

A gender perspective on core labour standards in Ethical Trading Initiative company supply chains

Contents

Introduction

1. The Global context
2. Do Core Labour standards and the ETI Base code address key issues of concern to women workers?
3. ETI member companies and gender discrimination
4. Conclusion
5. Recommendations

Introduction

Why this briefing paper?

This briefing paper is part of a larger project focused on how the rights of women workers can be implemented in international supply chains. Part of the project examines the actions of trade unions and other key stakeholders in the implementation of core labour standards and whether these actions meet the needs of women workers. Although, core labour standards include the discrimination conventions little attention has been paid to what this means and how it can be implemented.

The focus has been made on the implementation of core labour standards because of the importance attached by the international TU movement, and others, on this as the way forward in addressing the violation of workers rights in a globalised economy.

This briefing paper includes a gender analysis of the core labour standards and the Ethical Trading Initiative base code and looks at what Ethical Trading Initiative retailers and brands are doing in an attempt to address discrimination and issues of concern to women workers.

Methodology

The analysis in this paper is derived from information gathered through desk- based research, and key informant interviews with representatives from four Ethical Trading Initiative member companies and two NGOs. The interviewees were chosen for their known experience/knowledge of dealing with gender discrimination. The information, therefore, generated through the interviews does not necessarily reflect a representative view, knowledge or experience of ETI companies or NGOs.

Many thanks to all those who agreed to be interviewed. including Linda Devereux from the National Homeworking Group, Lea Borkenhagen OXFAM GB and company representatives.

1. The global context

1.1 Women are the majority employed (in export industries globally)

The restructuring of the manufacturing industry over the last forty years and the growth of agricultural export industries has resulted in the increased participation of women in the paid labour force in developing countries.¹

In manufacturing this started with the East Asian 'miracle' economies and also Mexico and spread to other parts of Asia and Latin America. In the garment industry in Honduras 65% of the workforce are women, 85% in Bangladesh, and 90% in Cambodia.² Studies also indicate that women make up a large proportion of the workforce for non-traditional agricultural products grown for export such as cut flowers, fresh fruit and vegetables. In Colombia 65% of the workforce in cut flower production are women, in Zimbabwe 87%. In the fruit growing industry in South Africa 69% of the workforce are women and 52% in Chile.³ In the UK 90% of homeworkers are women.⁴

1.2 Occupational segregation

In the manufacturing sector men dominate the management and ownership of factories. On the factory floor there is usually strong occupational segregation on the basis of gender. Women are in the majority on the production line with men working in the laundry areas. In agriculture, occupational segregation is evident with women often confined to the packing areas, and men again dominating management and ownership.

1.3 "Flexible" Employment

This global increase in the number of women employed particularly in export industries such as garments and fresh produce has brought with it some positive benefits to women one of which is measured economic independence. However, this employment also brings significant costs including long working hours, exposure to toxic substances, temporary or no formal contracts, non-payment of benefits, low wages, discrimination, occupational segregation and in some cases physical and/or psychological abuse. The underlying basis of the demand for this flexibilisation of labour, including hiring and firing according to production demand, is the constant search for greater profits in a highly competitive market. Developing country governments offer incentives to companies who invest in the export sector and have weakened legislation to accommodate their demands. For example recently the Sri Lankan government proposed to abolish the clause in the national labour code that prohibits all night working for women. The competition is such that rather than lose investment they often do not implement national labour legislation. Companies are continually looking for countries where the cost to produce the same goods is lower. The area in which suppliers can most easily reduce costs and not lose profit is labour. An example of cost reduction can be seen in the garment industry through the decentralisation of production from urban to rural areas, and increased sub-contracting out to homeworkers.⁵ The majority of homeworkers are women, who work for piece rates, often less than factory based workers, and do not receive other benefits such as social security cover, maternity or sick pay. Their work is often irregular, they and their families can be exposed to

¹ ILO

² (Dolan and Sorby 2003, OXFAM International 2004) in Forthcoming 'Good jobs' and Hidden Costs: Women workers documenting the price of precarious employment, Kidder, T. Rowarth, K. Oxfam Development Journal, 2004

³ ibid

⁴ National Group on Homeworking

⁵ Garment Industry Sub Contracting and Worker's Rights. Report of Women Working Worldwide Action research 2003

health and safety risks. This demonstrates the gendered nature of the restructuring of this industry. It takes advantage of gender discrimination that already exists such as:

- i) discrimination against women because of their reproductive role including failure to observe maternity rights and benefits. The tendency to have an undefined employment status ensures that this is perpetuated as women are denied their full rights as workers.
- ii) an assumption that a woman's wage is not the main household income and therefore not important
- iii) women's assumed responsibility for childcare and the lack of affordable childcare facilities
- iv) the de-valuation of the work women do through occupational segregation. E.g. Women are often confined to specific jobs that are paid less than jobs generally occupied by men.

1.3 Discrimination against women in the work place

Despite the fact that many countries have legislation outlawing discrimination against women in the work place, it is still a widespread phenomenon. This is demonstrated by the following facts:

- (i) the continuing pay gap between men and women in every country
e.g. British women working full time earn an average of 21% less than men, compared with the average pay gap across the European Union of 16%, according to Eurostat.
- (ii) women are the majority in low-paid insecure jobs in the informal economy and therefore, often denied many rights such as the right to organise
- (iii) women are more likely to be living in poverty than men
- (iv) occupational segregation by sex continues to be a worldwide problem⁶: women tend to be employed in a narrower range of jobs than men
- (v) even if women have equal access to education they are unable to rise to the top due to "the glass ceiling".
- (vi) the widespread unequal division of unpaid labour such as sharing of family responsibilities
- (vii) the lack of affordable childcare facilities which restrict women's employment options
- (viii) threats to women's personal security travelling to and from work
- (viii) women continue to be denied rights associated with their reproductive role

1.4 Cases of Sex discrimination

This year the largest case in the US of systematic discrimination against women in a work place went to court. The case, alleges that Wal-Mart discriminates against its female retail employees in pay, and promotions. This includes more than 1.6 million current and former female employees of Wal-Mart retail stores in the US including Wal-Mart discount stores, super centres, local stores, and Sam's Clubs. It is the largest case of this nature brought against a private employer, and damages could exceed a billion US dollars.

It is not just in the US where sex-discrimination cases are filed, last year 14,284 claims were brought against British employers. Although this is significantly lower compared to the US where 24 362 were filed, in Britain many cases are resolved out of court therefore the actual number is likely to be much higher.

⁶ ILO and Gender Equality at Work, Bureau for Gender Equality, International Labour Office p4

2. Do Core Labour standards address the key issues of women workers?

2.1 What are the Core Labour standards?

In 1998 the International Labour Organisation (ILO) adopted the ILO Declaration on Fundamental Principles and Rights at work that is comprised of seven ILO conventions that represent the core ILO labour standards (CLS). The CLS are significant because all ILO member countries must implement these rights even if they have not ratified the individual conventions.

It is important to note that there are no sanctions as such against ILO member governments for not adhering to the CLS. There is a complaints mechanism by which the UN can demand a report from the government concerned on the failure to implement the rights and publish its own report on the case/s. Therefore, humiliation by a negative UN report is the only recourse and this is a slow bureaucratic process.

2.2 Key issues for women workers

I have adapted Barrientos et al 'Gender Pyramid' as a tool to analyse to what extent core labour standards address issues of concern to women workers. The information collected for this analysis is from the National Group on Homeworking, recent research by (i) Women Working Worldwide on the garment industry in Asia 2003, (ii) research by M. Prieto on the garment and banana industries in Nicaragua 2002 and key informant interviews with ETI member companies.

By constructing the pyramid in a table format it is also easy to compare company perceptions to the reality of women workers in export supply chains and British homeworkers.

The table shows that the company representatives interviewed were aware of many of the issues affecting women workers in their supply chains. However, it is important to emphasize again that these companies were specifically targeted because it was known they had some experience in addressing gender discrimination in their supply chains and have been pro active in engaging with local NGOs organisations and trade unions. The identification of problems faced by women workers is the first step towards finding a sustainable solution but the challenge is then to identify them on the ground and implement sustainable action plans

The pyramid demonstrates that the core labour standards fail to specifically address many of the issues of concern identified by women workers, homeworkers in the UK and by the ETI companies interviewed. There are many reasons for this, the CLS were developed in an era when the focus was on male workers in permanent, full time employment, women's unpaid work including assumed responsibility is ignored/hidden from the mainstream economy (Elson D.) also the three constituencies of the ILO are male dominated.

2.3(A) ILO Core Conventions: Forced Labour, Freedom of Association and Collective bargaining, discrimination and Child labour

Issues identified as effecting women workers by companies and women workers

Company	Homeworkers in UK	Women workers*
Women receive lower wages than men	Freedom of association And the right to collective bargaining	Trade unions and organising (i)
Women attempting to organise		Freedom of association and the right to collective bargaining (ii)
Freedom of Association		Age discrimination (ii)
Forced pregnancy testing		Forced pregnancy testing (ii)
Ad hoc hiring practices		Forced overtime

(B) Health and safety, working hours, contracts, living wage(along with above covered in ETI base code)

Issues identified as effecting women workers

Company	Homeworkers in UK	Women workers*
Overtime	Irregular work	Hours of work (i) Working hours (ii)
	Not paid minimum wage Inaccurate payment of wages	Underpayment of wages (i) Not paid living wage (ii)
	Health and safety at work	Health and safety issues (i) Health and safety (ii)
		Harassment (i) Verbal harassment (ii)
Temporary contracts	No contract or clear status of employment	
Sexual harassment		Sexual harassment (ii)

(C) Employment related issues (child care, housing, training, reproductive rights, maternity and paternity leave, transport and occupational health)

Company	Homeworkers in UK	Women workers*
Reproductive rights: Maternity benefit not paid	Limited access to maternity benefit because of unclear employment status	Lack of access to welfare benefits entitlements (i)
Child care		Child care(ii)
Safety travelling to and from factory/plantation		Safety travelling to and from work (ii)
Social security deducted from wages but is not paid by employer	Excluded from pensions and other benefits	Lack of payment of social benefits (ii)Child care (ii)

(D) Social issues and entitlements(social norms and practice education, domestic responsibilities and gender relations)

Company	Homeworkers UK	Women workers
Domestic violence	Isolation from other workers	Male dominated society where there is a sexual division of labour(ii)
		Single mothers with dependent children –their need for income to maintain their family makes them very vulnerable to exploitation(ii)

2.4 ILO Core Labour standards (CLS) from a gender perspective

By taking a closer look at each CLS one can see that women workers experience can be quite specific and different to that of men's in relation to these rights. Often their specific concerns are not directly addressed.

2.4.1 Freedom of association

Both female and male workers face many difficulties in realizing the right to organise a trade union and bargain collectively. Women face particular barriers to accessing the right to join and/or organise a trade union. These barriers include (i) social and cultural restrictions to attending meetings outside the home(ii) assumed child care responsibilities (iii) women are more likely to have an undefined employment status such as homeworkers therefore they cannot access the

right and (iv) the prevalence of a male dominated culture in trade unions and male dominated structures.

2.4.2 Forced labour

One common example of forced labour is forced overtime. As well as frequently being underpaid for overtime, it can present women with a number of burdens because of their gender. They may have to arrange childcare at short notice and their personal safety could be at risk returning home late at night on their own from a factory or workplace. Arriving home late has also been known to result in domestic violence. An forthcoming OXFAM paper argues that women having to pay to take safe transport home after working overtime is a hidden cost, as is having to re-arrange childcare.⁷

Forced and excessive overtime is closely connected to purchasing practices and short delivery schedules, therefore for sustainable change as well as suppliers' actions, retailers need to explore how their practices influence the situation.

2.4.3 Child Labour

The two conventions primarily concerned with child labour are no 138 concerning the minimum working age (1973) and no. 182 (1999) on the worst forms of child labour. The latter includes one clause that directly relates to girl children "Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to take account of "the special situation of girls" (article 7.2 e). It is positive that there is a recognition that girls are faced with different situation to boys. However, it provides no explanation about that "special situation" and the rest of the convention is gender neutral and does not make further gender specific recommendations.

Gender specific differences of child labour include:

- (i) The work that girls are involved in is often less visible as they are more likely to be found in domestic work and other highly exploitative areas such as sex work
- (ii) Girls often *carry the additional burden of lower social status than boys*⁸
- (iii) Girls are more likely than boys to have assumed household responsibilities on top of their working hours.

The International Programme on the Elimination of Child Labour (IPEC) is committed to working towards integrating a gender perspective into their project work and have produced a report on "*Good Practices for gender mainstreaming in actions against child labour*" The report identifies good practice in four main areas: gender analysis, gender sensitive action; institutional change and giving women and girls a voice.

2.4.4 Discrimination

There are two ILO conventions that are viewed as the core labour standard addressing discrimination, these are: No. 100 Discrimination (employment and occupation) Convention (1958) and No. 111 Equal Remuneration Convention (1951). The ILO Convention 100 defines discrimination as "*any distinction, exclusion or preference based on race, colour, sex, religion, political opinion, national extraction or social origin (or any other motive determined by the State concerned) which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.*"

⁷ Kidder T Raworth K Good jobs and hidden costs: women workers documenting the price of precarious employment, OXFAM 2004

⁸ Facts on gender roles and child labour, International Programme on the Elimination of Child Labour (IPEC), March 2003

It does not specifically cover areas of discrimination such as sexual orientation, HIV status, age, discrimination against women in terms of reproductive rights, sexual harassment or that experienced by women and men concerning their role as child carers. However, it does provide for individual states to decide for themselves on additional areas of discrimination.

The ILO's first global report on discrimination in 2003 concluded that "*Progress in fighting discrimination at work has been uneven and patchy, even for long recognised forms such as discrimination against women*"

Gender is particularly important as it intersects/cuts across all areas of discrimination because women are present in every discriminated group. They can face discrimination due to multiple identities and additionally because of their gender.

This illustrates the potential complexity of discrimination women may face in the workplace and that they may not be covered in the ILO discrimination clause.

Equal remuneration

Taking into consideration the gender wage gap that exists throughout the world there is an urgent need for more attention to be paid to this.

Outside of the CLS the ILO does have other conventions that address some of the issues mentioned under B and C of the Gender Pyramid. These Conventions are the Maternity Protection Convention (1952), Workers with family responsibilities convention (1981) Home Work Convention (1996)

2.4.5 Issues not directly covered in the Core Labour Standards

Reproductive rights

Women's reproductive rights and benefits are usually contained specifically within national labour legislation. Violations of these rights are commonplace in the export industries. They include being sacked due to pregnancy, forced pregnancy testing, and failure to provide paid maternity leave. Appropriate provision in the workplace should be made for women who are pregnant. Prieto M argues that when the majority of the workforce are women an important consideration of business planning is "*to take into account eventual costs associated with pregnancy and maternity leave, rather than assume that workers can be hired and fired at will*"

Childcare

The provision of childcare is a crucial issue, which needs to be addressed when striving to reduce gender discrimination. Family friendly policies explored as well as possible options for affordable childcare provision.

Safe transport

Lack of access to safe transport for women following overtime is an issue already mentioned under forced labour. Women are particularly vulnerable because of their gender to abuse and violence. Provision needs to be made for women who are working overtime to ensure their safe return home. Overtime should finish in time for women workers to have access to safe transport or safe transport should be provided at an affordable rate.

The following issues are also not explicitly covered by the CLS and are all discussed in section 3.2: Sexual harassment; Living wage; Working hours; Health and Safety and Employment status.

3. ETI member companies and gender discrimination

3.1 Women workers in ETI company supply chains

Currently many ETI member companies do not have gender disaggregated data of their supply chains, the companies interviewed were asked what their perception was of the percentage of women workers in their supply chains. The majority said that there were more women than men (for clothing companies in most regions women made up 70% of the workforce). There was only one company that had less than 50% women workers, and this was the banana company Chiquita. These perceptions, plus the statistics quoted at the beginning of this paper illustrate the importance women workers have in ETI supply chains and therefore the need for issues they are concerned about to be addressed.

Despite this the tendency is for 'workers' to be referred to in a gender neutral way within ETI forums. The first step towards tackling issues of concern to women workers is the recognition that they exist and often have different needs to their male colleagues. To be effective the implementation of the ETI base code must realise the rights of both women and men if these issues are not being effectively addressed then companies are vulnerable to negative press coverage.

3.2 The ETI Base Code from a gender perspective

In general the code reflects the Core ILO Conventions with additional articles on the living wage, health and safety, regular hours and harsh and inhumane treatment. On discrimination the ETI base code⁹ largely mirrors the ILO conventions although it defines more specific categories including marital status, sexual orientation and union membership. The ETI Base code also specifically refers to sexual harassment but in a separate clause (Article 9. Harsh and Inhumane treatment) not under discrimination. Women are more likely to be subjected to sexual harassment than men because of unequal gender relations in most societies and the prevalence of men in positions of power.

The gendered implications for each of the additional ETI Base Code articles are as follows:

3.2.1 Working hours

Working hours are of particular concern to women and some men who have principle childcare responsibilities. If working hours are very long it may be difficult to find adequate childcare and often older girl siblings may be given the task of looking after younger children which usually results in their non-attendance at school. It may also have a negative impact on the relationship between parents and children. There needs to be a balance between the productive and reproductive roles that women assume, otherwise children, particularly girls are likely to lose out.

3.2.2 Living Wage

This is of extreme importance to both female and male workers however, considering the wage gap between the sexes it is of particular concern to women especially those who are sole parents. Working hours are closely connected to earning a "living wage" and in the export industries the wages are low therefore workers sometimes prefer to work longer hours to earn

⁹ ETI base code Article No.7 No Discrimination is practiced :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.

sufficient to support their families. For homeworkers, it is common not to receive the minimum wage even in the UK¹⁰ and therefore, to earn a living wage they may have to work long hours.

3.2.3 Harassment

Women are much more likely than men to be subjected to sexual harassment. This is one of the results of hierarchical male dominated company structures and the gender power imbalance that is prevalent in all societies. Steps which can be taken towards its elimination include (i) to increase the number of women in management and supervisory roles including training provision for women workers to enable them to be promoted (ii) sexual harassment to be taken as a serious issue and acted on promptly and efficiently (iii) the adoption and implementation of an effective company policy, including training at all levels of the company to communicate company policy and the training for all on the rights of women workers (iv) the identification of women in senior positions who can be approached confidentially by women workers experiencing sexual harassment.

3.2.4 Health and Safety

Women face particular issues in terms of health and safety compared to men. For example during pregnancy women should be given lighter tasks without losing pay or being demoted. Exposure to toxic substances is a risk to all workers but women are particularly vulnerable during pregnancy. Health and safety is also a problem for homeworkers who are often unaware of the risks because employers do not provide them with information or training. The hazards can include exposure to toxic adhesives or cotton dust. As the work place is in the home children are also exposed to risks. (Hensman, Women Workers Define their Rights, 2003/4)

All workers should be provided with correct health and safety equipment, training on how to use it and safety information relevant to their job.

3.2.5 Employment status

A key issue to come out of Women Working Worldwide is research on sub-contracting chains has been that a legally recognised employment status is crucial for workers, particularly in the informal sector to access their rights. During an NGO Southern Consultation in 2003 participants suggested the ETI base code could be strengthened through changing section 8.1 to make it "legally binding" for an employer to have a contract with a worker; and also to make this applicable to the whole supply chain.

As with the Core Labour standards there are a number of issues which are not explicitly addressed within the ETI Base code. They are reproductive rights, childcare and safe transport. These have all been discussed in section 2.4.5

3.3 Annual Company reports to ETI

One of the obligations of ETI membership for companies (and NGOs) is to present an annual report of the work they have carried out aimed at improving the living and working conditions of all workers in their supply chains. For several years ETI NGOs and the Secretariat have found the reporting system inadequate. This has led to a thorough review of the process during 2004 and a new format will be piloted in the coming year.

The previous ETI reporting format for companies did not require gender disaggregated information or information about employment status of women workers. Without this information it has been difficult to draw an analysis of the situation of women workers and how they are being employed in ETI company supply chains. It also makes it hard to see if or what companies are really doing to improve the living and working conditions of women workers. As the majority of

¹⁰ National Group on Homeworking

workers in ETI company supply chains tend to be women it must follow that some of the corrective actions (listed in the reports) that have been implemented and reported on would have affected women workers. Corrective actions that have had an obvious direct impact on women are those related to code violations such as forced pregnancy testing, sacking workers when they are pregnant, sexual harassment, equal pay for equal work and failure to pay maternity benefits. However, these issues are picked up infrequently and there is much more focus on health and safety at work, working hours and incorrect payment of wages. Corrective actions on health and safety were 50% of all those reported in 2003. This means that half of all corrective actions are focused on only one of the nine clauses of the ETI base code.¹¹ The number of corrective actions on discrimination reported by ETI companies in the last two years has totalled around 2%. Generally from the Annual Reports the violations that have been found under gender discrimination have been limited to the hiring of workers or equal pay for the same work, despite the fact the code also provides for discrimination on access to training, promotion, termination or retirement and trade union membership.

Some companies are aware that they are not effectively bringing these issues to light. In GAP's public Corporate Social Responsibility Report 2004 in referring to all types of discrimination they state " *We believe violations in this area are more widespread than the data suggests*" They were unsuccessful in finding violations on discrimination (in factories) in two thirds of the regions they source from. Globally the only places they detected violations on discrimination in wages and benefits was in Central America, the Caribbean and S.E. Asia in less than 1% of factories. Considering the levels of gender discrimination in the workplace worldwide (see section:1.3)GAP are certainly right to conclude that violations are more widespread.

Another important issue with gendered implications that has arisen from the ETI Annual reports is the level to which companies are monitoring their supply chains. 62% of ETI companies are monitoring only their first tier suppliers therefore homeworkers who are much further down the supply chain, the majority women and amongst the most vulnerable workers, are not having their rights monitored. Some retailers are reluctant to admit to having homeworkers in their supply chains¹². One of the companies interviewed has a policy not to permit homeworking in its supply chains. They argued this was a global trend in the industry and when they had explored the possibility of employing homeworkers to produce quilts in China the local supplier withdrew because he decided the cost to implement their code particularly the minimum wage would be prohibitive. This company did not consider off-setting the cost to the supplier of implementation of the code. There are some ETI retailers open to recognising homeworkers in their supply chains and have made reference to this part of their supply chain in their Annual Report. However, it is not so clear if they have a commitment to keeping them. When the National Group on Homeworking brought to light that crackers sold in the UK were being produced by homeworkers in the UK and were not being paid the minimum wage, it resulted in the loss of 450 jobs.

3.4 What actions are ETI companies taking ?

The retailers interviewed as mentioned previously were chosen because they are known to have carried out some work on issues of concern to women workers, therefore, the actions mentioned below are those taken by individual companies and are not a representative sample of what ETI corporate members are doing.

Most of the companies said that they were prompted to look at issues of concern to women through carrying out auditing of suppliers.

3.4.1 Auditing methodology and corrective actions

¹¹ Analysis of Corporate Members' Reports 2003, Incomes Data Service Ltd 2004

¹² Interview with company representative

Most of the companies interviewed felt that the process of monitoring labour conditions through social auditing was not the most effective way of monitoring their supply chain. All have explored working with local civil society groups in different ways in an attempt to improve the monitoring being carried out.

3.4.2 Auditing methodology

- One company felt monitoring generally has helped uncover some of the complexities of supply chains such as the existence of homeworkers, for example one order of 100 000 pieces was traced to 600 villages.
- One company has detailed guidelines on their or code for factory monitoring. Under the discrimination clause there is a strong emphasis on gender and women's reproductive rights. The issues highlighted include forced pregnancy testing, The need for suppliers to adhere to local laws on maternity leave and non discrimination in position and pay on return to work . Also the need for suppliers to meet legal requirements for providing a safe working environment for pregnant, post-partum and lactating women. Although it is important that these issues have been highlighted under discrimination, the focus confines women to their reproductive role and does not broach issues of promotion and equal pay.
- One company makes it a requirement that all suppliers have an anti-discrimination policy in place
- Gender desegregation of information from audits was mentioned by two companies although it did not appear that any gender analysis had been carried out with this data. In the case of one company their 'high risk' suppliers are monitored by third party auditing companies and one of these provides gender desegregated information. However, the requirement for gender disaggregated information is not general company policy as yet.
- All companies mentioned the importance of having female auditing staff and ensuring that it is these auditors who speak with women workers.
- Training for auditors and buyers by gender and development specialists on carrying out gender sensitive audits was cited by a company as part of their strategy to build capacity to identify issues of concern to women.
- Two companies mentioned the use of participatory methodologies for worker interviews including women only focus groups and mapping exercises to uncover the gender division of labour. One of the companies found participatory methodology audits too costly to extend to all of its supply chain.
- Most audits focus strongly on codes and national legislation. One company reported that by not sticking rigidly to frameworks such as codes and national legislation in focus groups, the key issues of concern to women workers were more easily detected. They found it more effective prompting discussion on more general issues in the factory.
- All of the companies interviewed had employed local based monitoring groups to either carry out full audits, to shadow audits or to carry out worker interviews. As a result of auditing, one of the companies claims the use of temporary contracts for women has reduced, the number of women in supervisory roles has increased and women are encouraged to attend basic education classes.

3.4.3 Corrective actions

Sexual Harassment

- One company had both uncovered cases of sexual harassment and had found the sacking of the perpetrators an important action to take, sending a clear message to other employees that this sort of practice is not tolerated. The company also carried out training about sexual harassment for all managers and workers directly employed by the company. At managerial levels women were identified who would deal reports of sexual harassment.
- One company highlighted the need to deal with sexual harassment in a sensitive way, for women workers to be directly involved in the decisions made on corrective actions and the need to pay attention to possible retribution against the complainant or witnesses.

Occupational segregation

- One company reported that three years ago there was de facto discrimination in two countries where the majority of supervisors were men. Since then there has been an increase in the number of women in supervisory positions this is attributed by the company to the auditing process.

3.4.4 Actions beyond monitoring and corrective actions

- All companies interviewed have engaged with NGOs and some with trade unions too. One has a Framework Agreement with a Regional Trade Union, that is monitored on a regular basis although it is not clear to what extent issues of concern to women workers are being tabled.
- Company owned farms provide childcare facilities to 16% of their directly employed workforce. This benefit is confined to Costa Rica.
- Two companies have supported worker education by gender sensitive organisations
- One company has a policy that specifically favours women as small producers and it draws on this as part of its marketing image. However, community trade producers only make up 10% of the total number of suppliers and the rest of the business is conducted without any special focus on women workers.
- One company runs campaigns to raise awareness of the issues surrounding domestic violence. Their current slogan is “Stop violence in the home”

4. Conclusion

This paper demonstrates that CLS or codes alone do not effectively address all issues of concern to women workers. These issues often remain hidden and there is no guarantee they will be addressed through using CLS or codes as a reference point. These issues include: childcare provision, safety travelling to and from work, women’s reproductive rights and access to support services for women who are subjected to domestic violence.

The ETI retailers and brands interviewed have identified some issues of concern to women workers in their supply chains, have taken actions and reported positive impacts. However, when monitoring against the ETI base code there is a need to be aware of its limitations in uncovering issues of concern to women workers. Even issues that are specified in the code’s clause on discrimination such as promotion, access to training, and compensation are not being found. To make monitoring more effective there is a need for those carrying out monitoring to be trained in a gendered approach to interpreting the ETI Base code and to effectively use participatory methodologies to assist in revealing these issues. There is also a need for training throughout the supply chain to ensure suppliers are aware of how to implement the code from a gender perspective. The identification of problems faced by women workers is the first step towards finding a solution, the challenge then is to implement sustainable action plans.

To date the changes are few and in order to have any significant impact on the levels of discrimination against women in the workplace cited at the beginning of this report there needs to be a much greater and more concerted effort.(section 1.3).

5. Recommendations

5.1 ETI Companies

5.1.1 Monitoring and auditing

- Information from all audits should include gender desegregation of the workers and their employment status
- Training of auditors and buyers on discrimination and a gender sensitive approach to interpreting codes of conduct and national legislation
- Ensure women auditors speak to women workers
- Employ local independent monitoring groups and civil society organisations such as women's organisations who have a gender sensitive approach to carry out or shadow audits
- Use of participatory methodologies, particularly women only focus groups
- Off site interviews
- Phase out temporary contracts especially where there are predominantly male supervisors present
- Provide promotion and training for women workers to become supervisors and managers
- Women workers concerned with a labour rights violation need to be at the centre of any decisions made about a corrective action plan especially if they are highly sensitive.
- Companies should engage with trade unions and women's orgs on the ground who are aware of endemic issues of discrimination

5.1.2 Corrective Actions

- In cases of Sexual harassment (i) harassment to be taken as a serious issue and acted on promptly and efficiently (ii) the adoption and implementation of an effective company(supplier) policy, including training at all levels to communicate the policy and the training for all on the rights of women workers (iii) the identification of women in senior positions who can be approached confidentially by women workers experiencing sexual harassment (iv) increase the number of women in management and supervisory roles including training provision for women workers to enable them to be promoted

5.1.3 Purchasing practices

- Retailers and brands commit to keeping homeworkers in their supply chains
- Retailers provide more incentives to suppliers to implement labour rights
- Retailers assume some of the costs of implementing the ETI Base code particularly where homeworkers are concerned
- Explore the relationship between lead times and the occurrence of forced and excessive overtime.

5.2 Governments

- The implementation of national labour legislation
- Strengthen national legislation to make it more gender sensitive. For example a new European directive taking affect in October 2005 defines sexual harassment as a form of discrimination and is likely to increase cases brought to court throughout the EU
- Increase provision of affordable childcare
- Ratification of ILO Conventions such as the Maternity Protection Convention (1952), Workers with family responsibilities convention (1981) Home Work Convention (1996)

5.3 Trade Unions

- Building links with informal sector workers organisations and women workers organisations
- Organising informal sector workers
- Increase the number of women in positions of power within the trade union movement
- Make meetings accessible to women
- Gender awareness training for TU leaders
- Leadership training for women trade unionists
- Training of male and female workers on their rights and women's rights

5.4 NGOs

- Support Southern women workers organisations
- Build links with women's organisations and trade unions in supply countries
- Lobby governments to implement and strengthen national labour legislation to address issues of concern to women workers.
- Lobby governments to ratify ILO conventions (There is a current NGH campaign for the British government to ratify the Home Workers Convention)

5.5 Ethical Trading Initiative

- Produce guidelines on how each article of the ETI Base Code affects women workers and good practice guidelines on implementation
- When referring to workers specify their gender
- Develop an ETI Gender policy
- Gender audit of ETI work

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Annex 1

Questionnaire for companies

1. General on gender discrimination

1.1 What approx percentage (or your perception) of men and women workers are in your supply chain? Or in the specific part of the supply chain that your work is focused on?
How does the employment status of women workers in your supply chain differ to that of men (i.e. are more women likely to have temporary contracts or are homeworkers?)

1.2 How would you define gender discrimination?

1.3 How is gender discrimination viewed within your company compared to other labour rights violations?

2. Examples of gender discrimination in ETI company supply chains

2.1 What issues of discrimination against women workers have you identified/ are aware of in your supply chain? Issues you are aware of but have not been found in your company supply chain.

2.2 Under which areas of the ETI base code/Core Labour standards do they fit?

2.3 Are there areas of discrimination against women, which you are aware of that do not fit with the base code or ILO standards?

2.4 What are the barriers to identifying these issues

3. Homeworkers/second, third tier suppliers

3.1 Are you aware of homeworkers, small workshops in your supply chain?

How did you uncover this part of the supply chain?

What percentage approx were women/men?

What problems did these women workers face?

3.2 How did you implement/monitor the ETI code or other codes in relation to homeworkers? Can you give example/s of how issues have been successfully addressed/not successfully addressed and learning from these examples?

4. Case studies to demonstrate good practice

3.1 Have you or your company consciously tried to address issues related to discrimination? And what prompted you to do so?

3.2 Have you had direct contact with Southern women workers? If so in what capacity?

3.3 Can you give example/s of how issues have been successfully addressed/not successfully addressed and learning from these examples?

3.4 How were the issues you identified addressed?

3.5 What action was taken? Who implemented the actions?

3.6 What did you learn from the experience?

3.7 Was there sustainable change? How was this measured?

3.8 What are the barriers to addressing these issues?

3.8 Do you work with local NGOs/women's organisations/trade unions? If so in what capacity?

3.9 What do you view as ETI's key "learnings" in this area?

4. Is there anything else you would like to tell me?

Annex 3

Questionnaire for NGOs

1. Value attributed to gender discrimination compared to other core labour standards

1.1 What percentage of men and women workers do you perceive are in ETI company supply chains?(to see what peoples perception is)

1.2 How would you rate the importance of discrimination compared to other Core Labour standards – 1-4 (to find out the value attributed to combating discrimination)

1.3 What are the reasons for those ratings?

1.4 How important is combating gender discrimination in the work place within activities aimed at poverty reduction?

2. Examples of gender discrimination in ETI company supply chains

2.1 What issues of discrimination against women are you aware of in ETI (or non ETI) company supply chains?

2.2 Under which areas of the ETI base code/Core Labour standards do they fit?

2.3 Are there areas of discrimination against women, which you are aware of that do not fit with the base code or ILO standards?

2.4 What do you see as the barriers to identifying these issues?

2.5 Is the base code relevant to homeworkers in your opinion and if not why?

3. Case studies to demonstrate good practice

3.1 Have you had direct contact with Southern women workers? If so in what capacity?

3.2 In what way does your organisation practically promote the elimination of gender discrimination in its work on the implementation of core labour standards and the ETI?

3.3 How will this work be developed, how could it be more effective?

3.4 What are the barriers to this work?in your organisation

3.5 How effective do you think ETI is at addressing issues of concern to women workers?

3.6 Where/how do you think ETI could improve?

3.6 In the case of homeworkers how relevant are the ETI base code or other codes –in your opinion do they fall outside the reach of codes?

3.7 What do you see as ETI's key "learnings" associated with uncovering and addressing issues of concern to women?

3.8 What are the barriers in all the different ETI constituencies?

3.8 How do you view the tensions between Southern/Northern women's organisations and trade unions?How could these be improved?

4. Is there anything else you would like to add?