



Gender Equality Issues and Work/Family
Balance Arrangements in CBAs |
December 2015

WageIndicator.org

**Gender Equality and Work/Family Balance
Arrangements in Collective Agreements in
Africa, Latin America and South East Asia,
on the basis of the WageIndicator
CBA Database**

About WageIndicator Foundation

WageIndicator Foundation was established in 2001 with the aim of contributing to greater transparency on labour markets. WageIndicator Foundation collects, compares and shares labour market information through online and offline surveys and research. Its national websites serve as online libraries featuring wage information, labour law and career advice, both for employees and employers.

Currently WageIndicator Foundation has operations in more than 80 countries. It is supported by renowned universities, trade unions and employer's associations worldwide. Over 100 specialists from around the globe contribute to the work of WageIndicator Foundation. The websites managed by WageIndicator Foundation have a monthly outreach to millions of people. Check: WageIndicator.org

WageIndicator Foundation, Roeterstraat 25 – 35, 1018 WB Amsterdam, The Netherlands

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Author

Daniela Ceccon

WageIndicator team

Iftikhar Ahmad, Huub Bouma, Arcade Ndoricimpa, Paulien Osse, Nadia Pralitasari, Ngeh Ernest Tingum, Kea Tijdens

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1 Intro

1.1. What is collective bargaining and what is a collective agreement

When independent unions and employers (or employers' organizations) negotiate terms and conditions of employment and relations between the parties, they do what is called 'collective bargaining.' The written document resulting from this negotiation is a collective bargaining agreement (CBA).

The right to collective bargaining is one of the fundamental labour rights and ILO has provided for it since 1948 with the Freedom of Association and Protection of the Right to Organise Convention (No. 87) and 1949, with the Right to Organize and Collective Bargaining Convention (No.98). ILO addresses the topic also in the Collective Bargaining Convention, 1981 (No.154) and in the accompanying Recommendation (No.163).

1.2. Why this report

ILO regularly receives requests for support to constituents on how to strengthen gender equality through collective bargaining. Also the 2009 International Labour Conference Resolution and Conclusions concerning gender equality at the heart of decent work makes specific mention of how collective bargaining can ensure the systematic integration of gender dimensions into labour market and macroeconomic policies in general, and address specific issues such as gender pay gap, enhanced protection against discrimination, work-family measures, and childcare infrastructure, sexual violence and harassment, and the promotion of female employment .

ILO engaged the WageIndicator Foundation, which, because of its extensive Collective Agreement Database, can provide data on clauses in collective agreements that enhance gender equality (e.g. maternity protection, violence at work, equal pay) in a range of sectors, countries and at different negotiation levels in order to analyse content and identify innovative clauses about work and family arrangements and gender issues.

1.3. Methods: the WageIndicator Collective Agreements Database

This report analyses the content of collective agreements, hence the agreement is the unit of analysis. The data used in this report come from the Collective Agreements Database of the WageIndicator Foundation. This Foundation operates national websites with labour-related content for the public at large in 80 countries in all continents, receiving more than 25 million web-visitors in 2014. Each website is in the national language(s), and consists of three pillars, namely I) wages, II) labour law and collective agreements, and III) career and training. The Foundation was established in 2003, with the University of Amsterdam in its Board of Overseers.

As a part of Development Aid projects with social partners in the global south, in December 2012 WageIndicator started gathering collective agreements aiming to publish the full text on its websites. The social partners expressed a strong interest in publishing their agreements, considering this as an effective and economical means of communicating the results of their bargaining efforts to their constituency and to a wider audience. These partners send the texts of their agreements to WageIndicator. Over the past three years, the team (Ernest Ngeh Tingum and Arcade Ndoricimpa from the University of Dar Es Salaam, Nadia Pralitasari and Daniela Ceccon from WageIndicator)

collected and analysed more than 450 collective agreements from Africa, Latin America, Indonesia and two more South East Asian countries (Vietnam and Cambodia).

For each and every CBA, the team answers to a series of questions related to 12 topics: General CBA data, Job titles, Social security and pensions, Training, Employment contracts, Sickness and disability, Health and medical assistance, Work/family balance arrangements, Gender equality issues, Wages, Working hours and Coverage. For each question, the appropriate piece of text is found and stored in the database in a process also known as “text annotation”. For a detailed description of the annotation process, see Appendix 1.

The database’s coding scheme consists of 749 variables in total. This report is based upon this database and takes into account only the questions and the 68 variables that are related to work/family balance arrangements and equality issues (for the list of questions, see Appendix 2).

2 The collective agreements analysed in this report

This report analyses the content of 464 collective agreements from 27 countries in Africa, Latin America, Indonesia and two more South East Asian countries (Vietnam and Cambodia). Five CBAs from West Africa are not company or sectoral CBAs, but so-called *Conventions Interprofessionnelles* (inter-professional CBAs), which are collective agreements signed at national level and covering all sectors.

The countries with the highest number of CBAs in the database are Indonesia (87 collective agreements) and Kenya (77), followed by Ethiopia (33) and Ghana and Peru (26), Brazil and Guatemala (24) and Tanzania (23). From each of the other countries there are 18 or less CBAs per country.

The WageIndicator team assures that the database includes almost all collective agreements in the majority of African countries and in Indonesia, whereas in Latin America and Vietnam more agreements are still being collected as the project reaches out to new trade union and employer partner organizations. Therefore, some countries are less present in the database because they have less collective agreements in force, while in other cases the collection work is still going on. Because of this and given the difficulty in finding and collecting the CBAs, the database cannot contain a uniform sample of collective agreements from different parts of the world, nor cover different sectors equally.

Tables 1 and 2 give an overview of the collective agreements analysed in this report, according to countries and areas covered, sectors and sub-sectors, and the level of bargaining - i.e. whether it is I) a company CBA, signed with one employer, or II) a sector CBA, signed with employers' associations, or III) an inter-professional CBA, covering all sectors.

Table 1 - Overview of the CBAs used in this report by country

COUNTRY	Number of CBAs	COUNTRY	Number of CBAs
Indonesia	87	Madagascar	11
Kenya	77	Costa Rica	8
Ethiopia	33	Mozambique	7
Ghana	27	Niger	5
Peru	26	El Salvador	5
Brazil	24	Burundi	4
Tanzania	23	Cambodia	4
Guatemala	23	South Africa	3
Senegal	18	Lesotho	3
Uganda	16	Malawi	3
Colombia	15	Rwanda	2
Benin	13	Vietnam	2
Togo	12	Guinea Conakry	1
Honduras	12		

This is the distribution of the collective agreements in the three areas of the world:

Table 2 - Overview of CBAs by continent

REGION	Number of CBAs
Africa	257
Latin America	114
South East Asia (mainly Indonesia)	93

Africa is by far the most represented continent in the database, with more than half of the collective agreements. Then there is Latin America with around one fourth of the total, followed by Indonesia with around 20% of the CBAs. There are only a few more collective agreements from South East Asia (four from Cambodia and two from Vietnam).

The vast majority (403) of the analysed collective agreements cover the private sector, while only 56 cover the public sector.

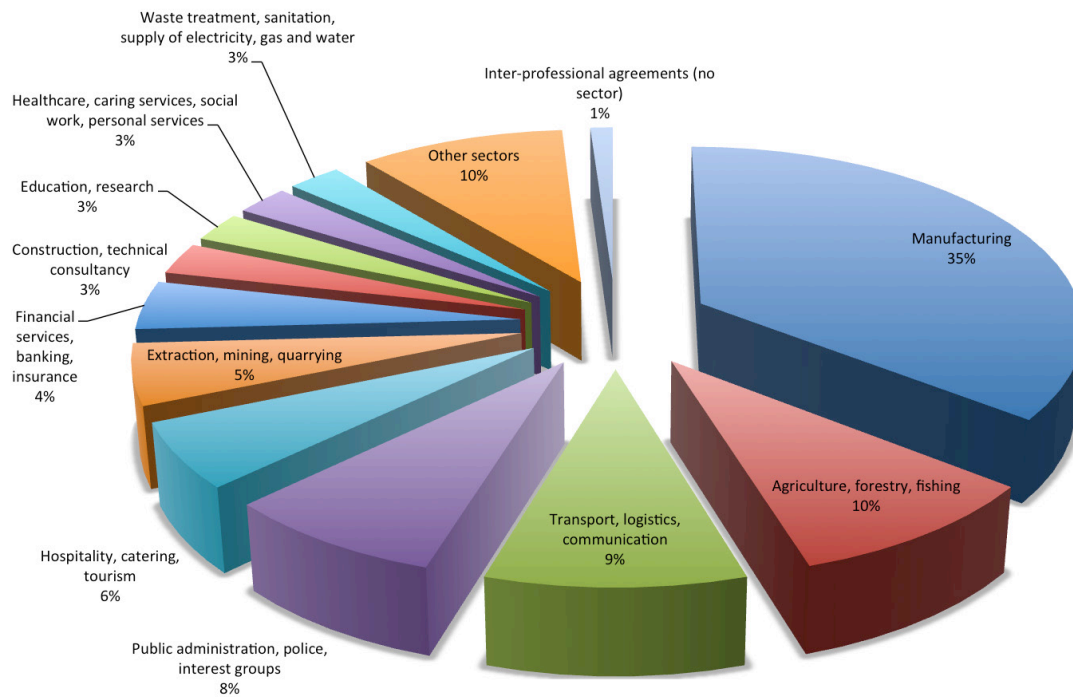
Table 3 shows the distribution of the 459 collective agreements in 19 main sectors of activity. Graph 1 provides for the percentages.

Table 3 - Overview of CBAs by industry

SECTOR	Number of CBAs	SECTOR	Number of CBAs
Manufacturing	165	Waste treatment, sanitation, supply of electricity, gas and water	12
Agriculture, forestry, fishing	45	Publishing, printing, media	10
Transport, logistics, communication	44	Retail trade	10
Public administration, police, interest groups	38	Security, cleaning, homework	9
Hospitality, catering, tourism	27	Entertainment, culture, sports	6
Extraction, mining, quarrying	25	Trade, fuelling and repair of motor vehicles	5
Financial services, banking, insurance	20	Real estate, renting, call centres	2
Construction, technical consultancy	13	Wholesale	2
Education, research	12	ICT services	2
Healthcare, caring services, social work, personal services	12	Inter-professional agreements (no sector)	5

Graph 1

CBA in the database by industry



Graph 1 shows that manufacturing is the most frequently encountered industry, with around 35% of collective agreements. Far behind, there are 10% of CBAs from agriculture and fishing and 9% from transport, logistics and communication. Around 8% of collective agreements are from the public administration, while there are around 6% from hospitality, catering and tourism and 5% from extraction. Financial services CBAs are only around 4% of the total, while construction, education, healthcare, and waste/electricity/gas/water cover around 3% each. All other sectors represent each 2% or less of the total number of the analysed CBAs and cover altogether around 10% of the total.

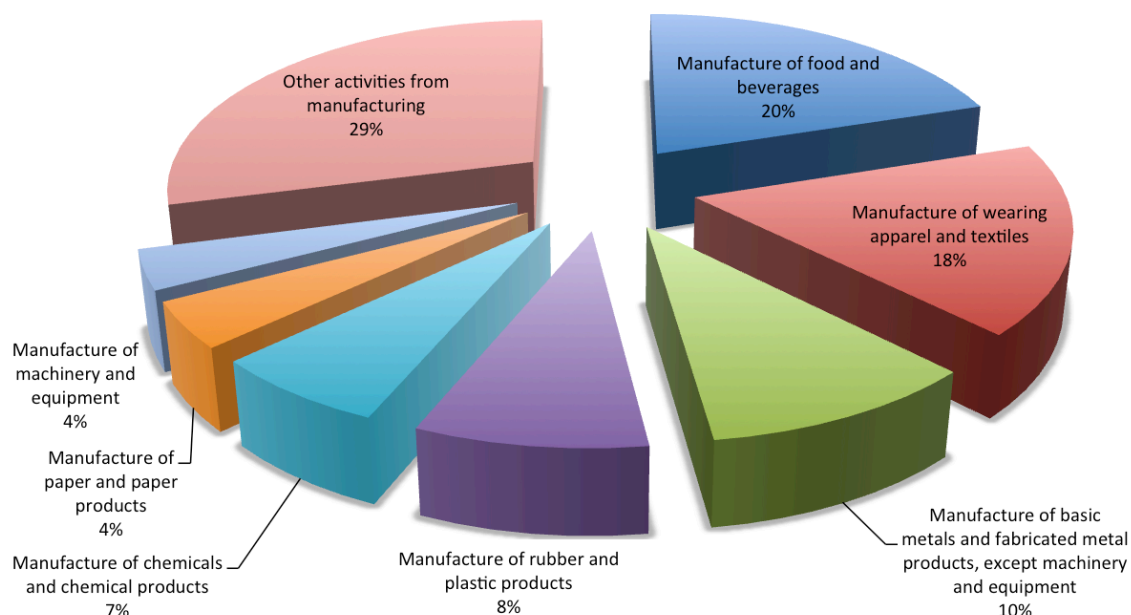
The 165 collective agreements of manufacturing sector can be split into 21 groups, according to the sub-sector they apply to, as shown in Table 4. Graph 2 shows the percentage of agreements for each sub sector.

Table 4 - Overview of the CBAs of manufacturing sector by sub-sector

MANUFACTURING SUB-SECTOR	Number of CBAs	MANUFACTURING SUB-SECTOR	Number of CBAs
Manufacture of food and beverages	33 (25 food, 8 beverages)	Manufacture of motor vehicles, trailers and semi-trailers	5
Manufacture of wearing apparel and textiles	29 (15 wearing apparel, 14 textiles)	Manufacture of tobacco products	3
Manufacture of basic metals and fabricated metal products, except machinery and equipment	17	Manufacture of coke and refined petroleum products	3
Manufacture of rubber and plastic products	14	Manufacture of electrical equipment	3
Manufacture of chemicals and chemical products	11	Manufacture of furniture	3
Manufacture of paper and paper products	7	Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials	3
Manufacture of machinery and equipment	6	Manufacture of bricks, tiles, glass, ceramic goods, and alike	2
Manufacture of basic pharmaceutical products and pharmaceutical preparations	5	Manufacture of cement, lime and plaster	2
Manufacture of computer, electronic and optical products	5	Manufacture of medical, precision and optical instruments, watches and clocks	1
Manufacture of leather and related products	5	Other activities from manufacturing	8

Graph 2

Manufacturing sector CBAs in the database by sub-sector



As shown in Graph 2, the most represented sub-sectors in manufacture are food/beverages and textile (around 20% and 18% of all the CBAs in this sector, respectively), followed by metal (10%), plastic (8%) and chemicals (7%). The manufacture of paper products and the manufacture of machinery and equipment CBAs represent each around 4% of the total of collective agreements in this sector, while each of other sub sectors covers 3% or less of the total CBAs in manufacturing sector and represent altogether around 29% of the total.

Table 5 - Overview CBAs by level of bargaining

LEVEL OF BARGAINING	Number of CBAs
Inter-professional	5
Sectoral (Signed by one or more employers' associations)	58
Company (Signed by one employer)	401

The report takes into account also the level of bargaining, which is essential in terms of coverage and impact of a collective agreement in a country. As shown in Table 5, most CBAs in the system (401) are company/enterprise level collective agreements (signed with a single employer), but the database contains also a good sample of sectoral CBAs (58), i.e. CBAs signed with one or more employers' associations. Almost all of the sectoral CBAs are from Africa (mostly from Togo, Senegal and Kenya), as only five come from other countries (Peru, Brazil, and two from Vietnam). The five inter-professional agreements – all from West Africa – are particularly important, as they cover all the workers in the country.

3 Work and family balance arrangements and equality: are these topics addressed in collective agreements?

This report analyses work and family balance arrangements and equality issues in collective agreements. Table 6 shows in which countries and in which proportion these topics are addressed.

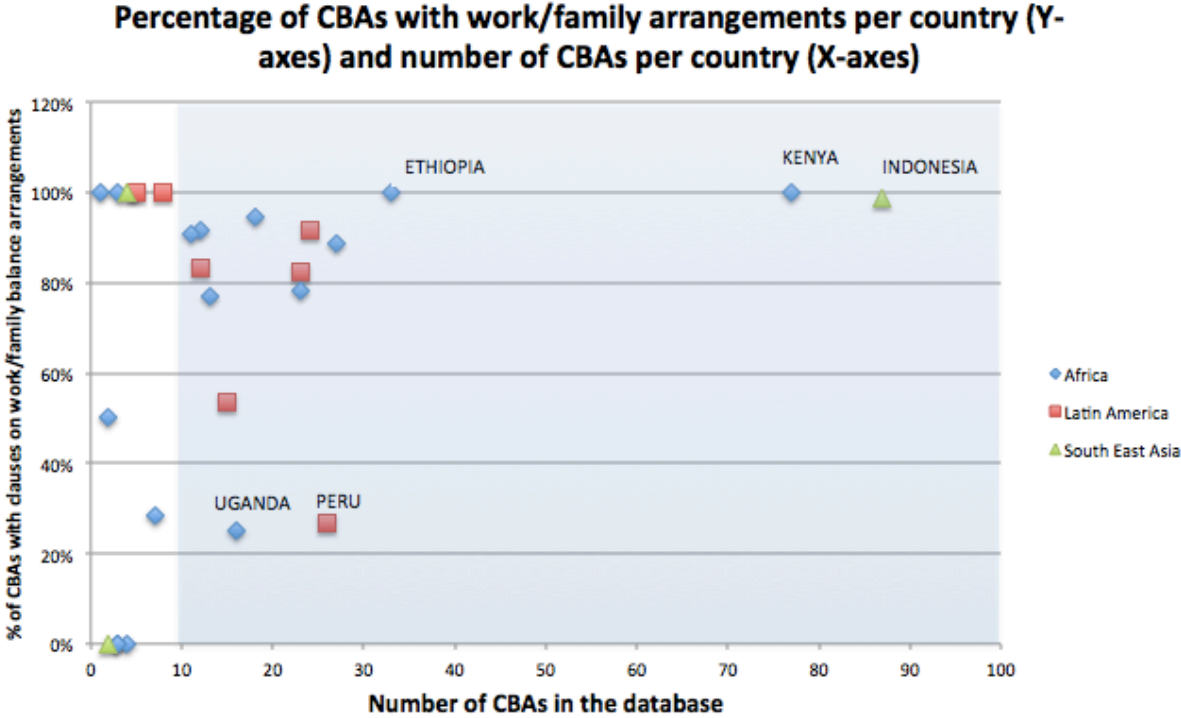
Table 6 - CBAs addressing work/family arrangements and equality issues by country

COUNTRY (or-ordered by number of CBAs available)	Total number of CBAs in the database	% of CBAs with clauses on work/family balance arrangements	% of CBAs with clauses on equality
Indonesia	87	99%	97,7%
Kenya	77	100%	14,3%
Ethiopia	33	100%	9,1%
Ghana	27	89%	63,0%
Peru	26	27%	19,2%
Brazil	24	92%	4,2%
Tanzania	23	78%	34,8%
Guatemala	23	83%	52,2%
Senegal	18	94%	50,0%
Uganda	16	25%	31,3%
Colombia	15	53%	6,7%
Benin	13	77%	76,9%
Togo	12	92%	100,0%
Honduras	12	83%	50,0%
Madagascar	11	91%	90,9%
Costa Rica	8	100%	87,5%
Mozambique	7	29%	14,3%
Niger	5	100%	60,0%
El Salvador	5	100%	80,0%
Burundi	4	0%	0,0%
Cambodia	4	100%	50,0%
South Africa	3	100%	0,0%
Lesotho	3	0%	0,0%
Malawi	3	0%	0,0%
Rwanda	2	50%	50,0%
Vietnam	2	0%	100,0%
Guinea Conakry	1	100%	0,0%
ALL COUNTRIES	464	83,0%	46,3,0%

The following scatterplot graphs (Graphs 3 and 4) highlight the countries with many CBAs available and their proportion with clauses on the relevant issues.

The graphs show on the horizontal axis the number of collective agreements analysed, and in the vertical axis the percentage of collective agreements containing clauses about work/family balance arrangements (Graph 3) and equality (Graph 4). Countries are represented by dots of different shape and colour according to the region: Africa is blue, Latin America is red and South East Asia is green. To simplify the graphs, only countries that are more statistically relevant (i.e. countries with higher number of analysed agreements and very high or very low number of pertinent clauses) are tagged. The purpose of these graphs is to visually show which are the most statistically relevant countries, taking into account not only the presence of pertinent clauses, but also the number of CBAs available in the database for each country. This can help in giving a more balanced judgement on countries like Burundi, Malawi, Lesotho and Vietnam, where there is no clause about work and family arrangements, but the number of collective agreements available for these countries is four or less.

Graph 3

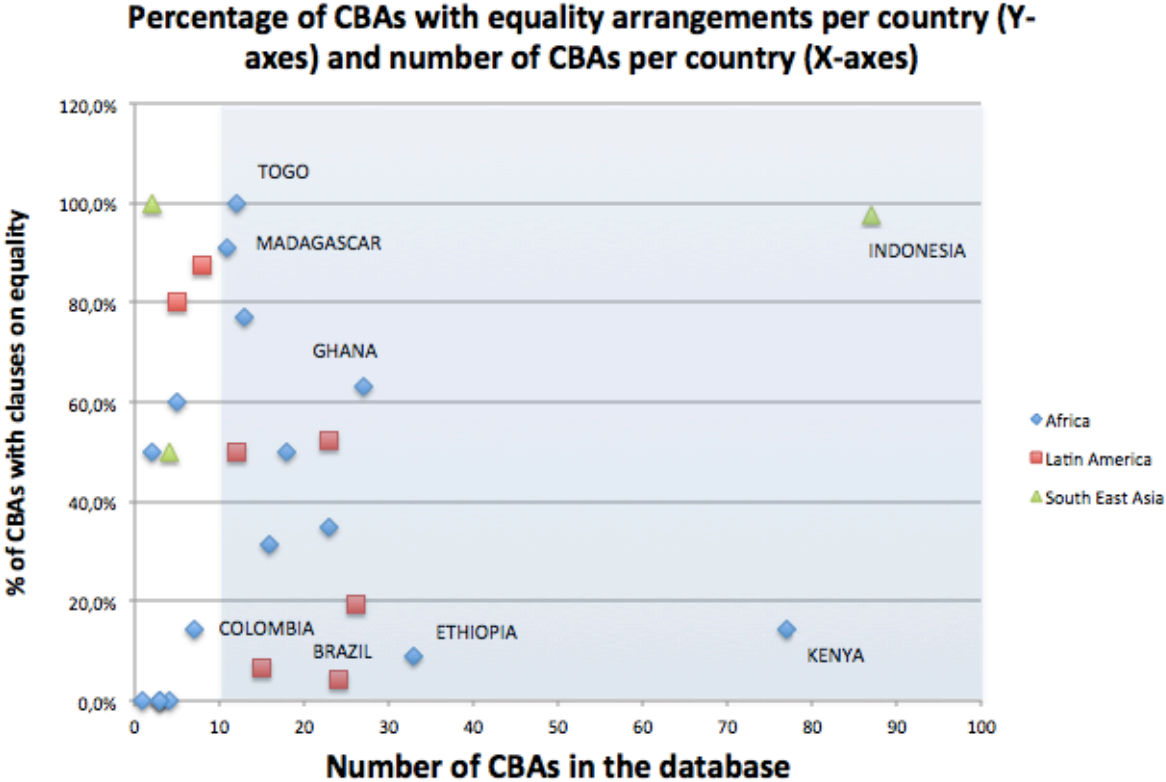


As shown in Graph 3, most of Latin American and African countries have clauses on work and family balance arrangements in around or more than 80% of their collective agreements.

Kenya and Indonesia stand out as the countries offering special clauses on such topic in the highest number of CBAs. Ethiopia as well has a high number of CBAs in the database (33), and all of them contain at least one clause on work and family arrangements. Both Uganda and Peru have more than ten CBAs, but only a small fraction of them addresses issues related to this topic. As said above, agreements from Burundi, Malawi, Lesotho and Vietnam provide no clause about work and family arrangements, although in the database there are only four agreements or less for each of these countries. It is relevant also to consider that all Vietnamese CBAs contain clauses on equality, and in particular on gender equality (see Table 6). However, these equality clauses are more a

general guideline to be followed by the employer than clear practical provisions. Also, they simply replicate a provision that is already contained in national law.

Graph 4



As shown in Graph 4, Indonesia stands out as the country offering special clauses for equality in the highest number of collective agreements, while in Kenya only around 14% of the 77 analysed CBAs contain clauses about such topic.

Among African countries, Togo is the only one where all CBAs contain equality clauses. These clauses can be found in 91% of the collective agreements in Madagascar and in more than 60% of the Ghanaian CBAs.

The database contains 15 CBAs from Colombia, more than 20 collective agreements from Brazil and more than 30 from Ethiopia, but in all these countries clauses about equality are very rare: they can be found only in 9% of the Ethiopian CBAs, in 7% of Colombian CBAs and in 4% of the Brazilian collective agreements.

No clause about equality could be found in collective agreements from Burundi, South Africa, Malawi, Lesotho and Guinea, although the number of collective agreements available for these countries is four or less. All South African agreements, however, contain clauses on work and family balance arrangements (see Table 6). Two of them have clauses on maternity leave only, and one also on parental and paternity leaves. Law in South Africa prohibits gender discrimination, so probably negotiators did not think it was necessary to repeat this in collective agreements,

but they decided to negotiate and reinforce (although this is not always the case) more practical provisions, like days of maternity, paternity and parental leave.

Among the countries with more than seven CBAs in the database, Mozambique, Uganda and Peru are those where none of the two topics is consistently present in collective agreements.

4 Work/family balance arrangements – A deeper insight

The section on work and family balance arrangements includes maternity leave, health and safety provisions during pregnancy and breastfeeding, paternity leave, parental leave, breastfeeding and childcare.

Table 7 shows how many collective agreements contain clauses related to such topics, and in which areas of the world:

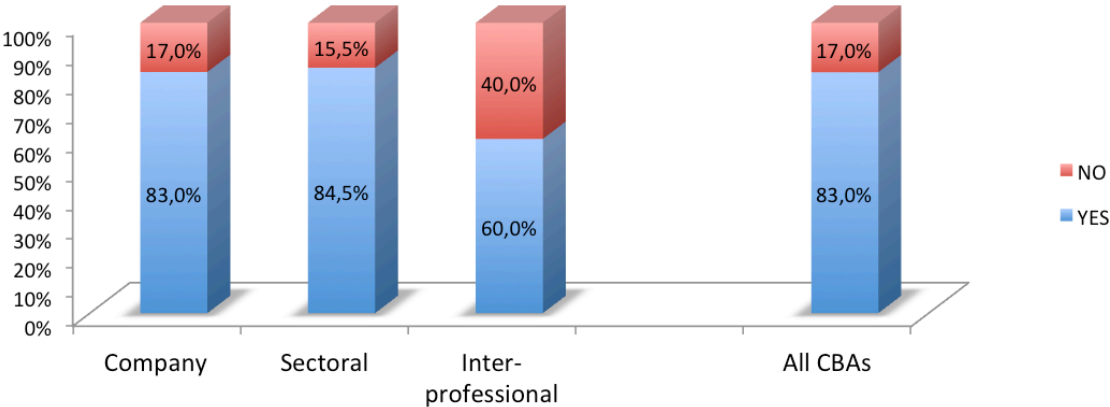
Table 7 - CBAs addressing work/family arrangements

Area	CBAs with clauses on work/family	Total CBAs	Percentage of CBAs with work/family clauses
Africa	216	258	83,7%
Latin America	79	113	69,9%
South East Asia	90	93	96,8%
All areas	385	464	83,0%

In South East Asia (Indonesia) almost all collective agreements contain clauses on work/family arrangements. In Africa more than 80% of CBAs address such topics, and in Latin America the percentage goes down to 70%. On average, 83% of the CBAs in the database contain clauses on work and family balance.

Graph 5

Does the agreement contain clauses on work and family arrangements (including pregnancy, maternity/paternity leave and childcare)?



Graph 5 shows the distribution of clauses on work and family arrangements according to the level of bargaining. Most of the company and sectoral CBAs contain clauses on such topics, while three out of five inter-professional collective agreements (in Benin, Senegal and Niger) address work and family issues.

The report analyses the different topics separately. For every topic, the first paragraph provides for the list of questions used to annotate collective agreements. All questions are also listed in Appendix 2.

4.1. Maternity leave

a) Questions discussed

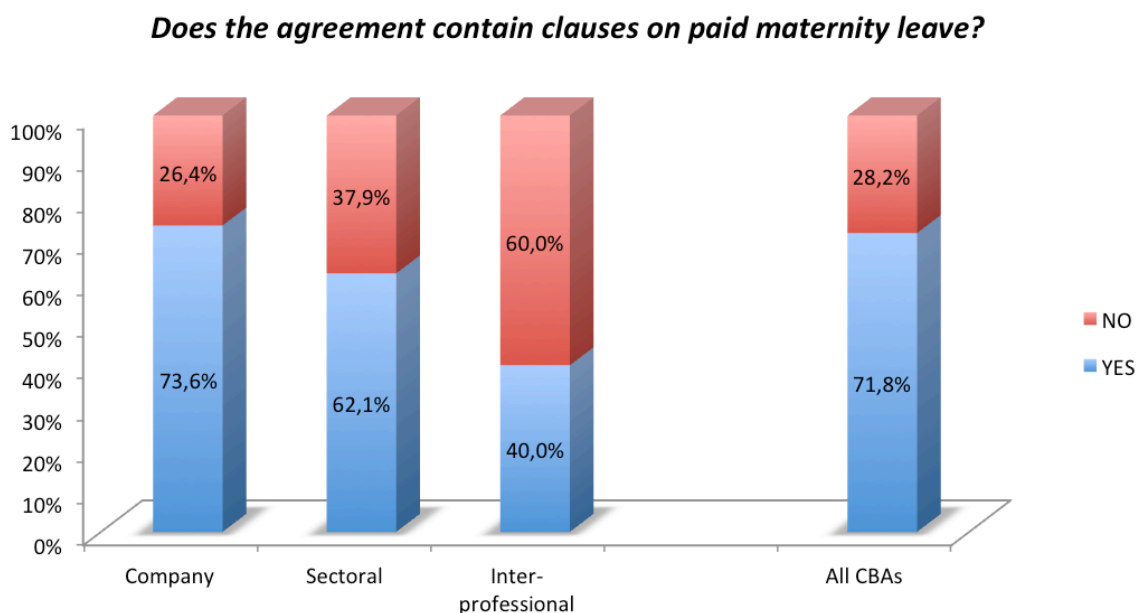
- Does the agreement contain clauses on paid maternity leave?
- What is the total duration of maternity leave in consecutive weeks?
- Are all female employees eligible for paid maternity leave?
- Does the agreement provide for the % of basic wage to be paid during maternity leave?
- What percentage?
- Does the agreement contain clauses on job security for women wishing to return to work after maternity leave?
- Does the agreement contain clauses that prohibit (any form of) discrimination related to maternity?
- Are there groups of women workers (e.g. temporary workers) which are excluded from any of the above clauses?
- If yes, please cite the group(s) of women workers that are excluded
- Are there groups of women workers which are under different arrangements from those specified in the above clauses (e.g. part-time workers)?
- If yes, please cite the group(s) of women workers

b) Existence of clauses

ILO acknowledges that paid maternity leave is crucial to protect the health and economic security of women and their children.

Graph 6 shows how many of the collective agreements in the database have clauses related to maternity leave.

Graph 6



Gender Equality and work/family balance Arrangements in Collective Agreements in Africa, Latin America and South East Asia, on the basis of the WageIndicator CBA Database - December 2015

Around 70% (333 out of 464) of the collective agreements contain clauses related to maternity leave, which may include number of weeks provided, percentage of wage to be paid, job security after leave and discrimination related to maternity. The percentage lowers a bit in sectoral CBAs, where only around 60% have clauses on such topics. Only two inter-professional agreements out of five – the ones of Niger and Senegal - have sentences about maternity.

CBAs from Burundi, Malawi, Lesotho, Peru and Vietnam have no provision on the weeks of maternity leave.

c) Number of weeks

Of the 333 collective agreements with clauses on maternity, 315 provide for the number of weeks.

Table 8 shows the average maternity leave provision per level of bargaining and world region in the collective agreements present in the database.

Table 8 - Average maternity leave provisions per level of bargaining and continent

Area	Company		Sectoral		Inter-professional		TOTAL	
	Average duration (weeks)	Number of CBAs	Average duration (weeks)	Number of CBAs	Average duration (weeks)	Number of CBAs	Average duration (weeks)	Number of CBAs
Africa	13,0	158	13,1	33	14,0	1	13,1	192
Latin America	15,4	40	26,0	1			15,7	41
South East Asia	13,1	82					13,1	82
Total	13,4	280	13,5	34	14,0	1	13,4	315

On average, collective agreements don't reach the minimum standard of paid maternity leave set by ILO, which is 14 weeks. African and South East Asian CBAs provide on average 13 weeks of maternity leave, while the average leave provided by collective agreements in Latin America is 15,7. In South East Asia there is no sectoral CBA providing for the number of weeks, and there is only one in Latin America. It's the *Acordo Coletivo de Trabalho: Sindicato dos Trabalhadores Em Empresas de Telecomunicacoes E Operadores de Mesas Telefonicas do Estado do Parana*, a Brazilian sectoral CBA for workers of telecommunications and phone companies in the state of Parana, and it provides for 26 weeks of maternity leave (see Box 1).

Box 1

CLÁUSULA VIGÉSIMA TERCEIRA - LICENÇA MATERNIDADE

Para licenças-maternidade fica assegurada concessão da duração prevista no inciso XVIII do art 7º da Constituição Federal, prorrogada por 60 (sessenta) dias, nos termos e condições do Programa Empresa Cidadã, regido pela Lei nº. 11.770/2008, Decreto nº. 7.052/2009 e normativas aplicáveis no âmbito da Receita Federal, mediante solicitação escrita da empregada até o final do primeiro mês após o parto.

PARÁGRAFO PRIMEIRO: A prorrogação da licença-maternidade terá início no dia imediatamente ao término da fruição da licença de que trata o inciso XVIII do art 7º da Constituição federal.

[Acordo Coletivo de Trabalho: Sindicato dos Trabalhadores Em Empresas de Telecomunicacoes E Operadores de Mesas Telefonicas do Estado do Parana - 2012](#)

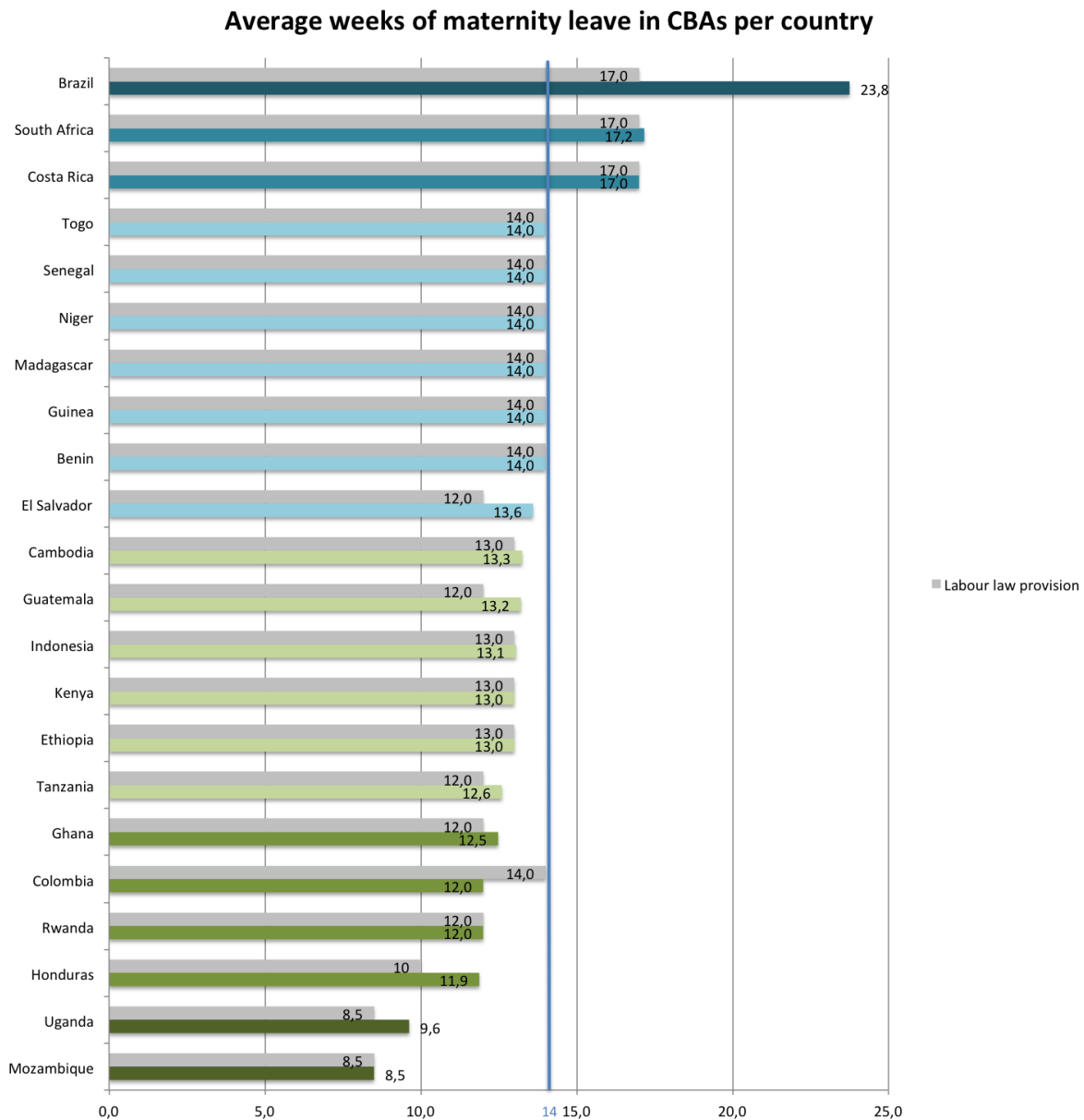
Five company CBAs in Brazil also provide for 26 weeks, which is the longest maternity leave that can be found in the entire database.

In Africa, there are 33 sectoral collective agreements providing for the weeks of maternity leave, but on average they give only 13 weeks.

Only one inter-professional collective agreement out of five provides for the number of weeks of maternity leave: it's the one from Senegal, which gives to its female workers 14 weeks of maternity leave.

Graph 7 shows the average weeks of maternity leave provided by the CBAs in different countries. CBAs with no provision on the number of weeks have been excluded. For each country, the grey bar shows what is the provision in the country labour law. The vertical blue line represents the ILO standard for maternity leave (14 weeks minimum), set by Convention No. 183.

Graph 7



The CBAs from ten countries provide on average for at least 14 weeks of maternity leave or more: Brazil, South Africa, Costa Rica, Togo, Senegal, Niger, Madagascar, Guinea, Benin and El Salvador. Only the first three give more than what is provided by ILO as the minimum, and meet the Convention 183.

d) Comparison with labour law

Comparison with the requirements of the labour law in the examined countries allows seeing how many of the 315 collective agreements meet those provisions.

Table 9 shows the weeks of maternity leave as provided by labour law in the analysed countries.

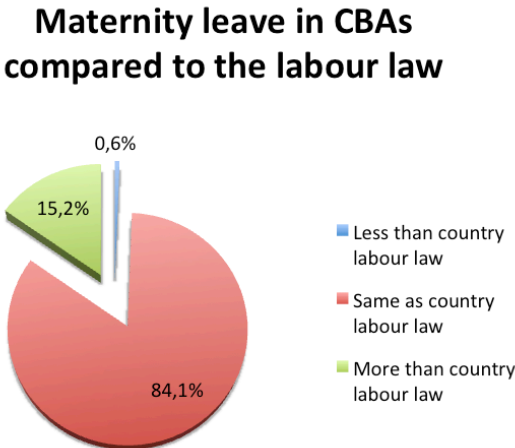
Table 9 - Weeks of maternity leave in the labour law per country

COUNTRY	Weeks of maternity leave by law
Mozambique, Uganda	8,5
Honduras	10
El Salvador, Ghana, Guatemala, Rwanda, Tanzania	12
Cambodia, Ethiopia, Indonesia, Kenya	13
Benin, Colombia, Guinea, Madagascar, Niger, Senegal, Togo	14
Brazil, Costa Rica, South Africa	17

Source: WageIndicator Labour Law Database, 2015

Graph 8 shows the compliance of collective agreements’ provisions with the labour law applied in the countries.

Graph 8



The vast majority of the collective agreements stating the amount of weeks provide for the same number of weeks as in the country labour law. However, 15% of CBAs provide more than what is required under the law. Most of these ‘best CBAs’ are from Ghana (eleven), Tanzania (seven), Honduras (six) and Brazil (six). In the case of Brazil they provide for nine weeks more than the law – which is already giving 17 weeks -, while in Ghana, Tanzania and Honduras it’s only one week more, and still they do not reach the 14 weeks.

Two collective agreements in the database provide for less than the respective country labour law. It’s the case of the metal manufacturer [Empresa Saint-Gobain Abrasivos Colombia Ltda.](#), which gives to its employees only 12 weeks of maternity leave when the law provides for 14, and the sectoral South African CBA signed by the

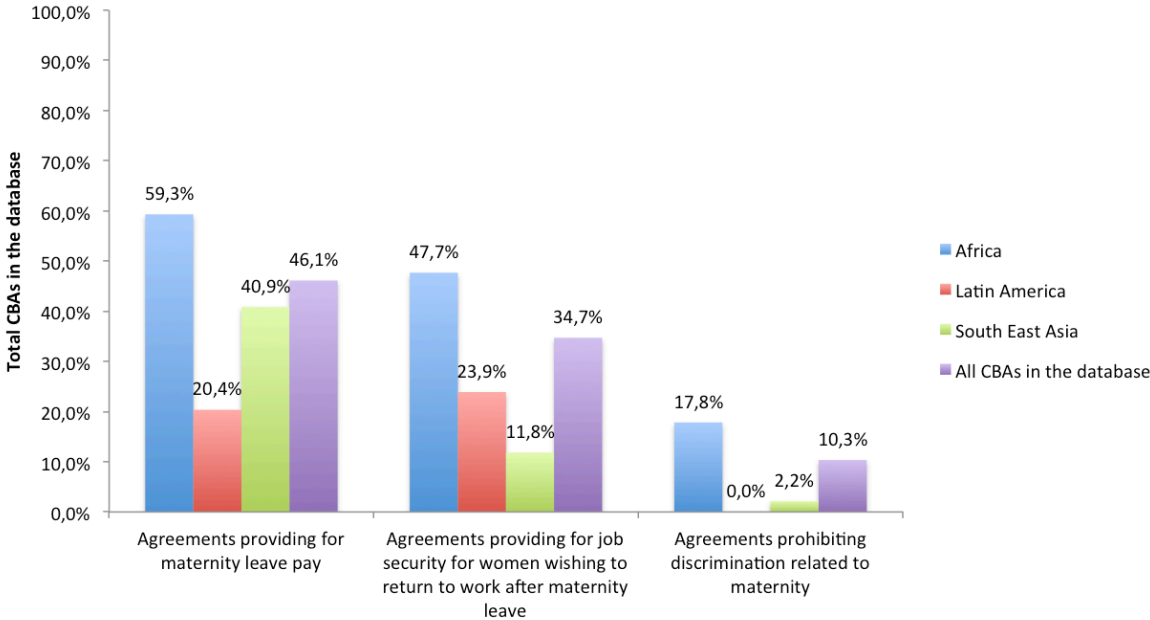
[Fibre & Particle Board Chamber of the Bargaining Council for the Wood & Paper Sector](#), which provides for only 8,5 weeks of maternity leave against the 17 provided by the law.

e) Pay, job security, prohibition of discrimination

The analysis on maternity leave takes into account three more topics: maternity leave pay, job security for women wishing to return to work after maternity leave and prohibition of discrimination related to maternity. Graph 9 shows how many of the collective agreements in the database contain these clauses and displays them per area of the world.

Graph 9

Provisions on maternity leave pay, job security and discrimination related to maternity



Almost half of the collective agreements in the database provide for the percentage of basic wage to be paid for maternity leave. However, this information is present mostly in African CBAs, in particular in Kenya, Ethiopia and Ghana. All three CBAs from South Africa have this provision, but they are the only ones in the continent to provide for less than 100% of the basic wage. One provides for 80% of the wage, one for 75% and the one signed by the [Fibre & Particle Board Chamber of the Bargaining Council for the Wood & Paper Sector](#), only 25%.

In South East Asia, 35 collective agreements from Indonesia and three out of four CBAs from Cambodia provide for maternity leave pay.

In Latin America, this provision is present only in around 20% of the collective agreements.

In general, where this clause is available, it usually provides for 100% of basic wage. Exceptions to this are the South African collective agreements stated above and two CBAs from Cambodia, which provide for 50% of the usual wage as maternity leave pay.

The proportion among different areas of the world changes when the clauses about job security after maternity leave are addressed. Almost half of African CBAs have clauses on such topic (again, mostly in Kenya, Ethiopia and Ghana), while only around 12% of South East Asian CBAs provide for this. In Latin America, these clauses can be found in around 24% of the collective agreements, in particular in Brazil.

Prohibition of discrimination related to maternity is addressed only rarely in collective agreements. In Latin America there is no CBA with such provision, and in South East Asia there are only two out of 93. In Africa, this is clearly stated in 36% of Kenyan collective agreements and in around half of the CBAs from Togo. In Benin, Ethiopia, Ghana and Uganda only a few collective agreements prohibit discrimination related to maternity leave, while in Burundi, Lesotho, Malawi, Mozambique, Peru and Vietnam none of the three clauses shown in the graph have been addressed in any of the CBAs.

More on discrimination and equal opportunities at work can be found in this report in chapter 5, section d).

f) Exclusions

Among all collective agreements with provisions on maternity leave, 26 contain clauses clearly excluding some women. In Indonesia the exclusion is due to the position and/or to the type of contract. In ten CBAs out of 87 from this country, contract workers, daily workers, non-union workers, non-permanent workers, non-staff workers or workers from a specific rank are excluded from the maternity leave provisions.

In 13 out of 27 Ghanaian CBAs, the exclusion is due either to tenure (women workers with less than one year of service are excluded) or to unionization (non-unionized workers are excluded), or to type of contract (temporary workers are excluded). One year of tenure is also required in one CBA from South Africa and in one from Cambodia to benefit from maternity-related provisions. In the Kraft Foods CBA from Brazil, job security after maternity leave is guaranteed only to employees with indefinite contract.

4.2. Health and safety provisions related to pregnancy and/or breastfeeding

a) Questions discussed

- Does the agreement contain health and safety clauses related to pregnancy and/or breastfeeding?
- Does the agreement contain clauses ensuring that pregnant or breastfeeding workers (and not ALL Women) are not obliged to perform dangerous or unhealthy work?
- Does the agreement contain clauses requiring the employer to carry out a workplace risk assessment on the safety and health of pregnant or nursing women and inform them accordingly?
- Does the agreement contain clauses ensuring that alternatives to dangerous or unhealthy work are available to pregnant or breastfeeding workers (namely, elimination of risk, adaptation of working conditions, transfer to another post, paid leave with right to return to work)?
- Does the agreement contain clauses on time off for prenatal medical examinations?
- Does the CBA contain clauses against screening for pregnancy before regularising non-standard workers?
- Does the CBA contain clauses against screening for pregnancy before promotion?

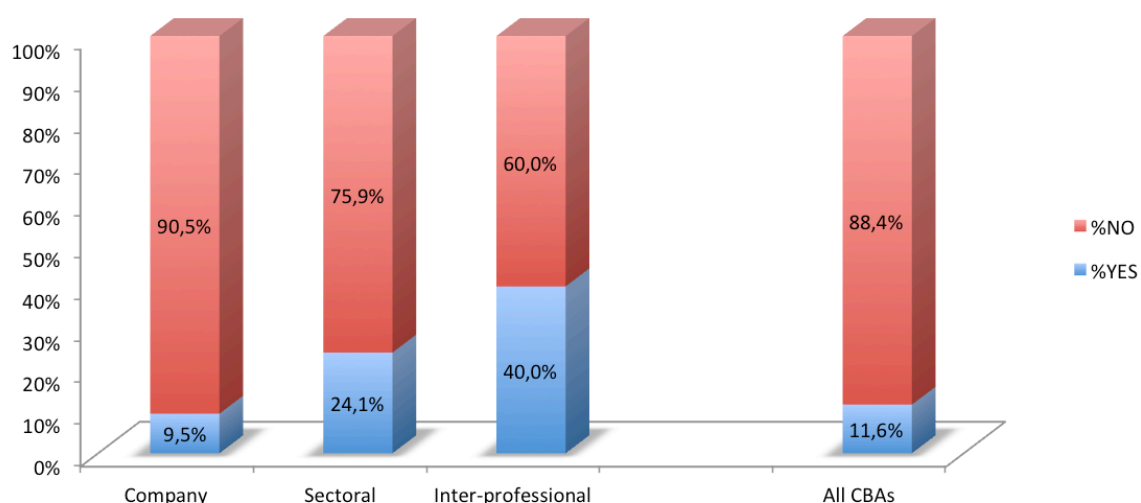
b) Existence of clauses

The analysis of the collective agreements in WageIndicator database includes the mother's health and safety protection in the workplace. The annotation include clauses about I) the prohibition for pregnant and breastfeeding workers to perform dangerous or unhealthy work, II) the obligation for the employer to carry out a workplace risk assessment on the safety and health of pregnant or nursing women and inform them accordingly, III) the obligation for the employer to provide alternatives to dangerous or unhealthy work, IV) the time off for prenatal medical examinations and V) the prohibition of screening for pregnancy before promoting a worker or regularising non-standard workers.

Graph 10 shows how many agreements offer at least one of the above provisions.

Graph 10

Does the agreement contain health and safety clauses related to pregnancy and/or breastfeeding?



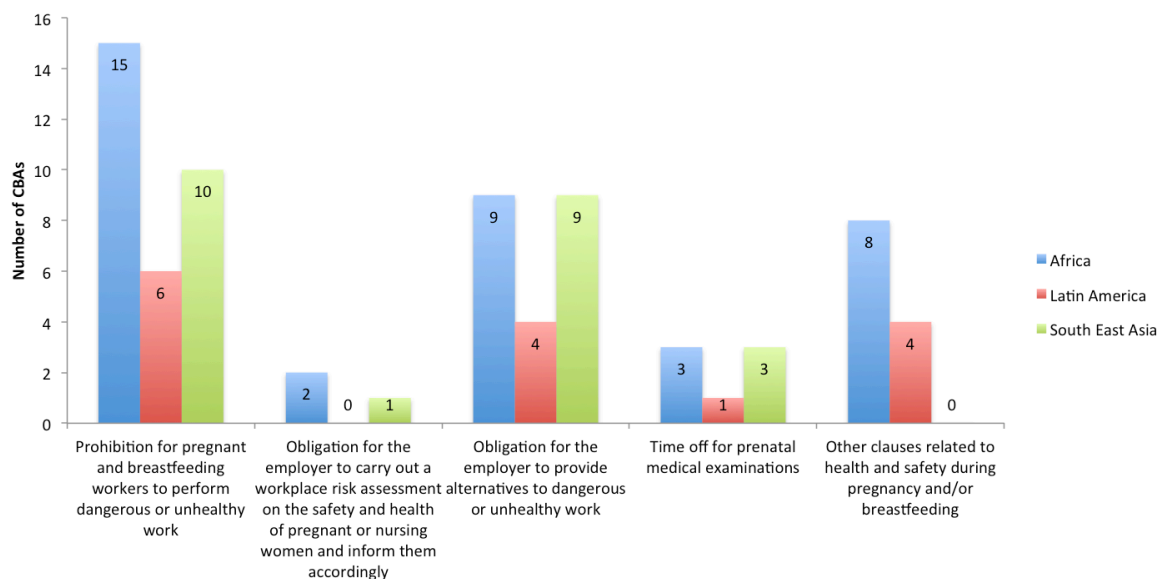
In the entire database, only around 11,5% of collective agreements (54) offer health and safety provisions for pregnant and breastfeeding workers. Clauses on such topics are not common in company agreements, where they can be found only in 9,5% of the total documents. These issues seem to be more addressed in sectoral CBAs: around 24% of them (all in Africa) have clauses on such topics, mostly in Senegal. Related clauses could be found also in two inter-professional agreements out of five (in Niger and Senegal).

c) Prohibition of dangerous/unhealthy work, workplace risk assessment, alternatives to dangerous/unhealthy work, time off for prenatal medical examinations, other clauses

Graph 11 offers a deeper insight on the single topics addressed and displays them per area of the world.

Graph 11

Collective agreements with health and safety provisions related to pregnancy and/or breastfeeding



Clauses prohibiting pregnant and breastfeeding workers to perform dangerous or unhealthy work can be found only in 35 collective agreements in the database (7,5% of the total). Most of them are from Africa, but there are also ten from South East Asia (Indonesia and Cambodia) and six from Latin America (in Brazil, Peru and Colombia).

However, employers are very rarely obliged by CBAs to carry out a workplace risk assessment on the safety and health of pregnant and nursing women and inform them accordingly. Only three clauses in the entire database provide for this: one in Tanzania, one in Togo and one in Indonesia.

In 22 collective agreements the employer is obliged to provide alternatives to dangerous or unhealthy work. This is less common in Latin America, where only four CBAs contain this provision.

Only seven collective agreements in the database provide for time off for prenatal medical examinations. In Latin America, only one collective agreement from a chemical company in Brazil offers this provision, the Borracha Lanxess – PE (see Box 2).

Box 2

CLÁUSULA TRIGÉSIMA OITAVA: EXAMES PRÉ-NATAL

A LANXESS concederá as suas empregadas os dias necessários, remunerados, para que se submetam a exame pré-natal, a partir do laudo fornecido pelo Médico Assistente, devidamente apreciado e aceito pelo órgão Médico da Companhia.

[Borracha LANXESS - PE - 2012](#)

In Africa and Latin America, 12 collective agreements contain other provisions related to health and safety for pregnant and breastfeeding workers. In Ghana and Tanzania a few collective agreements point out that if a pregnant worker is sick, she is granted sick leave, which shall not be counted as maternity leave. In collective agreements from Senegal, there are clauses protecting pregnant and breastfeeding women from rush in the changing rooms and at the exit of the company. In Honduras, El Salvador and Brazil some CBAs guarantee that all expenses related to medical prenatal and postnatal examination are paid by the employer.

None of the 464 collective agreements clearly prohibits screening for pregnancy before promoting a worker or regularising non-standard workers. More on discrimination and equal opportunities at work can be found in this report in chapter 5, section d).

4.3. Paternity leave

a) Questions discussed

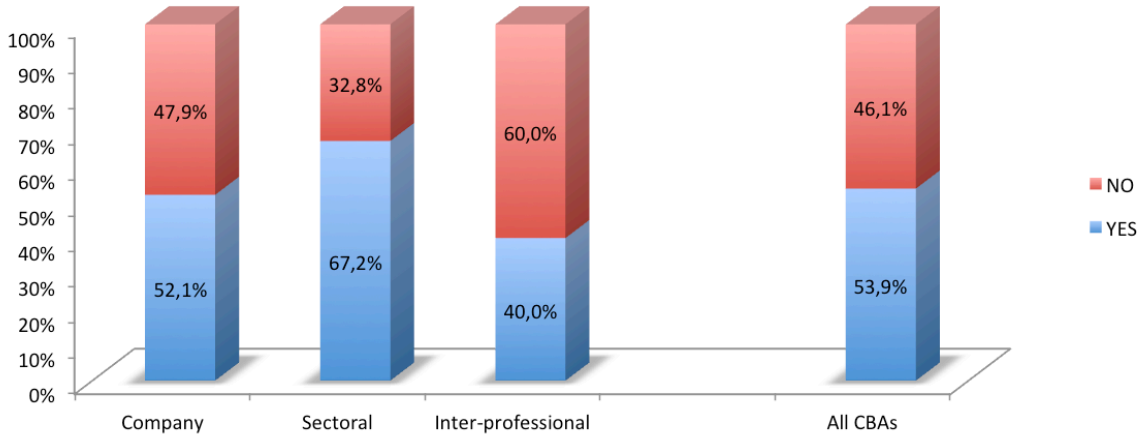
- Does the agreement have clauses on paid paternity leave?
- What is the total duration in days of paid paternity leave at the time of delivery?
- Does the agreement provide for the % of basic wage to be paid during paternity leave?
- What percentage?

b) Existence of clauses

ILO acknowledges that the recognition of men’s right to parenthood, as well as their responsibility to share unpaid care and household work, will help to break down traditional social attitudes, resulting in greater equality for both men and women at work and at home. Although it is paid in 71 countries of the world, paternity leave is usually very short (and is expressed in days). Graph 12 shows how many of the collective agreements in the database provide for at least one day of paternity leave.

Graph 12

Does the agreement have clauses on paid paternity leave?



Graph 12 shows that paternity leave provision is given in around half of the collective agreements in the database. While maternity leave is provided in around 62% of sectoral agreements, around 67% of sectoral CBAs contain a provision about paternity leave. Except for one Latin American sectoral CBA, all these are from Africa.

As to inter-professional CBAs, paternity leave is provided only in two of them - Niger and Senegal – the same two providing for maternity leave.

CBAs from Burundi, Guinea, Lesotho, Malawi, Rwanda, Honduras and Vietnam have no provision on paternity leave.

c) Number of days

Table 10 shows the average paternity leave provision per level of bargaining and world region in the collective agreements annotated in the database.

Table 10 - Average paternity leave provisions per level of bargaining and continent

Area	Company		Sectoral		Inter-professional		TOTAL	
	Average duration (days)	Number of CBAs	Average duration (days)	Number of CBAs	Average duration (days)	Number of CBAs	Average duration (days)	Number of CBAs
Africa	10,7	89	4,8	38	1	2	8,8	129
Latin America	4,4	37	10	1			4,5	38
South East Asia	2,5	83					2,5	83
Total	6,3	209	5	39	1	2	6,1	250

On average, the 250 collective agreements providing for paternity leave offer around six days of paid leave. African collective agreements provide for almost nine days of leave on average, Latin America 4,5 and South East Asia only 2,5.

The average best provisions in Africa are contained in agreements signed at company level, where the average paternity leave is of ten days. Sectoral collective agreements in the continent give half of the time, and the two inter-professional CBAs (Niger and Senegal) only one day. In Latin America there is only one sectoral collective agreement providing for paternity leave: it's the *Acordo Coletivo de Trabalho: Sindicato dos Trabalhadores Em Empresas de Telecomunicacoes E Operadores de Mesas Telefonicas do Estado do Parana*, a Brazilian sectoral CBA for workers of telecommunications and phone companies in the state of Parana, which stood out also for its top provisions

Box 3

CLÁUSULA QUADRAGÉSIMA TERCEIRA - AUSÊNCIAS JUSTIFICADAS

O Empregado poderá deixar de comparecer ao serviço, desde que devidamente comprovado, sem prejuízo de seu salário a contar do primeiro dia útil após o evento, por:

- 05 (cinco) dias consecutivos, em virtude de casamento; Não aplicável aos casos de união Estável
- 10 (dez) dias consecutivos para funcionários em virtude de paternidade.

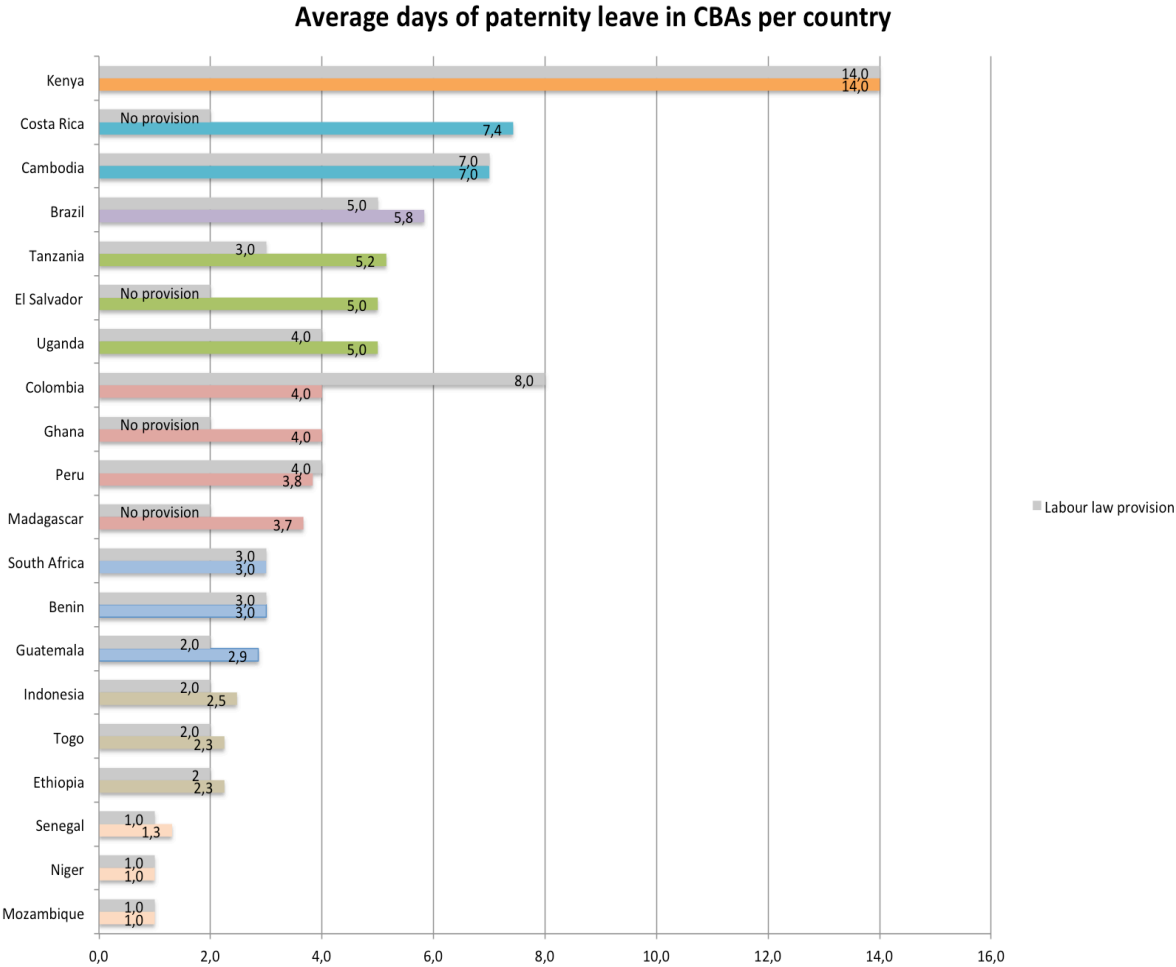
[Acordo Coletivo de Trabalho: Sindicato dos Trabalhadores Em Empresas de Telecomunicacoes E Operadores de Mesas Telefonicas do Estado do Parana – 2012](#)

about maternity leave. The average number of days provided in Latin American CBAs is 4,4, while this agreement offers its employees ten days of paternity leave (see Box 3).

In South East Asia, paternity leave is provided in 83 collective agreements (almost 90% of the total), but the average days offered are low: only 2,5.

Graph 13 shows the average days of paternity leave provided by the CBAs in different countries. For each country, the grey bar shows what is the provision in the country labour law.

Graph 13



Kenya stands out with its average provision of two weeks, and this figure is particularly relevant because nine sectoral and 58 company collective agreements from there provide for days of paternity leave. Costa Rica and Cambodia provide for around one week, Brazil gives six days, while the lowest average number of days – only around one day – can be found in CBAs from Mozambique, Niger and Senegal.

As to the percentage of basic wage paid during paternity leave, almost half of the collective agreements providing for the days of paternity leave also tell how much the father should be paid. Where this clause is available, it always provides for 100% of basic wage.

d) Comparison with labour law

Comparison with the requirements of labour law in the examined countries allows to see how many of the 250 collective agreements meet national law provisions.

Table 11 shows the days of paternity leave as provided by labour law in the analysed countries.

Table 11 - Days of paternity leave in the labour law per country

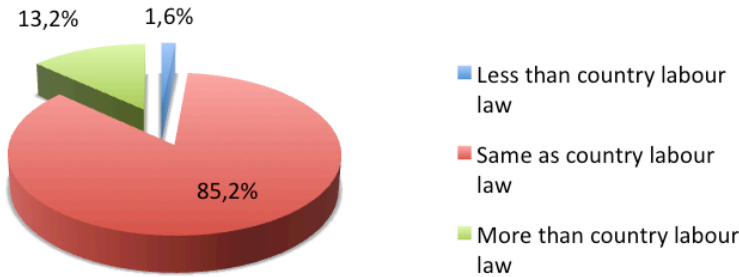
COUNTRY	Days of paternity leave by law
Costa Rica, El Salvador, Ethiopia, Ghana, Madagascar	No provision
Mozambique, Niger, Senegal	1
Guatemala, Indonesia, Togo	2
Benin, South Africa, Tanzania	3
Peru, Uganda	4
Brazil	5
Cambodia	7
Colombia	8
Kenya	14

Source: WageIndicator Labour Law Database, 2015

Graph 14 shows the compliance of collective agreements’ provisions with the labour law applied in the countries.

Graph 14

Paternity leave in CBAs compared to the labour law



Box 4

- e. Cuti karena alasan penting
 1. Diberikan kepada pekerja dengan alasan-alasan sebagai berikut :
 - a. Ibu, bapak, istri/suami, anak, saudara kandung, mertua atau menantu sakit keras atau meninggal dunia.
 - b. Melangsungkan perkawinan yang pertama.
 - c. Melaksanakan ibadah haji ke Tanah Suci.
 - d. Persalinan anak ketiga dan seterusnya.
 - e. Mengurus harta warisan.
 - f. Alasan penting lainnya yang ditetapkan oleh pengusaha.
 2. Lamanya cuti karena alasan penting diberikan paling lama 1 (satu) bulan kecuali melaksanakan ibadah Haji diberikan cuti paling lama 2 (dua) bulan.

[Perjanjian Kerja Bersama Antara PT. Multi Terminal Indonesia Dengan SP PT. Multi Terminal Indonesia - 2008](#)

The vast majority of the collective agreements stating the amount of paternity days provide for the same number of days as in the country labour law. However, there is a 13% giving better provisions than the law. Most of these 'best CBAs' are from Indonesia (eight), Tanzania (seven) and Guatemala (five). In the case of Tanzania they provide for four days more than the law - which is giving three days -, while in

Indonesia and Guatemala it's only one day more.

Three collective agreements from Colombia and one from Peru provide for less than the respective country labour law. It's the case of [Bancolombia](#) (one day of leave instead of eight), of the food company [Noel](#) (three days), of the metal manufacturer [Empresa Saint-Gobain Abrasivos Colombia Ltda.](#) (four days) in Colombia, and of [Pluspetrol](#) in Peru, which provides for two days of leave instead of four.

Box 5

Artículo 37. Licencia de paternidad.

Todo trabajador, a partir del nacimiento o adopción de sus hijos e hijas tendrá derecho a una licencia con goce de salario de un mes. En el caso de adopción, el trabajador deberá presentar certificación de la sentencia aprobatoria emitida por el Juez de Familia.

[Convención Colectiva MEP-SEC-SITRACOME - 2014](#)

Two collective agreements stand out for the very high provisions on paternity leave. The cargo handling Multi Terminal CBA from Indonesia (see Box 4) and the sectoral CBA for Education

from Costa Rica (see Box 5) provide for one-month leave for new fathers. The Indonesian one doesn't tell how much the worker is paid, but the one from Costa Rica clearly provides for full pay.

4.4. Parental leave

a) Questions discussed

- Does the agreement contain clauses on paid leave to care for dependent relatives (children in particular)?
- What is the total duration of paid leave per year in case of caring for relatives (children in particular) in days?

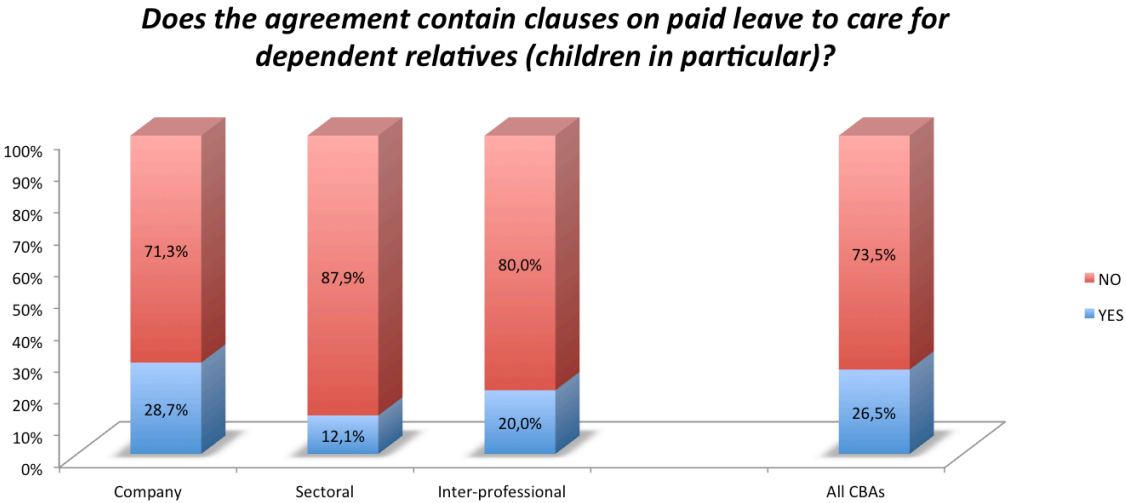
b) Existence of clauses

As explained by ILO, while maternity leave aims to protect working women during their pregnancy and recovery from childbirth, parental leave refers to a relatively long-term leave available to either or both parents, allowing them to take care of an infant or young child over a period of time, usually following the maternity or paternity leave period.

In this report, only paid leave is taken into account. A long-term paid option is very rare in the analysed collective agreements. Rather, they provide for a few days (usually one or two) to care for hospitalized relatives or children, or to care for them in case of serious illness.

Graph 15 displays how many of the collective agreements in the database provide for at least one day of paid parental leave.

Graph 15



Graph 15 shows that paid parental leave provision is given in almost one third of the collective agreements in the database, and the same figure applies to company CBAs. While maternity leave is provided in 62% and paternity leave in 67% of sectoral agreements, only 12% of sectoral CBAs (all from Africa) provide for a special paid leave to care for dependent relatives.

As to inter-professional CBAs, paid parental leave is provided only in the one from Senegal, which also has provisions on maternity and paternity leave. The provision here is only of one day, but it is relevant because the labour law in Senegal doesn't provide for paid or unpaid parental leave.

CBAs from Burundi, Guinea, Ethiopia, Rwanda, Uganda, Lesotho, Malawi, Cambodia and Vietnam have no provision on paid parental leave.

c) Number of days

Table 12 shows the average parental paid leave provision per level of bargaining and world region in the collective agreements annotated in the database.

Table 12 - Average parental paid leave provisions per level of bargaining and continent in days per year

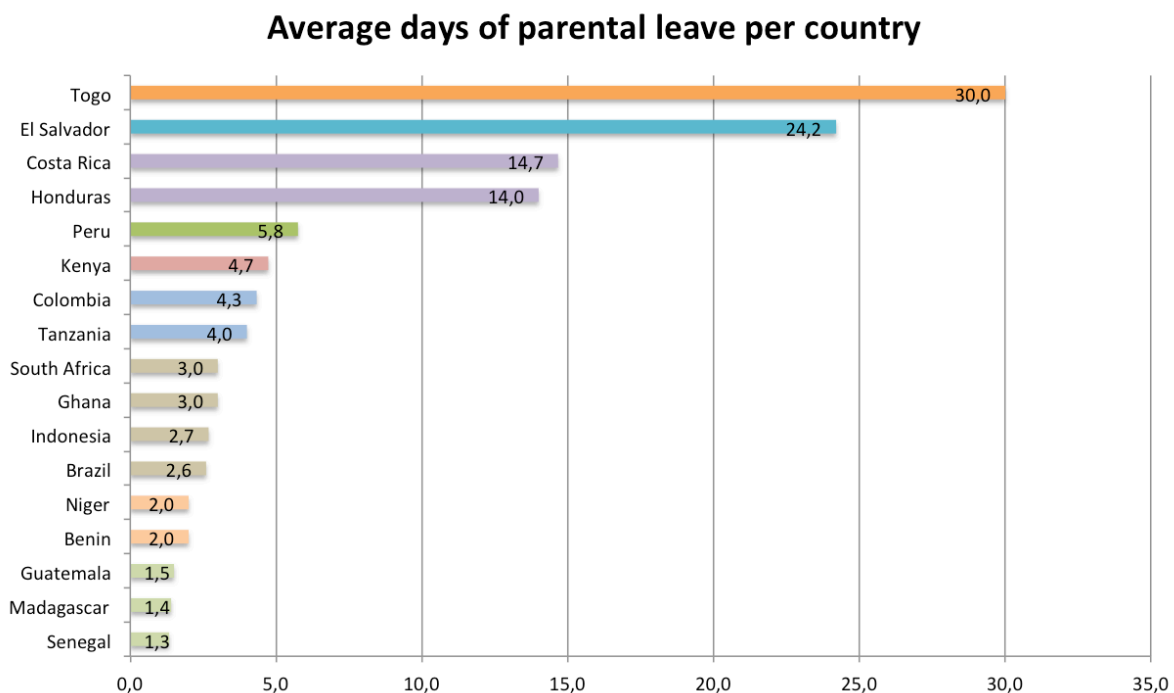
Area	Company		Sectoral		Inter-professional		TOTAL	
	Average duration (days)	Number of CBAs	Average duration (days)	Number of CBAs	Average duration (days)	Number of CBAs	Average duration (days)	Number of CBAs
Africa	3,9	44	6,8	6	1	1	4,2	51
Latin America	9,9	28					9,9	28
South East Asia	2,7	35					2,7	35
Total	5,1	107	6,8	6	1	1	5,1	114

On average, the 114 collective agreements providing for parental leave offer around five days of paid leave, one day less than the average number of days provided for paternity leave. African collective agreements provide for around four days of leave on average, Latin America around ten and South East Asia only 2,7.

The average best provisions in Africa are contained in agreements signed at sectoral level, where the average parental leave is of around one week. Company collective agreements in the continent give around four days and the inter-professional CBA from Senegal only one day. In Latin America and South East Asia there is no sectoral collective agreement providing for parental leave.

Graph 16 shows the average days of paid parental leave provided by the CBAs in different countries.

Graph 16



Togo leads the chart with one month of paid leave to care for dependent relatives, but this is provided in one collective agreement only (the Collective Agreement for Commerce) and this month of leave is paid half of normal wage (see Box 6).

Latin America, except from Guatemala, stands out as the continent where CBAs provide for more days of paid parental leave. El Salvador, in particular, provides for an average of more than 24 days per year to care for dependent relatives. Costa Rica and Honduras provide for around two weeks.

Guatemala, Madagascar and Senegal offer on average less than two days per year, although in Senegal a minimum of one day is granted by the inter-professional agreement, and in Guatemala the labour law provides for 270 days of paid parental leave. Guatemala is the only country in the database having a provision about parental leave in the labour law.

Box 6

Article 56

Congé pour maladie des enfants, ascendants ou conjoints

Il est accordé aux employé(es) qu'ils soient mariés, veuf, divorcés ou célibataires et sou réserve de vérifications d'usage, des congés avec demi solde d'une durée n'excédant pas un mois, avec possibilité de renouvellement, pour soigner leurs enfants, ascendants ou conjoints malades.

[Convention Collective du Commerce](#)

4.5. Breastfeeding and childcare

a) Questions discussed

- Does the agreement contain clauses on time off (breastfeeding breaks) and/or facilities for nursing mothers?
- What is the duration of breastfeeding breaks?
- What is the duration of the entitlement to breastfeeding breaks (age of the child in months)?
- Is there any clause providing that breastfeeding break has to be considered as working time and paid accordingly?
- Does the agreement contain clauses on employer-provided nursing facilities?
- Does the agreement contain clauses on employer-provided childcare facilities?
- Does the agreement contain clauses on employer-subsidized childcare facilities?

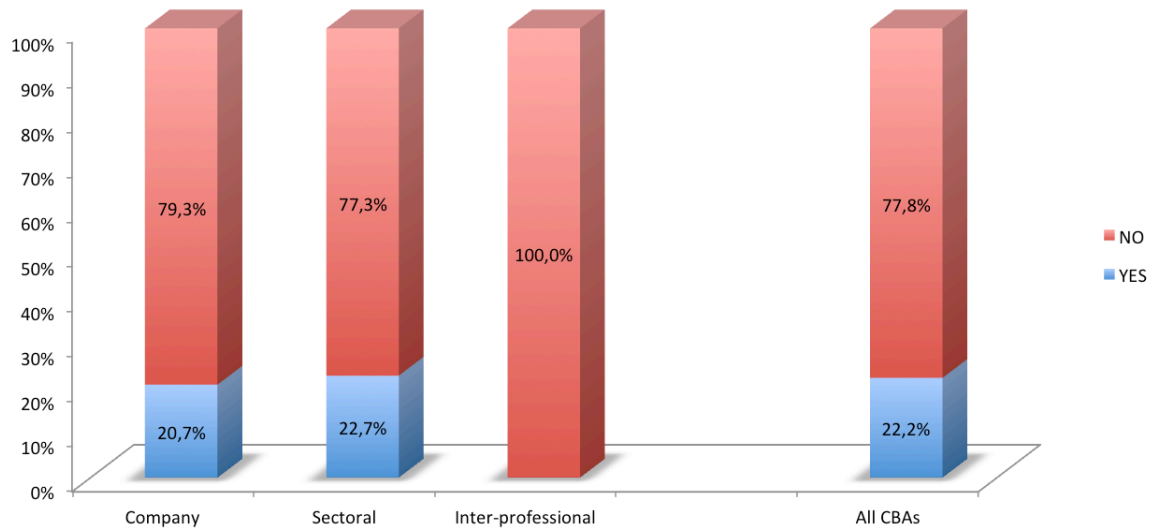
b) Existence of clauses

ILO claims that supporting breastfeeding at work is an integral part of the set of maternity protection measures. International labour standards set out rights and guidance for assisting mothers to continue breastfeeding on their return to work. Conventions No. 103 and Convention No. 183 leave it to national laws and regulations to decide the number and duration of nursing breaks, provided that at least one break is provided. Convention No. 183 also gives the possibility of converting daily breaks into a daily reduction of hours of work.

Graph 17 displays the percentage of collective agreements in the database providing for time off and/or breastfeeding facilities for working mothers.

Graph 17

Does the agreement contain clauses on time off (breastfeeding breaks) and/or facilities for nursing mothers?



Graph 17 shows that provisions on time off and/or facilities for nursing mothers are given in 101 CBAs, i.e. around one fifth of the total collective agreements in the database. The same percentage can be found both in company and sectoral agreements. None of the five inter-professional CBAs has provisions on this topic.

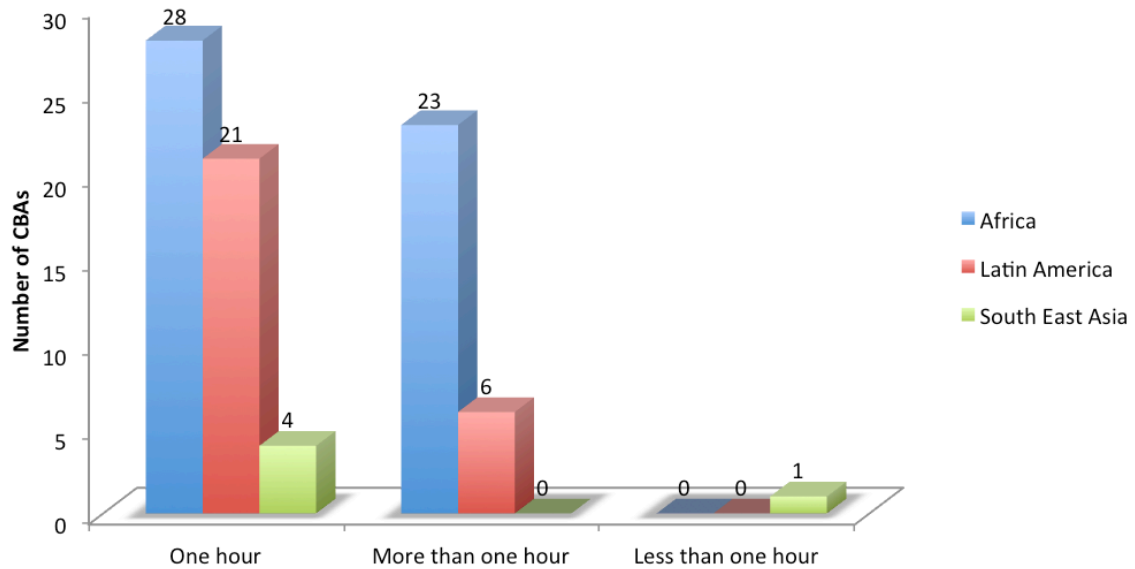
CBAs from Burundi, Ethiopia, Guinea, Lesotho, Malawi, Mozambique, Senegal, South Africa, Peru and Vietnam do not provide for breastfeeding breaks or facilities for nursing mothers.

c) Duration of breaks

Among the 101 collective agreements having a clause on such topics, 18 do not state the duration of breastfeeding breaks. Graph 18 shows the provisions in 83 CBAs.

Graph 18

What is the duration of breastfeeding breaks?



The majority of collective agreements provide for a breastfeeding break of one hour per day, which is what most of labour laws provide and what was stated in ILO Convention No. 3. However, there are some CBAs providing for more than that, especially in Africa, where this provision appears in 14 agreements from Ghana, seven from Kenya (where the labour law has no provision on this) and two from Madagascar. Also a few agreements from Latin America offer more than one hour of breastfeeding breaks: three CBAs from El Salvador, one from Colombia, one from Honduras and one from Brazil.

In the entire database, there is only one collective agreement providing for less than one hour per day: it's the one applied in [First Marine Seafoods](#), an Indonesian food factory. Indonesian labour law, however, does not clearly provide for nursing breaks duration.

Among the analysed countries, Tanzania is the most surprising one, as, while labour law in the country provides for maximum 2 hours/day of breastfeeding break, collective agreements give only one hour.

d) Duration of entitlement

Although Convention No. 183 leaves it to national law and practice to determine the duration of nursing breaks to which a woman is entitled, the World Health Organization recommends exclusive breastfeeding for babies until the age of six months and continued breastfeeding, with appropriate complementary foods, for children of up to two years of age or beyond (World Health Assembly Resolution 55.15).

Among the 83 collective agreements providing for the duration of breastfeeding breaks, four do not state the duration of the entitlement.

Table 13 shows the average duration of breastfeeding breaks entitlement per level of bargaining and world region in the collective agreements annotated in the database. Inter-professional agreements have been excluded because none of them contains clauses related to this topic.

Table 13 - Average duration of breastfeeding breaks entitlement per level of bargaining and continent in age of the child (months)

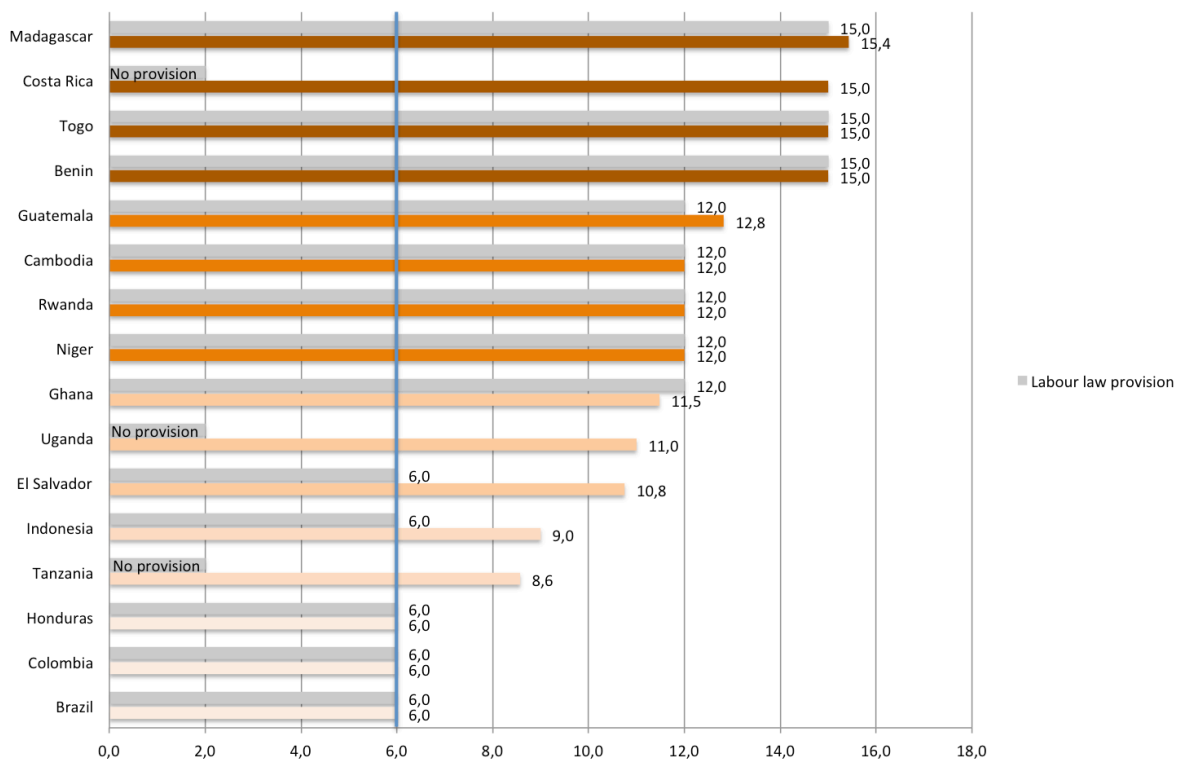
Area	Company		Sectoral		TOTAL	
	Average duration (months)	Number of CBAs	Average duration (months)	Number of CBAs	Average duration (months)	Number of CBAs
Africa	11,8	40	14,5	11	12,3	51
Latin America	10,7	24			10,7	24
South East Asia	10,5	4			10,5	4
Total	11,3	68	14,5	11	11,7	79

On average, the 79 collective agreements provide that women workers are entitled to breastfeeding breaks until the child is almost one year old. There is a significant variation in different areas of the world: while in Africa the provision is more than one year, in Latin America and South East Asia is less than eleven months on average. In Latin America and South East Asia, there is no sectoral CBA offering this provision, while in Africa eleven sectoral collective agreements from Benin, Ghana, Niger and Togo provide women workers for breastfeeding breaks for 14,5 months. In Togo, this provision is never given in company agreements, but only in sectoral CBAs.

Graph 19 shows the average duration of breastfeeding breaks entitlement provided by CBAs in different countries. For each country, the grey bar shows what is the provision in the country labour law. The vertical blue line represents the World Health Organization recommendation for breastfeeding breaks entitlement (exclusive breastfeeding for babies until the age of six months), set by the World Health Assembly Resolution 55.15.

Graph 19

Average duration of breastfeeding breaks entitlement in CBAs per country



The internationally recognized minimum duration of breastfeeding breaks provision is respected by all agreements. Brazil, Colombia and Honduras provide for six months on average. Indonesia and Tanzania give nine months, while El Salvador, Uganda and Ghana allow nursing mothers to have breastfeeding breaks till the child is around eleven months old. Niger, Rwanda and Cambodia offer breastfeeding provision for one year, while Guatemala provides for 13 months on average. Benin, Togo and Costa Rica provisions are higher – 15 months – and the country where breastfeeding breaks are provided to working mothers for the longest amount of time is Madagascar, which provides for 15,4 months on average.

e) Comparison with labour law

Comparison with the requirements of labour law in the examined countries allows seeing how many of the 79 collective agreements meet those provisions.

Table 14 shows the duration of breastfeeding breaks entitlement as provided in the labour law in the analysed countries.

Table 14 – Duration of breastfeeding breaks entitlement (in months of age of the child) in the labour law per country

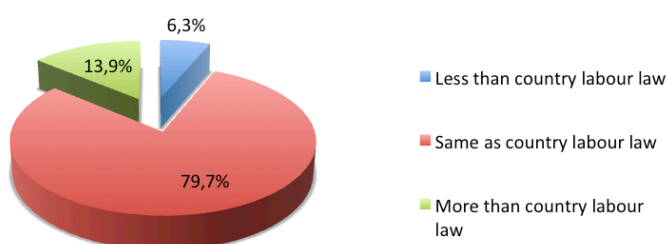
COUNTRY	Months of breastfeeding breaks entitlement
Costa Rica, Tanzania, Uganda	No provision
Brazil, Colombia, El Salvador, Honduras, Indonesia	6
Cambodia, Ghana, Guatemala, Niger, Rwanda	12
Benin, Madagascar, Togo	15

Source: WageIndicator Labour Law Database, 2015

Graph 20 shows the compliance of collective agreements' provisions with the labour law applied in the countries.

Graph 20

Duration of breastfeeding breaks entitlement in CBAs compared to the labour law



Around 80% of the CBAs providing for the duration of breastfeeding breaks entitlement comply with the provisions of the country labour law.

However, there is a 14% giving better provisions than the law. Most of these 'best CBAs' are from Guatemala (five) and El Salvador (three). In the case of Guatemala they provide for two or even three months more than

the law – which is already giving one year -, while in El Salvador there is a variety of better provisions. The labour law in El Salvador provides for six months of breastfeeding, but there are three CBAs providing for seven, 12 and even 18 months.

Box 7

Artículo 36. Licencia por Lactancia.

La licencia por lactancia se podrá extender hasta veinticuatro meses, siempre y cuando la misma sea recomendada por constancia médica, de conformidad con la normativa vigente.

[Convención Colectiva MEP-SEC-SITRACOME – 2014](#)

The best provision in the entire database, however, is given by a Costa Rican collective agreement: for nursing workers covered by the sectoral CBA for Education, the provision for breastfeeding breaks (one hour per day) can be prolonged to up to two years of age of the child (see Box 7).

Around 6% of the analysed collective agreements provide for less time of breastfeeding breaks entitlement than the country labour law. It's the case of four CBAs in Ghana providing only nine months – while the law provides for 12 – and of the agreement from [Guatemala municipality](#) offering only ten months, while the law gives 12.

Both Conventions Nos. 103 and 183 stipulate that interruptions of work for the purpose of nursing are to be counted as working time and remunerated accordingly. However, among the 101 collective agreements having a clause on breastfeeding breaks or facilities for nursing mothers, only 35 (ten sectoral CBAs and 25 company CBAs) contain this statement.

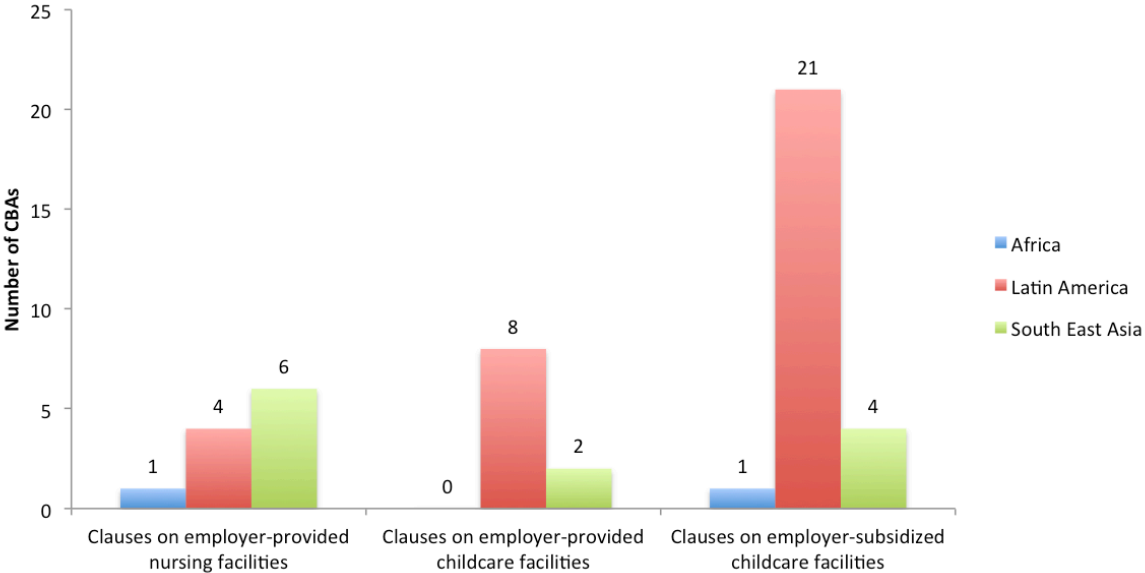
f) Nursing and childcare facilities

The annotation related to breastfeeding and childcare include also clauses about I) employer-provided nursing facilities, II) employer-provided childcare facilities, and III) employer-subsidized childcare facilities.

Graph 21 offers an insight on the single topics addressed and displays them per area of the world.

Graph 21

Collective agreements with provisions on nursing and childcare facilities



Nursing and childcare facilities are extremely rare in African collective agreements. In the entire database there is only one CBA with a clause on employer-provided nursing facilities. It's the Tropic Inn Hotel Limited one, from Uganda, although it provides for a special room for

Box 8

16.8
 The company shall provide a special room with all the required facilities to enable the pregnant employees to get rests as a medical requirement for their good health and that of their babies. Such room shall be free from interference by male or any other employees not falling within the category of pregnant mothers.
[Collective Bargaining Agreement between Tropic Inn Hotel Limited and National Union Of Theatrical, Domestic And General Workers - 2012](#)

‘pregnant mothers’ and doesn't mention ‘nursing mothers’ (see Box 8). In the Tanzania Portland Cement Company collective agreement, there is a provision for an amount of money specifically given for nursery/kindergarten (see Box 9).

Box 9

15.1. Education allowance

An amount of TZS 1,500,000 per year of this Agreement will be paid every January to every employee who has a registered child aged 2.5 years to 23 years at an approved kindergarten or primary school or secondary school or education/vocational center/institution as assistance for children education.

[Collective Bargaining Agreement 2013 Between Tanzania Union Of Industrial And Commercial Workers Field Branch Of Tpc And Tanzania Portland Cement Company – 2013](#)

In South East Asia, a few CBAs contain clauses on facilities for nursing mothers or for childcare: six of them (all from Indonesia) contain a clause on employer-provided nursing facilities, two (also from Indonesia) talk about employer-provided childcare facilities and four (two from Indonesia and one from Cambodia) have a clause on employer-subsidized childcare facilities.

In Latin America employer-subsidized childcare facilities are much more common in collective agreements: 21 of them contain such provision. Most of these CBAs are from Brazil, but there also three from El Salvador and one from Costa Rica. Employer-provided childcare facilities are less common: only two Brazilian collective agreements have those, plus three from Guatemala, two from Costa Rica and one from El Salvador. Only four CBAs in Latin America provide for nursing facilities given by the employer: three of them are from Honduras, one is from Guatemala.

Comparison with the requirements of national laws in the examined countries may explain this, as differences in national statutory provision are very much area-related.

Table 15 shows which of the analysed countries have a provision on nursing and childcare facilities in the national labour law.

Table 15 – National statutory provision of nursing or childcare facilities

COUNTRY	Nursing or childcare facilities
Kenya, Ethiopia, Ghana, Tanzania, Senegal, Uganda, Benin, Togo, Mozambique, Burundi, South Africa, Lesotho, Malawi, Rwanda, Guinea, Peru	No provision
Cambodia	Provided with a minimum of 100 female workers in the company
Madagascar, Niger, Brazil, Guatemala, Honduras, Costa Rica	Provided with a minimum of 20-30 female workers in the company
Vietnam	Provided to all women
Colombia, El Salvador, Indonesia	Provided to all workers

Source: Appendix VII, *Maternity and paternity at work: law and practice across the world*, Geneva, International Labour Office (2014)

None of the African countries - except Madagascar and Niger - provide for nursing or childcare facilities in their national laws, while all Latin American countries - except Peru - have national statutory provision. In general, these provisions are applicable only to companies where there is a minimum of 20-30 female workers, but Colombia and El Salvador stand out, as they don't put any limit to provision, nor apply it strictly to women only: all workers are covered.

All countries in South East Asia contain provisions on nursing and childcare facilities in their laws, but while Cambodia requires a minimum of 100 female workers in a company, and in Vietnam only women can benefit from those, in Indonesia these provisions are given to all workers.

In Africa, collective agreements do not compensate for missing provisions in the law: in most countries the law does not provide for nursing or childcare facilities, and negotiators are not filling the gap in collective agreements.

In Latin American CBAs, these provisions are much more common, but they are also given by law. Peru is lagging behind, because it doesn't have any provision in the law and collective agreements do not compensate for this.

In South East Asian countries, law provides for nursing or childcare facilities, although in Cambodia this provision is limited. The few CBAs containing these provisions are all (except one) from Indonesia, so they reinforce what is already stated in the law.

5 Equality – A deeper insight

On International Women’s Day 2015, ILO pointed out that progress on gender equality at work is still inadequate (ILO (2015). [ILO: Progress on gender equality at work remains inadequate](#)). The situation is better than it was 20 years ago and many improvements have been achieved – in maternity protection, in understanding the importance of paternity leave and in women’s access to managing positions in companies. However, ILO underlines that there is still a lot to do, because violence remains a major factor undermining women’s dignity and access to decent work, and a gender pay gap persists.

a) Questions discussed

This is the list of questions used to annotate collective agreements. All questions are also listed in Appendix 2.

- Does the agreement contain any clauses concerning equality?
- Does the agreement contain clauses on equal pay for work of equal value?
- If yes, does the clause make a special reference to gender?
- Does the agreement contain clauses addressing discrimination at work?
- Does the CBA contain clauses on equal opportunities for promotion for women workers?
- Does the CBA contain clauses on equal opportunities for training and retraining for women workers?
- Does the CBA contain clauses which provide for a gender equality trade union officer at the workplace?
- Does the agreement contain clauses addressing sexual harassment at work?
- Does the agreement contain clauses addressing violence at work?
- Does the agreement provide for a special leave for workers subjected to domestic or intimate partner violence?
- Does the agreement provide for support for women workers with disabilities?

b) Existence of clauses

In the vast majority of countries analysed in this report, the percentage of collective agreements containing clauses on equality is much lower than the percentage of those containing clauses on work and family balance arrangements (Table 6). This is true not only at country level, but also at global level, as 83% of the CBAs in the database have provisions on work and family arrangements, while only 46% of the CBAs contain clauses about equality.

The equality-related topics that have been annotated in the database include the following topics: I) equal pay for work of equal value (also gender-related), II) discrimination at work, III) equal opportunities for promotion and training for women workers, IV) gender equality trade union officer in the workplace, V) sexual harassment and violence at work, VI) special leave for workers subjected to domestic or intimate partner violence, and VII) support for women workers with disabilities.

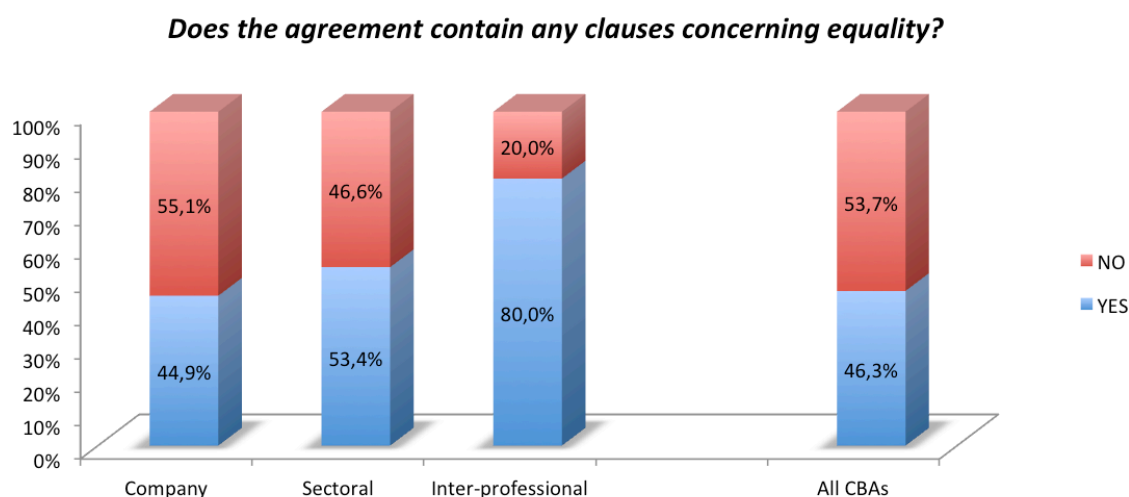
Table 16 shows how many collective agreements contain clauses related to equality, and in which areas of the world:

Table 16 - CBAs addressing equality

Area	CBAs with clauses on equality	Total CBAs	Percentage of CBAs with equality clauses
Africa	90	258	34,9%
Latin America	36	113	31,9%
South East Asia	89	93	95,7%
All areas	215	464	46,3%

In the three South East Asian countries almost all collective agreements contain clauses on equality. In Africa 35% of the CBAs address such topics, and in Latin America the percentage goes down to 32%. In total, there are 215 collective agreements addressing equality issues.

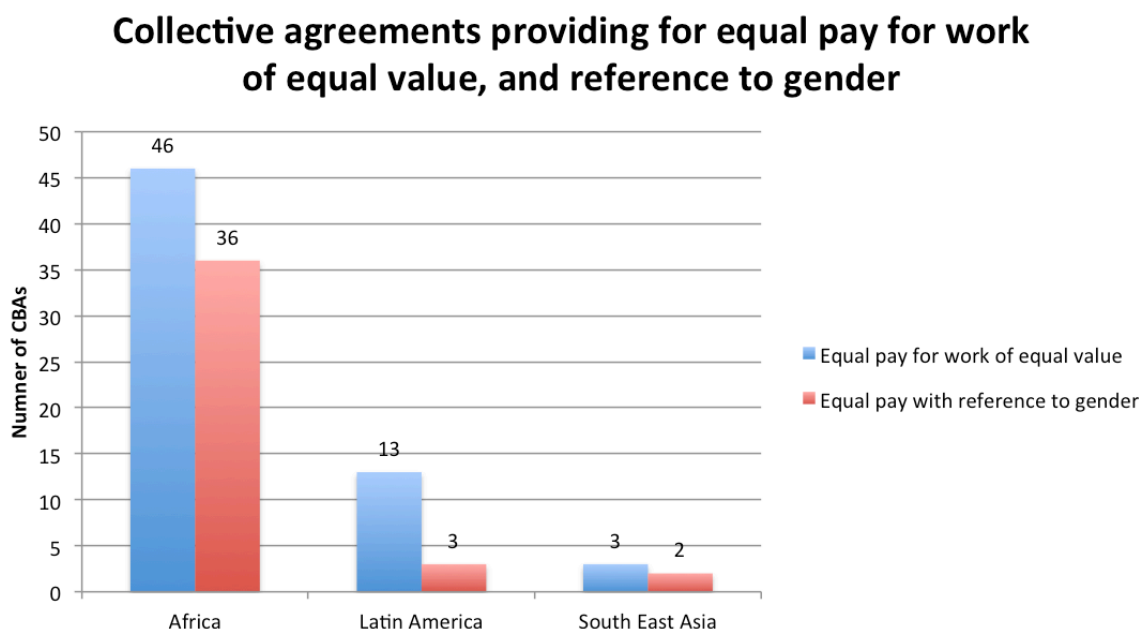
Graph 22



Graph 22 shows the distribution of clauses on equality according to the level of bargaining. Around 45% of the company CBAs contain clauses on such topics, while equality issues seem more present in sectoral collective agreements (more than 50%). Situation is different for the West African inter-professional collective agreements, as there are more addressing equality than work and family issues: clauses on such topic –on equal pay, in particular - can be found in the inter-professional CBAs of Togo, Benin, Senegal and Niger.

c) Equal pay for work of equal value

Graph 23



Graph 23 shows how many collective agreements provide for equal pay for work of equal value, and how many of them make a special reference to gender.

Box 10

Article 25 : Principe de rémunération

A conditions égales de travail, de qualification professionnelle et de rendement, le salaire est égal pour tous les travailleurs, quels que soient leur origine, leur sexe, leur âge et leurs statuts.

[Convention Collective Interprofessionnelle du Togo](#)

In Africa there are 46 collective agreements clearly stating the principle of equal pay for work of equal value, and among them four of the five inter-professional agreements. In Latin America there are 13 – from Guatemala, Honduras and El Salvador -, and in South East Asia only three, all of them from Indonesia. Around 80% of the

African agreements with clauses on equal pay also make a clear reference to gender, including the four inter-professional CBAs. Togo, in particular, contains this clause in 11 agreements and in the inter-professional CBA as well (see Box 10).

In Latin America equal pay related to gender is provided only in three agreements (all from El Salvador), and in South East Asia in two CBAs only.

Considering the national laws in the country may help explain this. Among the analysed countries, only South Africa does not provide for equal pay for work of equal value in constitution, labour code or equal treatment law. This means that in Latin America and South East Asia negotiators don't feel the need to reinforce what is already in the law.

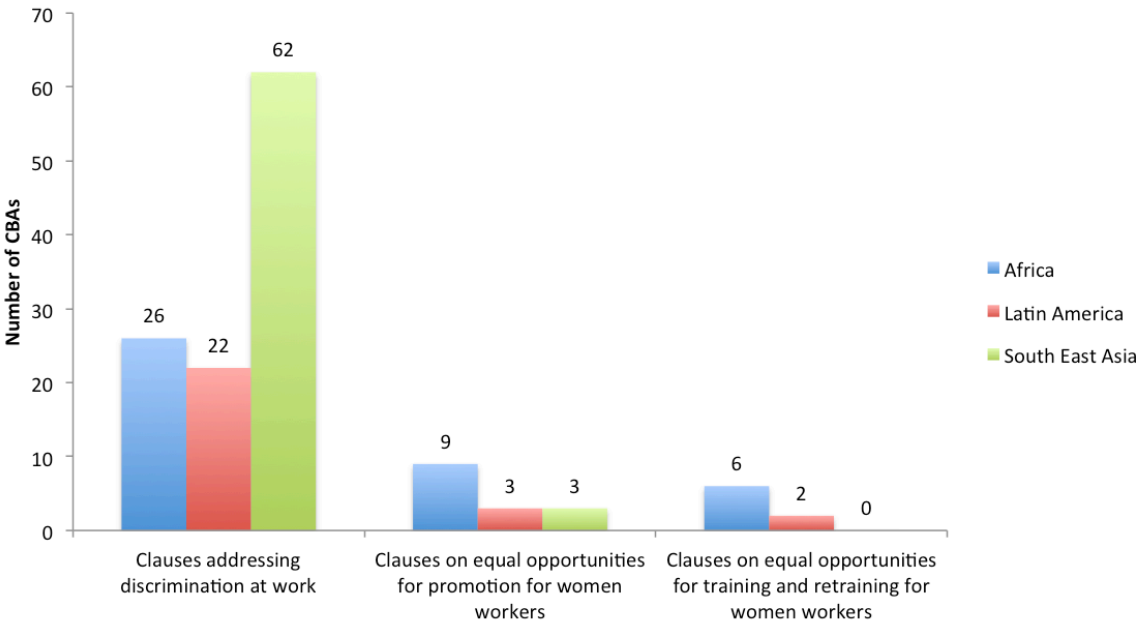
In Africa situation is different, as law is reinforced in 46 collective agreements. South Africa, however, is an exception: neither the law nor one single agreement contains provisions on equal pay for work of equal value.

d) Discrimination and equal opportunities

Graph 24 offers an insight on the collective agreements addressing discrimination and/or equal opportunities, and displays them per area of the world.

Graph 24

Collective agreements with provisions on discrimination and/or equal opportunities



Discrimination at work is addressed in most of South East Asian collective agreements, in 26 CBAs from Africa and in 22 from Latin America. Often collective agreements specifically prohibit discrimination only of unionized employees, for example in Ghana (see Box 11), in other cases prohibition is broader and includes many other grounds. One very good example of this is the Agreement signed by the Karen Country Club (see box 12).

Box 11

Section 2: Non-discrimination

The Company shall not victimize or discriminate against any employee covered by this Agreement because of his or her Union activities in all matters pertaining to hiring, salary/ wage rates hours of work and other working conditions or do anything to prevent an employee from joining the union.

[Collective Agreement between Satellite Trans Ltd and Agrana Ghana Ltd & the National Union of Teamsters and General Workers of Ghana Federation of Labour](#)

The situation changes drastically with gender-related clauses: equal opportunities for promotion for women workers are only addressed in nine collective agreements from Africa, in three from Latin America (all from El Salvador) and in three from South East Asia (in Indonesia only).

Box 12

28.DISCRIMINATION

The employer shall not discriminate directly or indirectly against an employee or prospective employee on grounds of race ,colour,sex,religion,political or other opinion nationality,ethnic or social origin,disability, pregnanacy,mental status or HIV status.

[Memorandum Of Agreement Between Karen Country Club And Kenya Union Of Domestic, Hotels, Educational Institutions, Hospitals And Allied Workers - 2013](#)

Even a lower number of CBAs provide for equal opportunities for training and retraining for women workers: none from South East Asia, two from Latin America (El Salvador) and six from Africa. The best example of equal opportunities clause comes from El Salvador, and it's provided in the agreement covering the employees of the Treasury (see Box 13).

Box 13

CLÁUSULA N° 024.- EQUIDAD DE GÉNERO EN LA CONTRATACIÓN, ASCENSOS Y PROMOCIONES

En la aplicación de lo dispuesto en las cláusulas relativas a la contratación, ascensos y promociones, deberá regir lo atinente a la equidad de género, consecuentemente el Ministerio de Hacienda adoptará todas las medidas apropiadas para eliminar la discriminación contra la mujer en el ámbito laboral, a fin de asegurarle las condiciones de igualdad en relación con los hombres, adquiriendo los mismos derechos y obligaciones, en particular los siguientes: a) Derecho a las mismas oportunidades de empleo, inclusive a la aplicación de los mismos criterios de selección; b) Derecho de ascenso, a la estabilidad laboral, a todas las prestaciones laborales y otras condiciones especiales relacionadas por el tipo de servicio, a la formación profesional, al readiestramiento y el aprendizaje, a la formación profesional superior y el adiestramiento periódico; c) Derecho a igual remuneración, prestaciones e igualdad de trato respecto a un trabajo de igual valor, así como a igualdad de trato respecto a la evaluación de la calidad del trabajo.

[Contrato Colectivo entre Sindicato de Trabajadores y Trabajadoras Ministerio de Hacienda – SITRAMHA – 2012](#)

The database also offers a more specific insight on discrimination towards pregnant women and working mothers. As explained in chapter 4.1, section e) of this report, prohibition of discrimination related to maternity is addressed only rarely in collective agreements. The best provisions on this could be found in Africa, where this is clearly stated in 36% of Kenyan collective agreements and in around half of the CBAs from Togo. However, as explained in chapter 4.2, section c), none of the collective agreements clearly prohibits screening for pregnancy before promoting a worker or regularising non-standard workers.

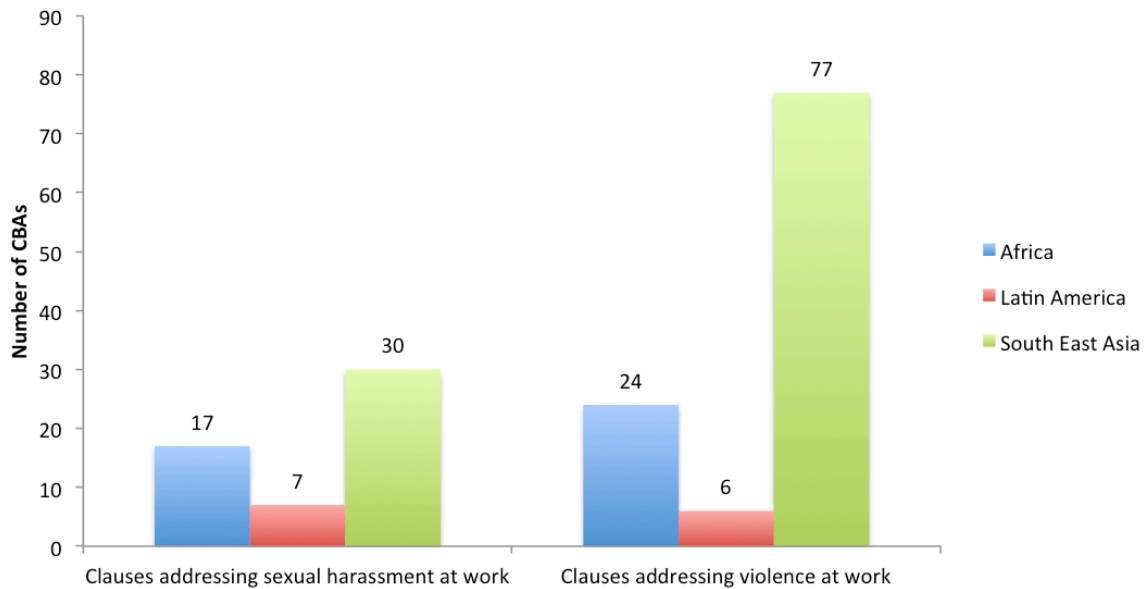
Either in constitution, labour code or equality law, all countries examined in this report prohibit discrimination on the basis of gender in national law. Given the very low presence of equal opportunity clauses in collective agreements, it seems that negotiators considered the law provisions enough. However, this is often a quite general prohibition, and applying it specifically to promotion and training for women in the workplace in CBAs would enforce it.

e) Sexual harassment and violence at work

South East Asian CBAs don't contain many clauses on equal opportunities, but many of them address topics like violence and sexual harassment, as shown in Graph 25.

Graph 25

Collective agreements with provisions on sexual harassment and/or violence at work



Almost all collective agreements from South East Asia contain clauses addressing violence at work. In Africa, violence is clearly forbidden in 24 CBAs and in Latin America in six collective agreements only.

In the entire database, only 54 collective agreements provide for clauses against sexual harassment at work (around 12% of the total). South East Asia (Indonesia and Cambodia) addresses this issue in 30 CBAs, Africa in 17 CBAs (mainly from East Africa) and Latin America in seven collective agreements only, all from Costa Rica.

Costa Rica is the country where the best clauses on sexual harassment and violence at work could be found. One of the best collective agreements – providing for very specific and explanatory clauses on sexual harassment and punishments for this – is the CBA signed by the Chiriqui Land Company (see Box 14).

Box 14

ARTÍCULO 147.

La empresa Chiriquí Land Company y el Sindicato de Trabajadores SITRACHIRI se comprometen a desarrollar y mantener un ambiente de seriedad y respeto mutuo entre los trabajadores.

El empleador (a) o trabajador (a) que tenga que proceder a denunciar el hostigamiento sexual a una persona o personas, empleado (a) y trabajador (a) de la compañía, deberá hacerlo por escrito según el siguiente procedimiento:

1) Se entiende como hostigamiento o acoso sexual a toda conducta verbal, no verbal o física por parte de algún empleado (a) que sea inaceptable, no deseada, que interfiera en el trabajo de otros y que produzca un ambiente intimidante, ofensivo u hostil. Es toda conducta indeseada por quien la reciba que provoque efectos perjudiciales en las conductas laborales.

2) Denunciar el hecho ante el jefe de Relaciones Laborales, quien recibirá otorgando una copia del documento con el respectivo recibido lugar y fecha.

3) Se realizará una audiencia de forma privada con las partes involucradas y se levantará un informe de las declaraciones de las partes y testigos y cualquier otra prueba ofrecida, al final de la audiencia se levantará un acta, la cual debe ser firmada por todas las personas participantes en la audiencia.

4) Tanto la entrevista como la audiencia y el período para el levantamiento de pruebas deberá llevarse a cabo en un plazo de ocho (8) días hábiles, contados a partir de la fecha de recibo de la denuncia.

5) Una vez ratificada las pruebas y la denuncia se entrevistarán a las partes involucradas y en caso de mantenerse la denuncia, la oficina de Relaciones Laborales comunicará a la brevedad posible el asunto a la Inspección General de Trabajo, de la existencia de la denuncia, para que participe en el proceso y de conocimiento.

6) Las acciones posteriores se le dará al procedimiento debido y de conformidad con la ley 7476 de Hostigamiento Sexual en el Empleo y la Docencia.

[Undecima Convencion Colectiva de Trabajo Chiriqui Land Company – SITRACHIRI - 2014](#)

National law in almost all the analysed countries prohibits sexual harassment and provides for some penalties. Guinea, Malawi and Guatemala are the three exceptions, where neither constitution, labour code, nor equal treatment or sexual harassment law prohibit or punish sexual harassment at work. Among the 54 collective agreements containing clauses against sexual harassment, none is from these countries, where this issue seems to be neglected by negotiators at all levels.

As to other equality-related topics, they cannot be found in any of the collective agreements analysed in the database: none of them is providing for a gender equality trade union officer at the workplace, nor special leave for workers subjected to domestic or intimate partner violence, nor clauses supporting women workers with disabilities.

The database analysis suggests that this happens because the vast majority of collective agreements are not yet giving even more 'basic' provisions, like clauses about equality in training and promotion or clauses prohibiting sexual harassment. Negotiators don't seem to believe that it is necessary to confirm what is already in the law (see the cases of sexual harassment and equal pay), or think that a general provision in national law is enough to protect workers (see gender equality, which is not specifically addressed in CBAs as work-related gender equality).

6 Conclusions

This report analyses the content of more than 450 collective agreements from 27 countries in Africa, Latin America and South East Asia, and addresses two main topics: I) work and family balance and II) equality.

In general, clauses related to work and family balance arrangements are common in the analysed collective agreements: more than 80% of them have provisions on such topics.

Data shows that equality issues are not similarly addressed in CBAs: less than half of the agreements contain clauses about that.

Country comparisons

In both cases, the country that stands out is Indonesia, where most collective agreements have clauses both on work and family arrangements and equality.

In Africa, Kenya and Ethiopia are the countries where work and family balance clauses can be found in most of agreements, while in Togo, Madagascar and Ghana equality issues are addressed in most CBAs. Also, three out of five inter-professional collective agreements (in Benin, Senegal and Niger) address work and family issues, and four out five (the previous ones plus Togo) contain clauses on equality - on equal pay, in particular.

On the other hand, Burundi, Malawi and Lesotho don't have any of these clauses in their CBAs (however, not many agreements are available from there). Among the countries with more than seven CBAs in the database, Mozambique, Uganda and Peru are those where none of the two topics is consistently present in collective agreements.

Equality and work/family arrangements clauses

Except for Indonesian CBAs, there is no clear correlation between work and family provisions and equality provisions, although in practice they often apply to the same group of workers (women). Work and family arrangements (especially maternity) seem to have been more assimilated by the negotiating partners, while addressing equality issues is not yet a practice in collective agreements.

Three of the equality-related topics could not be found in any CBA in the entire database: I) the provision of a gender equality officer in the workplace, II) a special leave for workers subjected to domestic or intimate partner violence, and III) a special support to women workers with disabilities. Also, clauses on equal opportunities for promotion and training for women are everywhere very rare.

From a general perspective, Latin America countries do not excel in providing work and family and/or equality rights in their collective agreements, but there are some exceptions. Maternity and parental leave are best provided in Latin American CBAs. While on average collective agreements in the database don't reach the minimum standard of paid maternity leave set by ILO (14 weeks), Latin American agreements provide on average for 15,7 weeks, and Brazil stands out with one sectoral and five company agreements providing for 26 weeks of maternity leave. Costa Rica as well has a very high average duration of maternity leave: its collective agreements provide for 17

weeks of maternity leave. Same happens for parental leave: while the average in the database is of five days, Latin American CBAs provide on average for ten days, with a peak of more than 24 days given in El Salvador.

Latin America, however, is not that outstanding when it comes to extra maternity-related rights. Agreements providing for maternity leave pay and for job security for women wishing to return to work after maternity leave are found mainly in Africa, particularly in Kenya, Ethiopia and Ghana.

Although it is the area with the highest number of agreements providing for work and family arrangement clauses, South East Asia doesn't emerge for giving high provisions in its agreements. Things change when equality clauses are taken into account. Not only almost all South East Asian CBAs contain clauses about equality, but also the region stands out for the high number of agreements addressing violence at work (77 CBAs), discrimination at work (62 CBAs), and sexual harassment (30 CBAs).

In Latin America and Africa, only 30-35% of agreements provide for equality clauses, although it is important to notice that in West Africa four inter-professional agreements (Togo, Benin, Niger and Senegal) contain clauses on such topics. In particular, in Africa equal pay for work of equal value is provided in 46 agreements, and 80% of them (including the inter-professional ones) also mention gender. On the contrary, equal pay clauses are very rare in South East Asia and Latin America. Equality issues are in general not common in Latin American clauses: even violence at work is contained only in six agreements and sexual harassment only in seven CBAs, all from Costa Rica, which again proves to be one of most forward-looking countries in that area.

Sexual harassment is addressed in some East African CBAs, as well, but the number is still low (only 17 agreements).

Pregnancy/maternity and discrimination

Discrimination related to maternity is addressed only rarely in collective agreements. As said above, Togo stands out as a country where equality issues are exceptionally tackled in CBAs. This is proved here as well: Togo is the only country where half of the collective agreements contain clauses prohibiting the discrimination on the ground of family status (discrimination of working mothers).

Paternity and parental leave

Around half of the collective agreements in the database provide for at least one day of paternity leave. Africa provides for the highest number of days on average (almost nine days against the average total, that is six days). In general, the provision can be found more in sectoral agreements than in company CBAs, but in Africa the highest provisions come from company agreements, where paternity leave is of ten days on average. Although the average number of days is low in Latin America (only 4,5 days) Brazil and Costa Rica stand out: there is one sectoral agreement from Brazil where new fathers get ten days of paternity leave and in Costa Rica the sectoral CBA for Education provide for a one-month paid paternity leave.

It is also interesting to notice that Costa Rica (which has an average provision of one week of paternity leave), El Salvador, Ethiopia, Ghana and Madagascar don't have any provision about paternity leave in the labour law, but they all provide more than two days on average.

Among the inter-professional agreements, the one from Senegal is the only one providing for maternity, paternity and parental leave, while the one from Niger provides for maternity and paternity leave. The provision of parental leave in the inter-professional agreement from Senegal is only of one day, but it is relevant because the labour law in Senegal doesn't provide for paid or unpaid parental leave.

In South East Asia, the provisions about leave for mothers, fathers or both parents in case of child-birth or to care for the child are lower than in other regions.

National labour law, collective agreements and international labour standards

The data show that labour law has a great responsibility in the CBAs not being compliant with the ILO provisions about maternity leave. Around 84% of the collective agreements in the database comply with their country labour law, which means that the labour law itself is not complying with the ILO minimum. Even the majority of the 15% of collective agreements providing more than their own labour law (Ghana, Tanzania and Honduras) don't reach the 14 weeks of maternity leave. Brazil is an exception, because its six 'best CBAs' providing 26 weeks go far beyond the ILO standard.

In the case of paternity leave, 13% of collective agreements provide for more days than their country labour law. However, in the countries where this is the case – Indonesia, Tanzania and Guatemala – labour law is not providing for many days (two-three days). The Indonesian and Guatemalan 'best CBAs' provide for one day more than the law, while the Tanzanian one gives four days more, providing for one week in total.

Non-compliance with the labour law is quite low: 0,6% in the case of maternity leave (two CBAs, one from Colombia and one from South Africa) and 1,5% in paternity leave (three agreements from Colombia and one from Peru). With four non-compliant clauses, Colombia is the most non-compliant country.

Maternity and occupational health and safety

Collective agreements don't give a special attention to health and safety measures protecting pregnant and breastfeeding workers. Only 11,5% of them contain clauses on this. Senegal stands out here as the country with more sectoral CBAs addressing this topic and with clauses also in the inter-professional agreement.

Clauses prohibiting dangerous or unhealthy work and/or obliging the employer to provide alternative employment can be found mostly in Africa (in 24 CBAs) and South East Asia (19 CBAs), but not much in Latin America, where collective agreements seem to focus more on the basic provisions, like the days of maternity and parental leave.

Only seven collective agreements in the database provide for time off for prenatal medical examinations. Also, employers are very rarely obliged by CBAs to carry out a workplace risk assessment on the safety and health of pregnant and nursing women and inform them accordingly. Only three clauses in the entire database provide for this: one in Tanzania, one in Togo and one in Indonesia. None of the 464 collective agreements clearly prohibits screening for pregnancy before promoting a worker or regularising non-standard workers.

Nursing breaks and childcare facilities

Breastfeeding breaks are provided in around 20% of the agreements and mainly in Africa and Latin America. The majority provide for one hour per day – which is what is recommended by ILO- but there are some collective agreements (29) providing for more. These better provisions can be found in Ghana, Kenya, Madagascar and in some CBAs from Latin America, especially in El Salvador. African countries also give better provisions on the duration of breastfeeding breaks in months. There is no agreement in the database providing for less than six months (which is the recommendation of the World Health Organization), but African CBAs give on average one year, and even much more (14,5 months) in sectoral agreements. In Latin America, Costa Rica stands out again with the best provisions in the continent, as it gives breastfeeding breaks for 15 months on average, and this is even more relevant because Costa Rican labour law doesn't provide for the duration of breastfeeding breaks. In particular, in the sectoral CBA for Education, the provision for breastfeeding breaks can be prolonged to up to two years. Brazil, Colombia and Honduras simply comply with the labour law and provide for six months duration only. In the database, there are 14% of agreements giving better provision than the law, and these can be found mainly in CBAs from Guatemala and El Salvador. At the same time, Guatemala has two agreements giving fewer months than what is stated in the law, and the same happens in four enterprise level collective agreements from Ghana.

The notion that the employer should provide nursing and childcare facilities in the workplace is still very rare in collective agreements of all continents. This is true also for employer-subsidized childcare facilities, but not in Latin America, and especially in Brazil, where 18 CBAs contain clauses with such provision.

Finding a pattern

Data shows that finding a straightforward pattern is difficult, because continents and countries address each topic in a different way. In some cases South East Asian CBAs are more advanced (like in clauses prohibiting violence, discrimination and sexual harassment), in other cases it is Latin America that leads the way (like in maternity and parental leave clauses), and in other instances it is Africa that gives the best provisions, like in paternity leave and breastfeeding breaks.

Moreover, there are some countries that are leading the way – each in a different topic - and could be taken as a model to follow: Costa Rica (duration of breastfeeding breaks provision), Brazil (maternity leave and employer-subsidized childcare facilities), Senegal (health and safety measures protecting pregnant and breastfeeding workers), Togo (discrimination of working mothers and equality) and Indonesia (violence and discrimination at work, sexual harassment).

7 References

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APPENDIX 1 – CBA collection and annotation

Hunting and collection of CBAs is often not easy. Sometimes the documents are available only in one copy stored in a remote office; sometimes they are in the employers' hands. Getting the permission to publish can be difficult, if not impossible when CBAs are copyrighted. When collective agreements are available only in paper or scanned documents, the team uses Optical Character Recognition (OCR) software to make an electronic version of them. This procedure becomes particularly long when documents provided are in very low quality - with coffee stains and hand-written sentences, even – or when languages are not supported by the OCR software. In this case, collective agreements need to be retyped manually.

When the WageIndicator team finally has a new CBA in electronic format, this can be uploaded and annotated in the system. First, the collective agreement is transformed into an html document. Then, the team answers to a series of questions related to 12 topics: General CBA data, Job titles, Social security and pensions, Training, Employment contracts, Sickiness and disability, Health and medical assistance, Work/family balance arrangements, Gender equality issues, Wages, Working hours and Coverage.

Picture 1 shows the form used by the WageIndicator team to answer to these questions. This is a collective agreement from Costa Rica.

Picture 1



For each question, the appropriate piece of text is found and stored in the database, as shown in Picture 2.

Picture 2

El MEP se compromete a garantizar los derechos humanos relativos al trabajo, conforme al principio de progresividad y no discriminación, garantizando el goce y ejercicio irrenunciable, indivisible e interdependiente de los derechos humanos relativos al trabajo, incluida la

estabilidad plena o relativa, de acuerdo con el marco jurídico vigente, la capacitación y el desarrollo profesional para el mejoramiento continuo del servicio público educativo a cargo del Estado, el salario y sus medidas de protección, incluido el pago puntual y el respeto de las garantías sociales de rango constitucional.

El Ministerio de Educación Pública se compromete a extender por todos los medios legales a su alcance, los derechos que aquí se consignan como conjunto de garantías mínimas a todas las personas trabajadoras del MEP de conformidad con lo establecido en el artículo 4 de la presente convención.

Artículo 8. Indivisibilidad de la Convención Colectiva.

Las condiciones pactadas en la presente Convención forman un todo orgánico e indivisible. La vinculación al mismo lo es a su conjunto y totalidad, no pudiendo ninguna de las partes vincularse por separado a elementos fraccionados de la misma sin considerar las condiciones globales y totales del conjunto. Para la interpretación de esta convención se aplicará el principio de justicia social.

TÍTULO II. DE LAS RELACIONES LABORALES

CAPÍTULO I. DE LA JUNTA PARITARIA DE RELACIONES LABORALES: FUNCIONES Y COMPETENCIAS

Artículo 9. Junta Paritaria de Relaciones Laborales.

Se crea una Junta Paritaria de Relaciones Laborales, como una instancia permanente de diálogo y coordinación para el mejoramiento de las relaciones laborales institucionales, así como para la vigilancia del cumplimiento de esta Convención Colectiva. Sus decisiones serán adoptadas de común acuerdo entre las partes, sin perjuicio de las competencias y atribuciones de las entidades administrativas y judiciales.

Esta Junta estará integrada por 8 miembros propietarios, 4 representantes por cada una de las partes. En el caso

Coverage ● General CBA data

GENDER EQUALITY ISSUES

Does the agreement contain any clauses concerning equality? *

Yes *

No *

Does the agreement contain clauses on equal pay for work of equal value? *

No

El MEP se compromete a garantizar los de

Does the agreement contain clauses addressing discrimination at work? *

Yes

Does the CBA contain clauses on equal opportunities for promotion for women workers? *

No

Every collective agreement is then published online in a page where the full text can be browsed according to the topics, as shown in Picture 3.

Picture 3

Home > Labour Law > Collective Agreements Database /

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- THE COLLECTIVE BARGAINING AGREEMENT BETWEEN TPC LIMITED AND TANZANIA SOCIAL SERVICES INDUSTRY WORKERS UNION (TASIWU)
 - 1.0 PREAMBLE
 - 2.0 DECLARATION
 - 3.0 COMMENCEMENT AND END DATE OF THE AGREEMENT
 - 4.0 SCOPE
 - 5.0 INTERPRETATION
 - 6.0 WORKING HOURS AND OVERTIME PAYMENT
 - 7.0 RECRUITMENT
 - 8.0 EMPLOYEES TRAINING AND DEVELOPMENT
 - 9.0 ACTING ON VACANT POSITION
 - 10.0 LEAVE
 - 11.0 OCCUPATIONAL HEALTH AND SAFETY
 - 12.0 ALLOWANCES
 - 13.0 MEDICAL SERVICES
 - 14.0 RETIREMENT
 - 15.0 REDUNDANCY/RETRENCHMENT
 - 16.0 DEATH AND FUNERAL
 - 17.0 TERMINATION ON MEDICAL GROUNDS
 - 18.0 TERMINATION ON DISCIPLINARY GROUNDS
 - 19.0 REPATRIATION ON TERMINATION OF EMPLOYMENT
 - 20.0 LAY-OFFS
 - 21.0 BEST WORKERS AWARDS
 - 22.0 PROFIT BONUS
 - 23.0 LOANS
 - 24.0 PURCHASE OF SUGAR AT FACTORY PRICE
 - 25.0 TRANSPORT SERVICES
 - 26.0 APPLICATION OF TANZANIA LABOUR LAWS
 - 27.0 AMENDMENTS OF THE AGREEMENT

The Collective Bargaining Agreement Between Tpc Limited And Tanzania Social Services Industry Workers Union (Tasiwu)

Start date: → 2010-04-23
 End date: → 2013-04-22
 Ratified by: → Other
 Ratified on: → 2010-04-23
 Concluded by:
 Name industry: → Agriculture, forestry, fishing
 Name industry: → Growing of crops, market gardening, horticulture
 Public/private industry: → In the private sector
 Name company: → TPC Limited
 Extension to other companies in the industry applies: → No
 Names trade unions: → Tanzania Social Services Industry Workers Union (TASIWU)

SOCIAL SECURITY AND PENSIONS

Employer contributes to pension fund for employees: → Yes
 Employer contributes to disability fund for employees: → No
 Employer contributes to unemployment fund for employees: → No

The annotation also makes it possible to compare text across agreements within and between countries through a [web comparison tool](#).

The database's coding scheme consists of 749 variables in total. The coded data from the database is provided in csv format and is then converted using a statistical analysis software.

In the moment of writing, the WageIndicator Collective Agreement Database contains 464 collective agreements from 27 countries in nine languages: English, French, Spanish, Portuguese, Swahili (Tanzania), Bahasa (Indonesia), Khmer (Cambodia), Malagasy (Madagascar) and Vietnamese.

APPENDIX 2 – Questions taken into account in the report

Section: Work/Family Balance Arrangements

- MATERNITY LEAVE

Does the agreement contain clauses on work and family arrangements (including pregnancy, maternity/paternity leave and childcare)?

Does the agreement contain clauses on paid maternity leave?

What is the total duration of maternity leave in consecutive weeks?

Are all female employees eligible for paid maternity leave?

Does the agreement provide for the % of basic wage to be paid during maternity leave?

What percentage?

Does the agreement contain clauses on job security for women wishing to return to work after maternity leave?

Does the agreement contain clauses that prohibit (any form of) discrimination related to maternity?

- HEALTH AND SAFETY

Does the agreement contain health and safety clauses related to pregnancy and/or breastfeeding?

Does the agreement contain clauses ensuring that pregnant or breastfeeding workers (and not ALL Women) are not obliged to perform dangerous or unhealthy work?

Does the agreement contain clauses requiring the employer to carry out a workplace risk assessment on the safety and health of pregnant or nursing women and inform them accordingly?

Does the agreement contain clauses ensuring that alternatives to dangerous or unhealthy work are available to pregnant or breastfeeding workers (namely, elimination of risk, adaptation of working conditions, transfer to another post, paid leave with right to return to work)?

Does the agreement contain clauses on time off for prenatal medical examinations?

Does the CBA contain clauses against screening for pregnancy before regularising non-standard workers?

Does the CBA contain clauses against screening for pregnancy before promotion?

- PATERNITY LEAVE

Does the agreement have clauses on paid paternity leave?

What is the total duration in days of paid paternity leave at the time of delivery?

Does the agreement provide for the % of basic wage to be paid during paternity leave?

What percentage?

-PARENTAL LEAVE

Does the agreement contain clauses on paid leave to care for dependent relatives (children in particular)?

What is the total duration of paid leave per year in case of caring for relatives (children in particular) in days?

- BREASTFEEDING AND CHILDCARE

Does the agreement contain clauses on time off (breastfeeding breaks) and/or facilities for nursing mothers?

What is the duration of breastfeeding breaks?

What is the duration of the entitlement to breastfeeding breaks (age of the child in months)?

Is there any clause providing that breastfeeding break has to be considered as working time and paid accordingly?

Does the agreement contain clauses on employer-provided nursing facilities?

Does the agreement contain clauses on employer-provided childcare facilities?

Does the agreement contain clauses on employer-subsidized childcare facilities?

Section: Gender Equality Issues

Does the agreement contain any clauses concerning equality?

Does the agreement contain clauses on equal pay for work of equal value?

If yes, does the clause make a special reference to gender?

Does the agreement contain clauses addressing discrimination at work?

Does the CBA contain clauses on equal opportunities for promotion for women workers?

Does the CBA contain clauses on equal opportunities for training and retraining for women workers?

Does the CBA contain clauses which provide for a gender equality trade union officer at the workplace?

Does the agreement contain clauses addressing sexual harassment at work?

Does the agreement contain clauses addressing violence at work?

Does the agreement provide for a special leave for workers subjected to domestic or intimate partner violence?

Does the agreement provide for support for women workers with disabilities?

Set of questions added for every topic:

Are there groups of women workers (e.g. temporary workers) which are excluded from any of the above clauses?

If yes, please cite the group(s) of women workers that are excluded

Are there groups of women workers which are under different arrangements from those specified in the above clauses (e.g. part-time workers)?

If yes, please cite the group(s) of women workers

WageIndicator Foundation

Post address

PO Box 94025
1090 GA Amsterdam
The Netherlands

Visiting address

Roetersstraat 31
1018 WB Amsterdam
The Netherlands

 office@wageindicator.org
 www.wageindicator.org