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STRATEGIC GUIDELINES OF THE XV INTER-AMERICAN CONFERENCE ON MINISTER OF LABOR (IACML) FOR ADVANCING GENDER EQUALITY AND NON-DISCRIMINATION WITHIN A DECENT WORK FRAMEWORK

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I. XV IACML'S RESPONSE TO A BROAD POLITICAL MANDATE

The promotion of decent work as a development objective ─defined as productive, adequately remunerated work performed under conditions of freedom, equity, safety, and human dignity─ has gender equality as a constitutive element. Differences and inequalities of situation between men and women and discrimination against women in the world of work are obstacles that have to be overcome in order to achieve decent work for all. "*The current decent work deficit cannot be overcome without progress against gender inequities with regard to rights, employment opportunities, social protection and social dialogue.*"

The Inter-American Conference of Ministers of Labor of the OAS (IACML) has fully integrated the decent work concept into its Declarations, Plans of Action and ministerial agendas. It has also placed gender equity and equality in the world of work among its priorities. Already in 2001 the XII IACML had made the commitment to integrate a gender perspective into the development and implementation of all labor policies; to promote work-life balance; to protect the rights of women workers, and to take action to remove structural and legal barriers, as well as stereotypical attitudes to gender equality at work.

Within the OAS framework, the Inter-American Commission of Women (CIM) has promoted gender equality, especially through the Inter-American Program on the Promotion of the Human Rights of Women and Gender Equity and Equality (PIA), which has among its specific objectives: "To promote gender equity and equality and women's human rights by strengthening and fostering: 1. Women's real and formal legal equality. 2. Women's full and equal access to the benefits of economic, social, political, and cultural development. 3. Full and equal access for women to employment and productive resources. 4. Women's full and equal participation in political life in

their countries and in decision-making at all levels. 5. Women's full and equal access to education at all levels and to the various fields of study. 6. Women's full access to health services during their entire life cycle, which, as required, shall include physical, emotional, and mental health. 7. Women's right to a life free of any form of abuse or violence, in both the public and private spheres. 8. The elimination of cultural patterns or stereotypes that denigrate the image of women, particularly in educational materials and those disseminated in the media."

In view of these and other similar mandates, including those of the IV Summit of the Americas, as well as the strategic, cross-cutting objectives of the ILO's hemispheric agenda for the promotion of decent work, the Department of Social Development and Employment of the OAS, serving as Technical Secretariat to the IACML, has coordinated the preparation of a report entitled "Gender Equality for Decent Work", the central purpose of which is to help Ministries of Labor build their capacities for successfully integrating the gender perspective in their decent work policies and programs.

These proposals seek to address the most urgent issues, where the impact of ministerial action in support of employment and social protection is greatest, making the most of the advantages enjoyed by OAS bodies and agencies in terms of high level dialogue and regional coordination. They will find support, in particular, in the memorandum of understanding existing between the OAS and the ILO, and will tap the comparative advantages inherent in CIM's involvement and the use of the hemispheric cooperation mechanisms developed by the Inter-American Network for Labor Administration (RIAL).

II. THE CURRENT SITUATION REAFFIRMS THE URGENCY OF THE MANDATES

An analysis of the information provided by the "Gender Equality for Decent Work" report, shows that the time is right and conditions are auspicious for the development of the initiative considered here. The following trends are particularly worth highlighting:

- ***The potential for progress created by a very considerable increase in female labor participation is not being exploited to the full. The increase in question is not being accompanied by a better distribution of reproductive work***

There can be no doubt that the rise of women's participation in the workforce has been among the major steps forward in gender equality made by Latin America and the Caribbean over the past three decades. In 1970 the female labor participation rate in the region was 23%. Over the past three decades it doubled, reaching 52% in 2006, and considerably reducing the gap between male and female rates. It is necessary to point out, however, that this increase in participation is not homogenous across the region. It varies from less than 40% in Chile to more than 60% in Barbados.

Nevertheless, this increase in participation does not translate into greater access by women to decent work, for women's labor market entry across the region tends to occur by way of precarious employment in informal, low productivity sectors.

On the other hand, the unequal distribution of domestic and care responsibilities between women and men continues to be a major obstacle to women's labor participation. Time use surveys in the region show that men tend not to share either in housework or in child care-associated activities.

- ***Women have unequal access to the labor market***

Unemployment among women is out of proportion to their relative number. According to the ILO, during the nineties unemployment rates among women were 30% higher than among men in Latin America and the Caribbean. Between 1990 and 2004 the male and female unemployment rates rose 4%, and 6% respectively.

Labor markets in Latin America and the Caribbean continue to present high levels of gender-based segregation with regard to economic sectors and occupations. Year 2000 data show that female employment is concentrated in two sectors, namely "trade, hotels and restaurants" and "communal, social and personal services". Between the two, these sectors concentrate 75% of urban employed women.

In spite of their significant advancement in education, with higher enrollment rates for girls than for boys in both primary and secondary schools in the majority of countries, obstacles continue to hinder women as they strive to gain full entry in the labor market.

In many cases, vocational education and training programs reproduce labor market segregation patterns, thereby limiting women's opportunities for entry into the labor market. According to ECLAC's analysis of the relevance of secondary education to working life, education contents are usually not adapted to the requirements of the world of work. Moreover, the education given to young women reflects gender stereotypes.

- ***Female employment is of poor quality***

Women are overrepresented among informal sector workers. According to the ILO's 2006 Labour Overview − Latin America and the Caribbean, 51.4% of economically active women work in the informal sector, mainly due to their higher participation in unpaid self-employed work and in domestic service, where they have almost exclusive participation.

This means that in some countries a majority of women workers are not protected by labor legislation, are not covered by social security and other instruments of protection against accidents, illness, retirement and unemployment. In fact, only 33.4% of all workers in the informal sector are covered by some form of health care insurance and/or pension. Such overall precariousness is greater among indigenous and Afro-descendent women.

The above is closely related to the fact that domestic services continue to be an important source of employment for women. Over the nineties, in fact, domestic service jobs grew by an average 2.4% per year, reaching 14.2% of urban employment in 2005. This occupation, where over 90% of workers are women, is a clear example of gender-based occupational segregation. Domestic service jobs are a form of precarious employment, one that features low wage levels, unclearly

defined hours of work, lack of labor contracts, and low social security contributions.

In spite of the fact that within the economically active population women have higher levels of education than men, gender-based wage differentials remain. According to the ILO, in 1990 Latin American women were earning 59% of men's monthly income, and 66% in 2000. Among the factors contributing to this state of affairs are occupational structure, occupational segregation, occupational qualification of the workforce, career paths and employment experience.

- ***Unequal protection***

The lack of social security coverage for low-income women, informal women workers and elderly female adults is an issue that has acquired a new dimension as a result of the changes brought about by the demographic transition affecting Latin America and Caribbean countries in varying degrees. The rise of life expectancy is resulting in increasingly higher proportions of adult population, and makes it necessary to analyze this process from a gender perspective and detect the difficulties and needs of elderly women, whose life expectancy is greater than men's. In addition, most social security systems existing in the region are linked to the labor market, which reproduces for elderly women the same inequalities they had to face in the sphere of work ─including interruptions in labor participation associated with maternity and family care, and wage gaps with respect to men─ which result in nonexistent or insufficient pension income.

Motherhood continues to be a hindrance to women's entry into the labor market. Even though labor legislation has made progress with regard to socialization of maternity leave costs and protection of mothers' labor rights, motherhood is still a limitation and source of discrimination for women of reproductive age.

There is evidence that the practice of requiring women to submit to a pregnancy test as condition for employment is yet to be totally eliminated. There is also evidence of discrimination against mothers with children of pre-school age, largely as a result of the region's deficiencies in the provision of child care services.

- ***Towards greater gender equity in social dialogue***

In Latin American and Caribbean trade unions, in spite of an improved presence, women continue to have low participation. Nevertheless, they have achieved the inclusion in trade union agendas of equal pay, reporting and fighting sexual harassment at the workplace, putting an end to pregnancy tests, and other women-specific issues.

Sector segregation is also present in trade unions, with women's participation being higher in trade unions of the service and commerce sectors. Information compiled by ECLAC also reveals very considerable differences between Caribbean and Latin American countries when it comes to women's presence in trade unions. The highest presence can be found in Dominica, where both the Amalgamated Workers Union and the Civil Service Association have women's participation ratios equal to or higher than 50%. Saint Lucia follows with 40%.

III. POLICIES AND PROGRAMS FOR GENDER EQUALITY

Based on the above assessment, the "Gender Equality for Decent Work" report compiles and puts in order a number of policies and programs implemented to promote gender equality by several countries inside and outside the region. The result of this effort amounts to an overview of gender mainstreaming options designed to make available to the IACML a catalogue of initiatives that could be used as reference for future cooperation activities, especially within the RIAL framework.

V. IACML STRATEGIC GUIDELINES FOR ADVANCING THE CAUSE OF DECENT WORK WITH GENDER EQUALITY

Based on the gender equality priorities in decent work and the alternative lines of action identified in the Report, the following strategic guidelines for action are presented for consideration, with the aim of building the capacities of Ministries of Labor for mainstreaming a gender perspective in their institutional action and contributing to the reduction of the gap between women and men in the world of work. In that regard, the guidelines in question are aimed at meeting the objectives of the 2006-2015 Hemispheric Agenda for the Generation of Decent Work and the mandates of the Summits of the Americas and the Inter-American Conferences of Ministers of Labor.

A Synopsis of Proposed Hemispheric Strategic Guidelines

The above strategic guidelines are based on the IACML's scope of action, on the comparative advantages of its technical secretariat as an OAS body able to coordinate its actions with those of other bodies within the Inter-American system such as the Inter-American Commission of Women (CIM), and seek to tap the potential of RIAL, its cooperation mechanism, as a means for sharing experience, practices and knowledge relevant to the promotion of decent work with gender equality.

It is important to point out that, although these guidelines are primarily directed at the region's Labor Ministries grouped in the IACML, their implementation will involve workers' and employers' organizations through the participation of the two advisory bodies of the IACML: namely, the Trade Union Technical Advisory Council (COSATE) and the Business Technical Advisory Committee on Labor Matters (CEATAL).

What follows is a presentation of the four strategic guidelines proposed, which are submitted to the XV IACML for consideration. Their purpose is to orient future actions by the Conference in favor of the integration of the gender perspective in the operations, policies and programs of Ministries of Labor, as a way to promote decent work with gender equality.

1. High Level Dialogues on Gender and Employment

High Level Dialogues on Gender and Employment will provide the opportunity for Ministries of Labor grouped in the IACML to meet with the highest authorities of women's mechanisms, grouped in the Inter-American Commission of Women (CIM), in order to reinforce the political commitment in favor of gender equality in the world of work, to develop intersectoral actions putting in practice that commitment, and to facilitate fluid, ongoing communication among the said institutions.

This proposal is in line with one of the actions proposed by SEPIA (PIA's follow-up): namely, strengthen coordination with national mechanisms for the advancement of women in order to integrate the gender perspective in labor policies. Moreover, it meets a concern often voiced by several governments in the Hemisphere for the lack of communication and coordination among their various bodies and agencies. Currently the sharing of experience, good practices, etc. between Ministries of Labor and women's offices, secretariats or ministries (as the case may be) goes no further than a number of joint actions or initiatives without any ongoing interchange of advice, recommendations and know-how.

The OAS framework provides two pillars that would guarantee the effective development of the High Level Dialogues proposed here. On one hand, both the IACML and the CIM are part and parcel of the OAS, and are recognized as the principal fora for sectoral dialogue at the hemispheric level on labor and gender issues. On the other hand, their technical secretariats, (the OAS Department of Social Development and Employment and the CIM Secretariat) are component structures of the General Secretariat of the OAS, and close coordination between them in planning, developing and following up on High Level Dialogues will be natural.

An active part in planning High Level Dialogues will be played by the IACML authorities (*troika* and Chairs and Vice-Chairs of the Working Groups), OAS and the ILO. In addition to defining their scope (whether subregional or hemispheric) and the specific issues to be addressed, in consultation with the IACML and the CIM, the OAS and the ILO will analyze whether other governmental sectors should be included in individual Dialogues on the basis of their relevance to the issues addressed, with the aim of creating partnerships for actions that respond to Ministries of Labor's interest.

While planning these High Level Dialogues, the parties mentioned will carry out dialogues at the working level, through working group meetings and/or seminars involving officials of both Ministries of Labor and women's mechanisms, among other. Additionally, the participation of CIM in IACML activities should be reinstituted.

Possible issues to be addressed at High Level Dialogues include:

- female unemployment reduction;
- income gap reduction;
- maternity protection;
- labor flexibility without loss of quality;
- ways to support productive/reproductive work balance;

- increasing women's access to the full range of vocational training, skills development and vocational education.

a. Establishing a Focal Points Network

Within the framework of High Level Dialogues, we recommend that a Focal Points Network be maintained among representatives of women's mechanisms and interested Ministries of Labor alike. Such a network would foster information sharing while also helping the preparation of policy and analysis dialogues, and the performance and monitoring of actions decided upon at the dialogues.

It is desired that the focal points be in every case, persons actually dedicated to gender and employment issues on a daily basis. Additionally, it is desired that national authorities consider the function of focal points in the definition of their tasks or terms of reference, so that the appointee can devote the time required to perform their function, as determined by the Ministries of Labor and in accordance with the availability of resources.

1. Analyzing the gender-related institutional arrangements of Ministries of Labor

Several Ministries of Labor in the region have created offices, units or commissions on gender issues within their organizational structures. In some cases these bodies and agencies are of recent creation, whilst in other cases they have been reformulated, strengthened or eliminated. Although their mere existence does not guarantee that the Ministries have the capacity to incorporate a gender perspective into their policies and programs, their correct operation can make a substantial contribution in that direction.

Given the existing diversity as to approach and experience, we recommend an analysis of the offices, units or commissions dealing with gender issues within Ministries of Labor that request it. This exercise should include a documented inventory of the various types of entities in existence, their characteristic features in terms of staff, resources, influence, main achievements and difficulties, in order to document achievements, lessons learned and recommendations. The output of this exercise would make it possible to support the creation, strengthening and/or reorganization of such entities for these to be able to make effective contributions to the further incorporation of a gender perspective into the actions, programs and policies of the Ministries of Labor.

This exercise would produce a general overview of existing bodies and agencies, their achievements and failures, and would provide the basis for horizontal cooperation activities.

3. Hemispheric horizontal cooperation

The IACML has broadly recognized horizontal cooperation as a key mechanism for the institutional strengthening of Labor Ministries, and the creation of the Inter-American Network for Labor Administration (RIAL) is a manifestation of this recognition. The RIAL will facilitate cooperation on decent work and gender equality-related issues, and our proposal is to use its instruments (Portfolio, Workshops, etc) and include specific topics related to gender equality, the fight against discrimination, and institutional development for gender mainstreaming.

It should be pointed out that cooperation through the RIAL will be instrumental to the development of concrete institutional strengthening actions in line with progress by High Level Dialogues, thereby creating a positive synergic effect between cooperation and political dialogue.

a. Preparing the Portfolio of Programs

RIAL's Portfolio of Programs is a data bank that systematizes the supply of programs and projects by Ministries of Labor in the Americas. To that extent, it is a tool that facilitates horizontal cooperation and provides the IACML with an updated overview of programs undergoing implementation.

The Portfolio will include programs and projects developed by the Ministries of Labor to promote gender equality and improve women's situation in the world of work. Programs in the Portfolio will include actions in the following areas:

- Building women's human capital;
- Employment programs and services with a gender perspective;
- Reducing labor segregation;
- Information systems on labor markets with a gender perspective;
- Women's access to social security;
- Protecting parenthood and reconciling caregiving roles;
- Applying the principle of no gender-based discrimination;
- Promoting women's participation in social dialogue;
- Employment generation strategies with a gender perspective, especially regarding the promotion of medium and small-sized enterprises for women and the reduction of informality.

b. Compiling support instruments

RIAL's virtual platform will be used to compile and produce instruments in support of gender equality mainstreaming, as well as to disseminate already existing instruments. In many cases, communication campaigns have taken place inside countries to promote the rights of women workers and to raise employers' awareness, as well as other initiatives of a similar nature, which can be replicated or reproduced. There are also toolkits or like materials to facilitate gender analysis and the incorporation of the gender perspective into the various phases of project development or institutional work as a whole (e.g. attending to beneficiaries' needs). All this information will be made available through RIAL's webpage as complementary to the Portfolio of Programs.

c. Exchange activities and workshops

Workshops and seminars will be developed within the RIAL framework for institutional strengthening in gender issues. These initiatives will be based on programs from the Portfolio, on the support instruments compiled, and on the findings of the gender analysis of the institutional arrangements of Labor Ministries which have requested that analysis.

These sharing and training workshops will be directed at officers of the Ministries in various operational areas, and will help implement at every level mandates regarding gender equality at the workplace and a better application of the equity, equal opportunities and non-discrimination principles.

- Priority areas for such sharing and training should include the following:

- Build capacities among labor authorities and generate instruments for ensuring compliance with women workers' rights;
- Improve knowledge and capacities among labor authorities of the ILO Core Conventions, national laws and regulations regarding gender-based discrimination, which may include joint activities with labour courts when appropriate;
- Build capacities and knowledge among labor authorities in the area of protection of women workers' rights with regard to working conditions (working day duration, labor contracts, sick leave, maternity leave, wages, fringe benefits, and more);
- Strengthen employment services to guarantee equal opportunities for women workers with regard to labor intermediation, occupational orientation and job seeking consulting services;
- Promote the exchange of experience on the production of statistics based on gender variables;
- Disseminate information on best practices promoting greater coverage of and access by, women to social security.

4. Hemispheric Labor Observatory on Gender and Employment

It would be valuable to create an Hemispheric Labor Observatory with a special focus on gender and employment issues that provided information on gender gaps and family/work balance on a regular basis.

The Observatory could compile information already available through existing observatories in several countries and regions and could contain links to sources of information in other international organizations such as the ILO, the World Bank, ECLAC and IDB. In order to do so, the Observatory should create partnerships and linkages with already existing experiences, including the IDB's Labor Compass, MERCOSUR's *Observatorio del Mercado de Trabajo*, and CAN's *Observatorio Laboral Andino*. This would make it possible to optimize the availability of information at the national, regional, subregional and economic bloc levels.

The Observatory could be attached to the RIAL website. It could be built gradually, through collaborative actions or by networking correspondents from all sectors involved in labor issues.