casual/contract labour.
- Suppliers should review employment practices to ensure they are more sensitive to gender concerns. They should also provide training for supervisors and managers. They should ensure representation of women on committees

- and provide confidential complaints mechanisms.
- Auditors should not pass sites with gender imbalance in workforce/supervisors/managers.
- Trade unions should be more gender-sensitive and actively recruit women workers as members
- NGOs should provide community-based support to women workers (e.g. providing childcare, literacy and language training, and information on rights).
- Both trade unions and NGOs should take into account the organisation/representation of workers (process rights) so as to challenge gendered production relations.
- Governments should enforce legislation on equal rights.

A Women Worker in Nicaragua told us: *'We want [codes] to have a positive impact on our welfare, and we want you to help us with this'* (Focus Group by author, Managua, July, 2001).

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Online Resources:

Women Working Worldwide: www.poptel.org.uk/women-ww

Central American Women's Network (CAWN): www.cawn.org

Homeworkers Worldwide (HWW): www.homeworkersww.org.uk

National Group on Homeworking (NGH): www.homeworking.gn.apc.org

Women in Informal Employment, Globalising and Organising (WIEGO): www.wiego.org

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[ii] In particular, with the Maria Elena Cuadra (MEC) Movement in Nicaragua.

[iii] This section is based mainly on previous unpublished work by Jane Turner and Angela Hale. This initiative wants to keep alive the work to incorporate gender in the ETI of the late Angela Hale, a friend of so many of us. The rest of this paper is based on ongoing research work by the author and specifically her PhD Thesis "Gender, Power and Corporate Social Responsibility: Central American Women Workers and Codes of Conduct", University of Bristol. See for example: Prieto-Carrón M. (2004) Prieto-Carrón, M. (2006).

[iv] We need to be attentive to when this is not the case as many older women are employed, for example in factories in Central America and Mexico.

[v] This section has been compiled from an e-mail communication with Pins Brown , from the Secretariat of the ETI (14th December 2006).

[vi] For example, Annie Watson, ETI TU coordinator, noted that more trade unions are reaching non-traditional workers, while women within trade unions are working towards advancing gender within their organisations (for a good example in the banana industry see Frank, 2005).

[vii] This section draws heavily from two papers: Prieto, M., C. Seeley, and D.F Murphy (2004) and Smith, S., Auret, D., Barrientos, S., Dolan, C., Kleinbooi, K., Njobvu, C., Opondo, M. and Tallontire, A. (2004).

[viii] This section has been compiled from an e-mail communication with Jane Tate from Homeworkers Worldwide UK (4th December 2006).

[ix] Data was compiled in an interview by the author with George Jaksch, Chiquita's senior director of corporate responsibility and public affairs, on 24 May 2004.