

# ARE COLLECTIVE AGREEMENTS AROUND THE WORLD DOING THEIR JOB IN INCREASING EQUALITY AND PROMOTING WORK/FAMILY BALANCE ARRANGEMENTS? THE ANALYSIS FROM THE WAGEINDICATOR DATABASE

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## **Abstract**

Women being discriminated because of pregnancy, working parents struggling to find the time to care for kids, employees whose career is spoiled by inequality in training opportunities: all over the world the lives of millions are affected by their working conditions.

The responsibility to provide decent working provisions concerns - among other actors - the governments: ratifying ILO conventions is the first step a country can take in this regard, followed by enacting suitable legal regulations and enforcing those effectively.

However, national labour law is often not sufficient, either because it doesn't cover all of the issues affecting workers, or because it is too general. The role of collective bargaining could then be crucial

to improve the effect of the labour law, by giving better provisions, tackling the issues in a more detailed way, and adapting the regulations for the workers of a specific sector or company. But is this really happening? Are collective agreements improving the provisions of national regulations? Where is this tool being used in the most effective way?

This paper strives to answer these questions, focusing in particular on the capability of collective bargaining in guaranteeing equality in the workplace and improving the lives of women workers (and/or other workers with difficult life-work balance conditions) around the world. Gender equality, paternity/maternity leave, childcare provisions, discrimination, and sexual harassment are among the topics examined in this research. The analysis covers the content of 700 recent collective agreements (valid in 2010 or later) coming from 46 countries in Africa, Latin America, Europe and South Asia. These agreements have been collected by the WageIndicator Foundation and are coded in the WageIndicator Collective Agreements Database, a work which is made possible by the contributions of several funders.

Clauses related to work and family balance arrangements are common in the analysed agreements: more than 80% of them have provisions on such topics. Continents and countries address each topic in a different way. For example, in some cases South Asian agreements are more advanced (like in clauses prohibiting discrimination and violence), and in other instances it is Africa that gives the best provisions, like in maternity-related clauses. Some countries are leading the way – each in a different topic - and could be taken as a model to follow: among others, Ghana (breastfeeding breaks), Costa Rica (paternity leave) and Indonesia (violence and discrimination, sexual harassment). Data also show that equality issues are not similarly addressed: less than half of the agreements contain clauses about that.

Keywords: Collective agreements, Collective Agreements Database, equality, maternity leave, sexual harassment

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## 1. Introduction

### *1.1 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). Collective agreements can be signed at company level (by one single company or multiple companies), or at sectoral level, or even at inter-professional level, thus covering all the workers in a country.

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).

The importance of collective agreements is agreed upon at global level, but only a few countries in the world keep a database of the provisions agreed in these agreements. And even in those cases – e.g. in the UK, New Zealand, Brazil – the databases are not comparable across countries. This paper addresses a first attempt to collect and code CBAs on a global scale: the WageIndicator Collective Agreements Database.

### *1.2 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 92 countries in all continents, receiving almost 40 million web-visitors in 2016. 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 and the Dutch Confederation of Trade Unions (FNV) 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 idea behind it was to improve working conditions and reach living wages by increasing the circulation and thus the use of collective agreements. In all participating countries, the social partners expressed a strong interest in publishing their CBAs, 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 five years, the team (Ernest Ngeh Tingum and Arcade Ndoricimpa from the University of Dar Es Salaam –

Tanzania, Nadia Pralitasari, Gabriele Medas and Daniela Ceccon from WageIndicator, with the help of the researchers of the University of Amsterdam, collected and analysed more than 700 collective agreements from Africa, Europe, Latin America, Indonesia and three more South Asian countries (Pakistan, Vietnam and Cambodia).

For each and every CBA, the team answered to a series of questions related to twelve 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”.

The database’s coding scheme consists of 749 variables in total. Screenshots of the coding scheme can be found in the appendix. This paper 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.

## 2. The collective agreements analysed in this paper

This paper analyses the content of 700 collective agreements from 46 countries in Africa, Latin America and South Asia. The analysis includes five CBAs from West Africa which are not company or sectoral CBAs, but so-called *Conventions Interprofessionnelles* (inter-professional CBAs), i.e. collective agreements signed at national level and covering all sectors. In some countries, there are also multi-company agreements, which are signed by more than one company and can be considered sectoral agreements.

The countries with the highest number of CBAs in the database are Indonesia (105 collective agreements) and Kenya (81), followed by Ethiopia (52), Brazil (49), Ghana (35), Peru (33) and Guatemala (31). From each of the other countries there are 28 or less CBAs per country. Only countries with at least two agreements have been taken into account.

The WageIndicator team assures that the database includes almost all collective agreements in the majority of African countries and in Indonesia, whereas in other South Asian countries, in Latin America and Europe more agreements are still to be collected and annotated. 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 – especially in the first stages of the relationship with the social partners –, the database cannot contain a uniform sample of collective agreements from different parts of the world, nor cover different sectors equally. Also, sometimes the social partners are not aware of the number of agreements signed in the country. The database becomes then a useful tool for them to keep track of the quantity and quality of one of the main ‘products’ of their work.

If we look at the distribution of agreements per area of the world, we can see that almost half of the CBAs (320) are from Africa, but that other areas are more or less equally represented in the analysis: South Asia with 113 agreements, South America with 110, Europe with 87 and Central America with 70 CBAs.

Map 1 and Table 1 give an overview of the collective agreements analysed in this report, according to the covered countries and areas.

Map 1: World distribution of the analysed agreements (min. 2 – max. 105 CBAs per country)

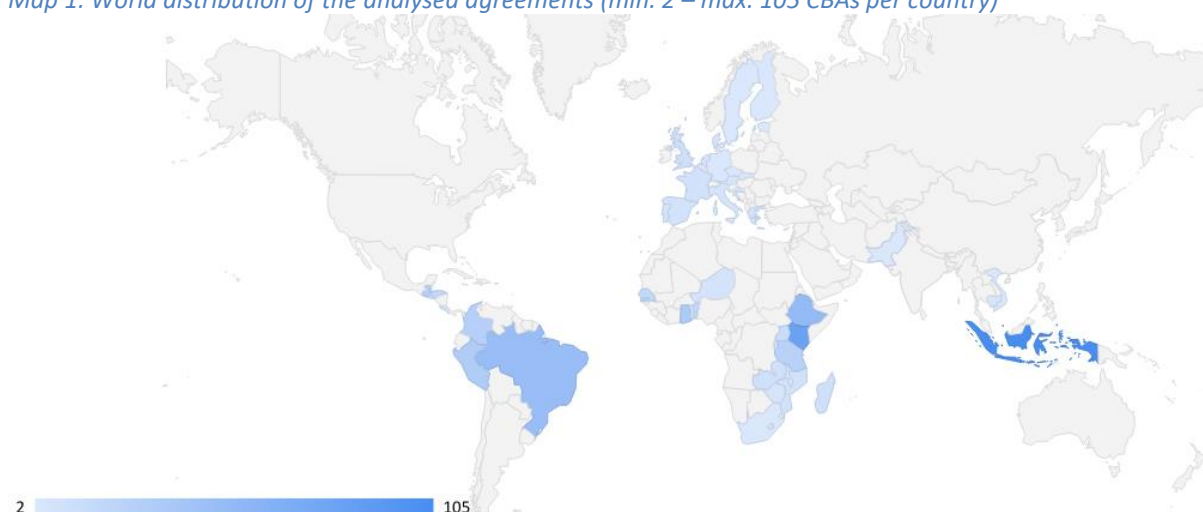


Table 1: Overview of the CBAs used in this report by country

COUNTRY	Number of CBAs	COUNTRY	Number of CBAs	COUNTRY	Number of CBAs	COUNTRY	Number of CBAs
Indonesia	105	Uganda	14	Croatia	6	Finland	4
Kenya	81	Madagascar	11	Denmark	6	Germany	4
Ethiopia	52	United Kingdom	11	Niger	6	Malawi	3
Brazil	49	El Salvador	10	Portugal	6	South Africa	3
Ghana	35	Zambia	10	Austria	5	Sweden	3
Peru	33	Costa Rica	9	Italy	5	Belgium	2
Guatemala	31	France	9	Lesotho	5	Estonia	2
Colombia	28	Mozambique	9	Netherlands	5	Pakistan	2
Tanzania	26	Togo	9	Zimbabwe	5	Slovakia	2
Benin	21	Greece	9	Netherlands	5	Vietnam	2
Honduras	20	Spain	8	Zimbabwe	5		
Senegal	19	Burundi	7	Cambodia	4	All	700

Source: WageIndicator CBA database, accessed 1/6/2017

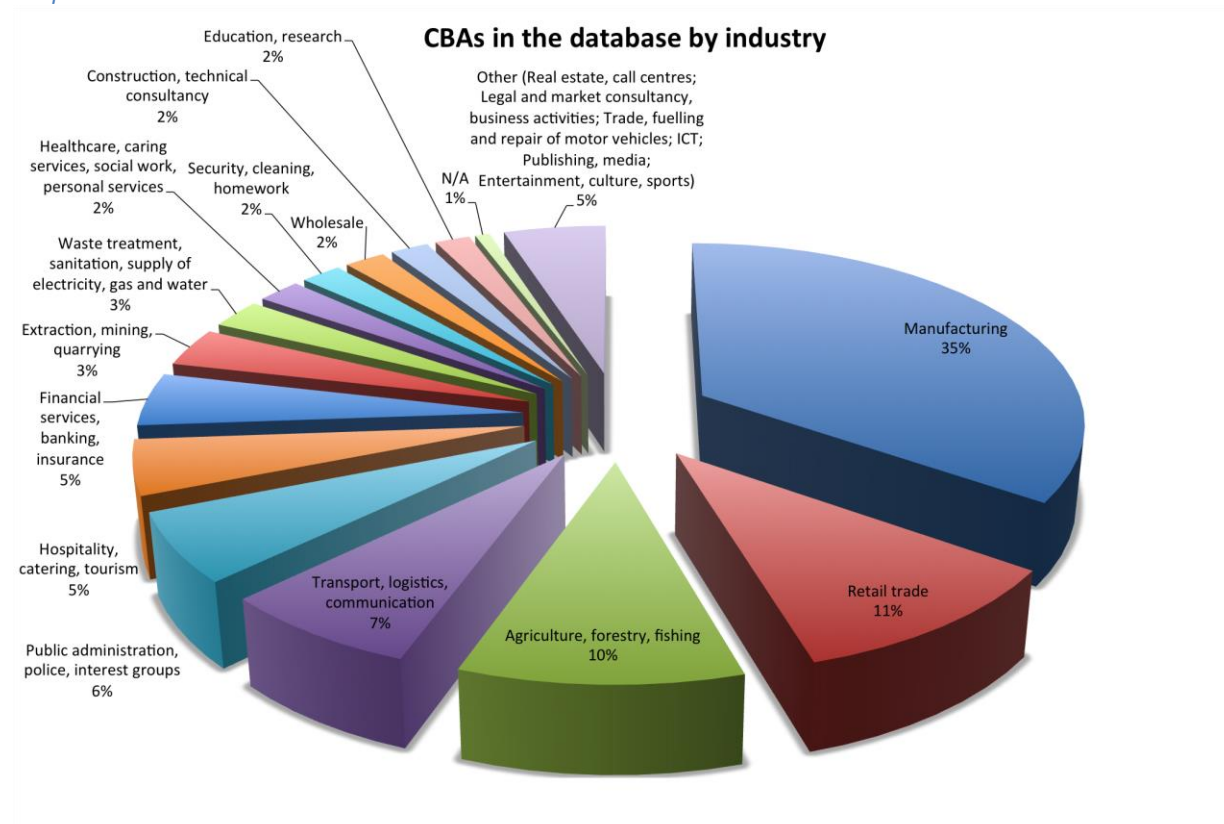
The vast majority (615) of the analysed collective agreements cover the private sector, while only 75 cover the public sector. There are five CBAs from semi-public sector and five inter-professional agreements.

Graph 1 shows the distribution of the 700 collective agreements in 20 main sectors of activity.

Manufacturing is the most frequently encountered industry, with 35% of collective agreements. Far behind, there are 11% of CBAs from retail trade and 10% from agriculture, forestry and fishing. Around 7% of collective agreements are from transport, logistics and communication, while there are around 6% from public administration and 5% each from hospitality/tourism and financial services. Extraction/mining and waste/electricity/gas/water CBAs cover each around 3% of the total. All other sectors represent each 2% or less of the total number of the analysed CBAs and cover altogether

around 15% of the total. The N/A (not applicable) agreements are the five West African inter-professional CBAs, which don't apply to a specific sector.

Graph 1



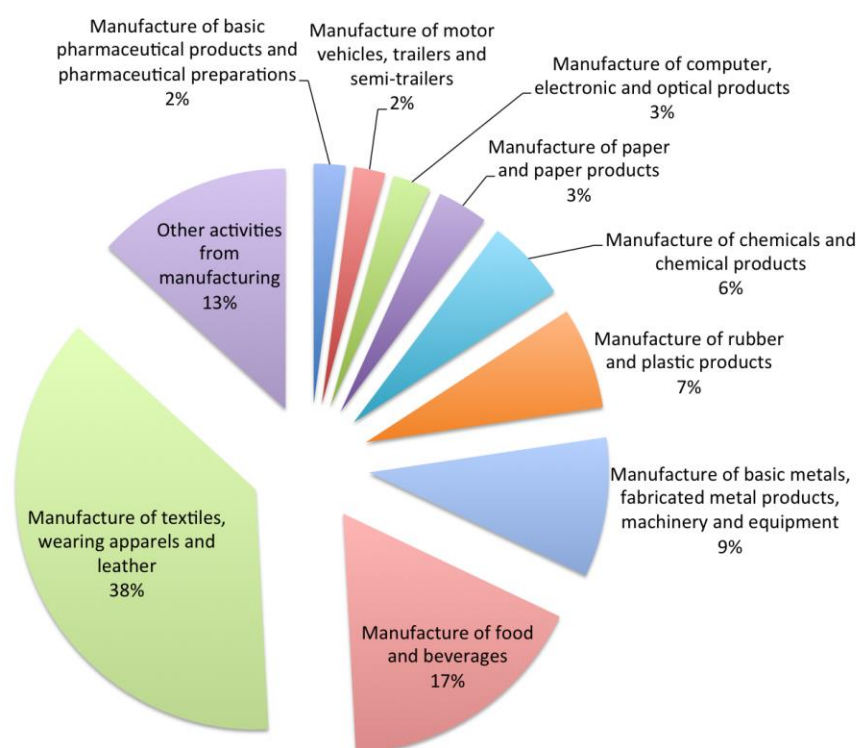
The 243 collective agreements from the manufacturing sector can be split into 21 groups, according to the sub-sector they apply to, as shown in Graph 2.

The most represented sub-sectors in manufacture are textile and food/beverages (38% and 17% of all the CBAs in this sector, respectively), followed by metal (9%), plastic (7%) and chemicals (6%). Other sub sectors cover each 3% or less of the total CBAs in manufacturing sector and represent altogether 23% of the total.



Graph 2

### Manufacturing sector CBAs in the database by sub-sector



The paper takes into account also the level of bargaining, which is essential in terms of coverage and impact of a collective agreement in a country.

Table 2 - Overview CBAs by level of bargaining

LEVEL OF BARGAINING	Number of CBAs
Inter-professional	5
Sectoral (Signed by one or more employers' associations)	130
Company (Signed by one employer)	565

Source: WageIndicator CBA database, accessed 1/6/2017

As shown in Table 2, most CBAs in the system (565) are company/enterprise level collective agreements (signed with a single employer), but the database contains also a good sample of sectoral CBAs (130), i.e. CBAs signed with one or more employers' associations. Almost all of the sectoral CBAs are from Africa (58, mostly from Senegal and Kenya), Europe (47, equally distributed among 15 countries) and Brazil (21). Only four agreements come from other countries (Guatemala, Colombia 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: where are these topics addressed in collective agreements?

This paper analyses work and family balance arrangements and equality issues in collective agreements. Table 3 shows in which countries and in which proportion these topics are addressed.

*Table 3: Percentage of CBAs addressing work/family arrangements and equality issues by country*

AREA OF THE WORLD / COUNTRY	Total number of CBAs in the database	% of CBAs with clauses on work/family balance arrangements	% of CBAs with clauses on equality
<b>Africa</b>	<b>320</b>	<b>83%</b>	<b>25%</b>
Benin	21	71%	52%
Burundi	7	29%	0%
Ethiopia	52	98%	6%
Ghana	35	97%	57%
Kenya	81	99%	7%
Lesotho	5	0%	20%
Madagascar	11	91%	55%
Malawi	3	0%	33%
Mozambique	9	44%	33%
Niger	6	100%	33%
Rwanda	4	75%	25%
Senegal	19	89%	58%
South Africa	3	100%	0%
Tanzania	26	81%	15%
Togo	9	44%	56%
Uganda	14	29%	36%
Zambia	10	70%	10%
Zimbabwe	5	100%	20%
<b>South Asia</b>	<b>113</b>	<b>96%</b>	<b>96%</b>
Cambodia	4	100%	50%
Indonesia	105	100%	98%
Pakistan	2	0%	50%
Vietnam	2	0%	100%
<b>Europe</b>	<b>87</b>	<b>72%</b>	<b>63%</b>

AREA OF THE WORLD / COUNTRY	Total number of CBAs in the database	% of CBAs with clauses on work/family balance arrangements	% of CBAs with clauses on equality
Austria	5	60%	60%
Belgium	2	100%	50%
Croatia	6	83%	83%
Czech Republic	3	67%	100%
Denmark	6	100%	67%
Estonia	2	100%	0%
Finland	3	33%	33%
France	9	100%	89%
Germany	3	33%	33%
Greece	8	50%	0%
Italy	5	60%	20%
Netherlands	5	100%	80%
Portugal	6	100%	67%
Slovakia	2	100%	100%
Spain	8	100%	100%
Sweden	3	100%	100%
United Kingdom	11	9%	64%
<b>Central America</b>	<b>70</b>	<b>93%</b>	<b>57%</b>
Costa Rica	9	100%	89%
El Salvador	10	100%	90%
Guatemala	31	90%	42%
Honduras	20	90%	50%
<b>South America</b>	<b>110</b>	<b>77%</b>	<b>18%</b>
Brazil	49	82%	20%
Colombia	28	71%	7%
Peru	33	76%	24%
<b>ALL COUNTRIES</b>	<b>700</b>	<b>84%</b>	<b>43%</b>

*Source: WageIndicator CBA database, accessed 1/6/2017*

The purpose of this table is also to 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 Pakistan, Vietnam, Malawi and Lesotho, where there is no clause about work and family arrangements, but the number of collective agreements available for each of these countries is five or less.

Kenya and Indonesia stand out as the countries offering special clauses on work and family balance arrangements in the highest number of CBAs. Ethiopia as well has a high number of CBAs in the database (52), and all of them contain at least one clause on work and family arrangements. Other countries with more than 30 analysed agreements containing this provision in at least 70% of them are Ghana, Guatemala, Brazil and Peru.

The countries where less than 60% of the agreements provide for work and family arrangements provisions are Burundi, Germany, Greece, Togo, Uganda, and UK (but in these cases we analysed 14 or less agreements per country). As explained above, agreements from Pakistan, Vietnam, Malawi and Lesotho provide no clause about work and family arrangements, but we must consider that in the database there are only five agreements or less for each of these countries.

It is relevant also to see that, despite this, both Vietnamese CBAs contain clauses on equality, and in particular on gender equality. However, these equality clauses are more a general guideline to be followed by the employer than clear practical provisions. Also, they replicate a provision that is already contained in national law.

The best ratio *number of analysed agreements / percentage of CBAs addressing equality issues* can be found in Indonesia where almost all of the 105 agreements provide for clauses on such topic. If we look at countries where we have at least ten CBAs, the highest percentage of equality clauses (64%) can be found in the United Kingdom. It is also relevant to note that in Kenya, Ethiopia and Brazil (where we have analysed at least 49 CBAs per country) the presence of equality clauses is very low: 20% in Brazil, 7% in Kenya and 6% in Ethiopia.

#### 4. Work/family balance arrangements clauses

The section on work and family balance arrangements includes maternity leave, paternity leave, breastfeeding and childcare.

Table 4 shows how many collective agreements contain clauses related to such topics, and in which areas of the world. In South Asia (which means mostly Indonesia) and in Central America almost all collective agreements contain clauses on work/family arrangements. In Africa, more than 80% of CBAs address such topics, but in Latin America and Europe the percentage goes down to 77% and 72% respectively. On average, 84% of the CBAs in the database contain clauses on work and family balance.

*Table 4: CBAs addressing work/family arrangements*

Area of the world	CBAs with clauses on work/family	Total CBAs	Percentage of CBAs with clauses on work/family
South Asia	109	113	96%
Central America	65	70	93%
Africa	266	320	83%
South America	85	110	77%
Europe	63	87	72%
All continents	588	700	84%

*Source: WageIndicator CBA database, accessed 1/6/2017*

##### 4.1 Maternity leave

###### a) Clauses and number of weeks provided

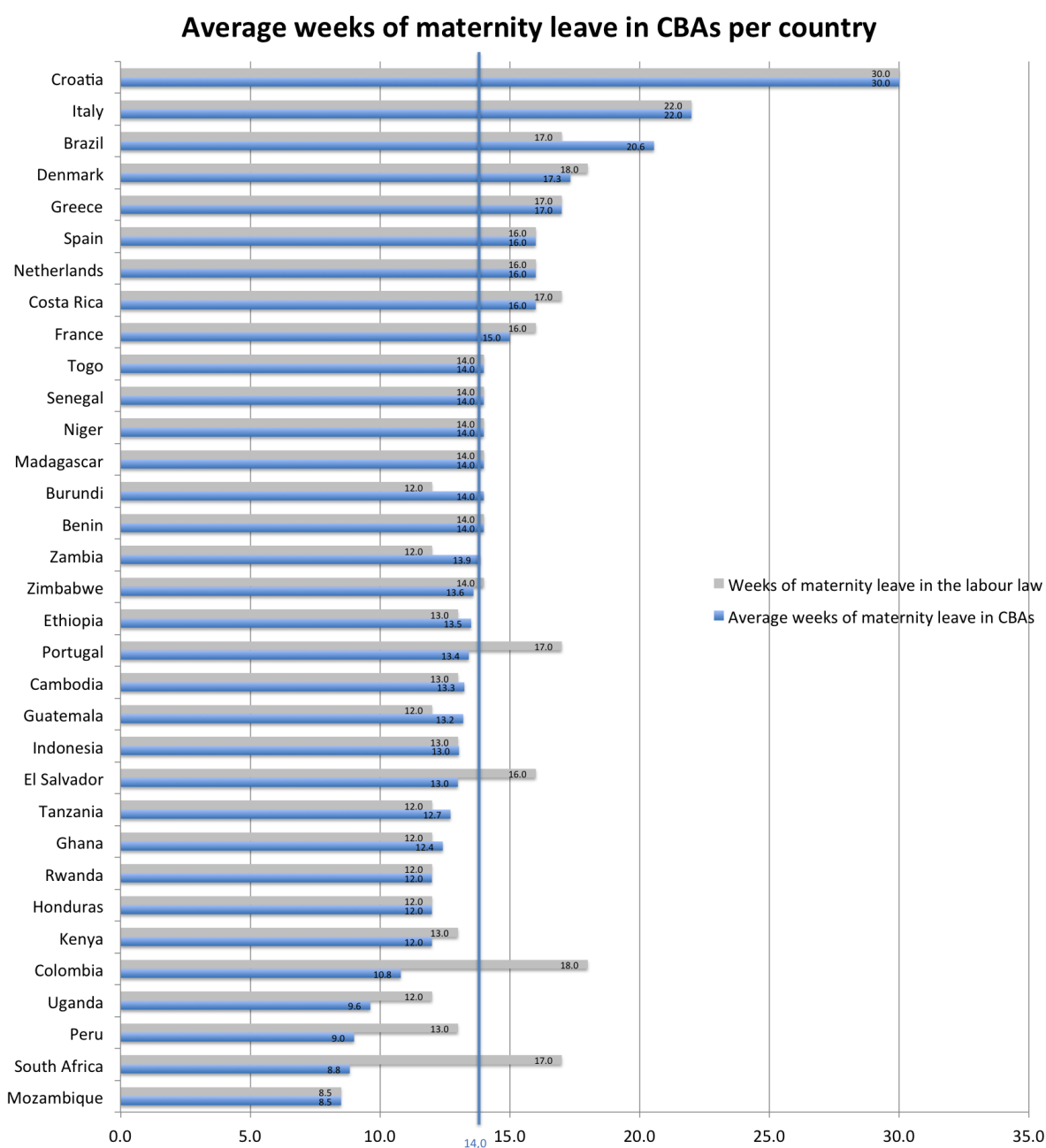
ILO acknowledges that paid maternity leave is crucial to protect the health and economic security of women and their children. Around 68% (474 out of 700) of the collective agreements contain clauses related to maternity leave, which may include number of weeks provided, percentage of wage to be paid, job security after leave and discrimination related to maternity.

CBAs from Czech Republic, Germany, Lesotho, Malawi, Pakistan, Slovakia, Sweden and Vietnam have no provision on maternity leave.

Of the 474 collective agreements with clauses on maternity, 428 provide for the number of weeks.

Graph 3 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 (source: WageIndicator Labour Law Database, 2017). The vertical blue line represents the ILO standard for maternity leave (14 weeks minimum), set by Convention No. 183.

Graph 3

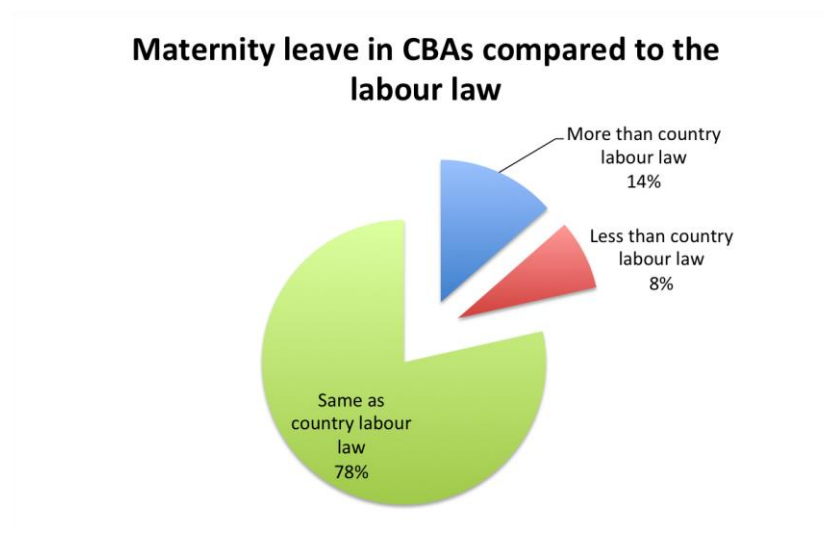


The CBAs from 15 countries provide on average for at least 14 weeks of maternity leave or more. There are agreements in Croatia, Italy, Brazil, Denmark, Greece, Spain, Netherlands, Costa Rica and France giving more weeks than those provided by ILO as the minimum.

#### b) Comparison with the labour law

Comparison with the requirements of the labour law in the examined countries allows seeing how many of the 428 collective agreements meet those provisions. Graph 4 shows the compliance of collective agreements' provisions with the labour law applied in the countries.

Graph 4



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, 14% of CBAs provide more than what is required under the law. Most of these 'best CBAs' are from Ghana and Tanzania

(twelve each), Brazil (ten) and Guatemala (nine). In the case of Brazil they provide for four to nine weeks more than the law – which is already giving 17 weeks –, while in Ghana, Tanzania and Guatemala it's only one or two weeks more, and still only a few CBAs from these countries reach the 14 weeks. The collective agreements providing for fewer weeks than the labour law are 8% of the total, a percentage that is higher than expected. This 8% is quite evenly distributed among the countries (except for Europe, where this is very rare), although the phenomenon is more frequent in Latin America.

#### c) Pay, job security, prohibition of discrimination

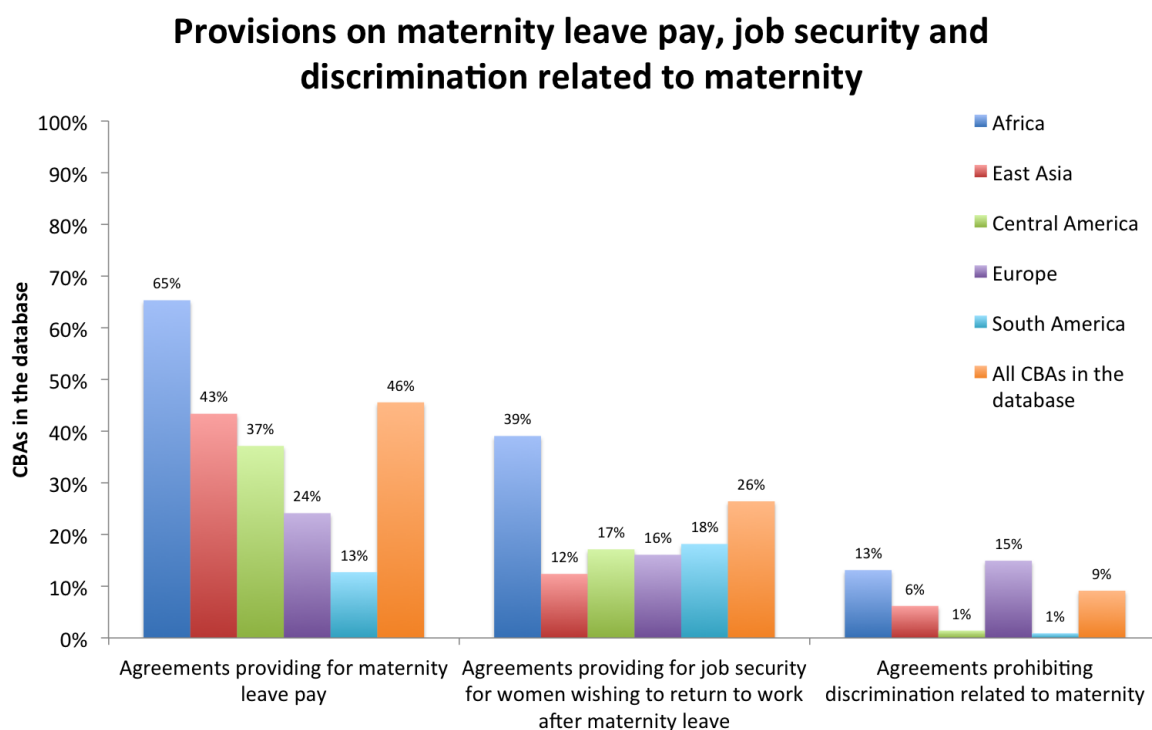
The analysis on maternity leave takes into account three more topics: maternity leave pay, job security for women wishing to return to work after maternity leave and prohibition of discrimination related to maternity. Graph 5 shows how many of the collective agreements in the database contain these clauses and displays them per area of the world. In the case of South Asia, it should always be kept in mind that almost all agreements are from Indonesia.

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.

In South Asia, 45 collective agreements from Indonesia and all four CBAs from Cambodia provide for maternity leave pay. The graph shows a substantial difference between Central America (37%, equally distributed among the countries) and South America (13%, and in Brazil only).

In general, where this clause is available, it usually provides for 100% of basic wage. Exceptions to this are South Africa and Cambodia.

Graph 5



The proportion among different areas of the world changes, when the clauses about job security after maternity leave are addressed: 39% of African CBAs have clauses on such topic (again, mostly in Kenya, Ethiopia and Ghana), while only 12% of South Asian CBAs provide for this.

In the first two topics, European agreements were giving worse provisions than the world average, but if we look at the prohibition of discrimination related to maternity, Europe is the continent with the highest percentage, although it is only 15%. In general, this topic is addressed only rarely in collective agreements, and almost never in Latin American ones.

More on discrimination and equal opportunities at work can be found in this report in chapter 5.2.

#### 4.2 Paternity leave

##### a) Clauses and number of weeks provided

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).

Paternity leave provision is given in around half of the collective agreements in the database.

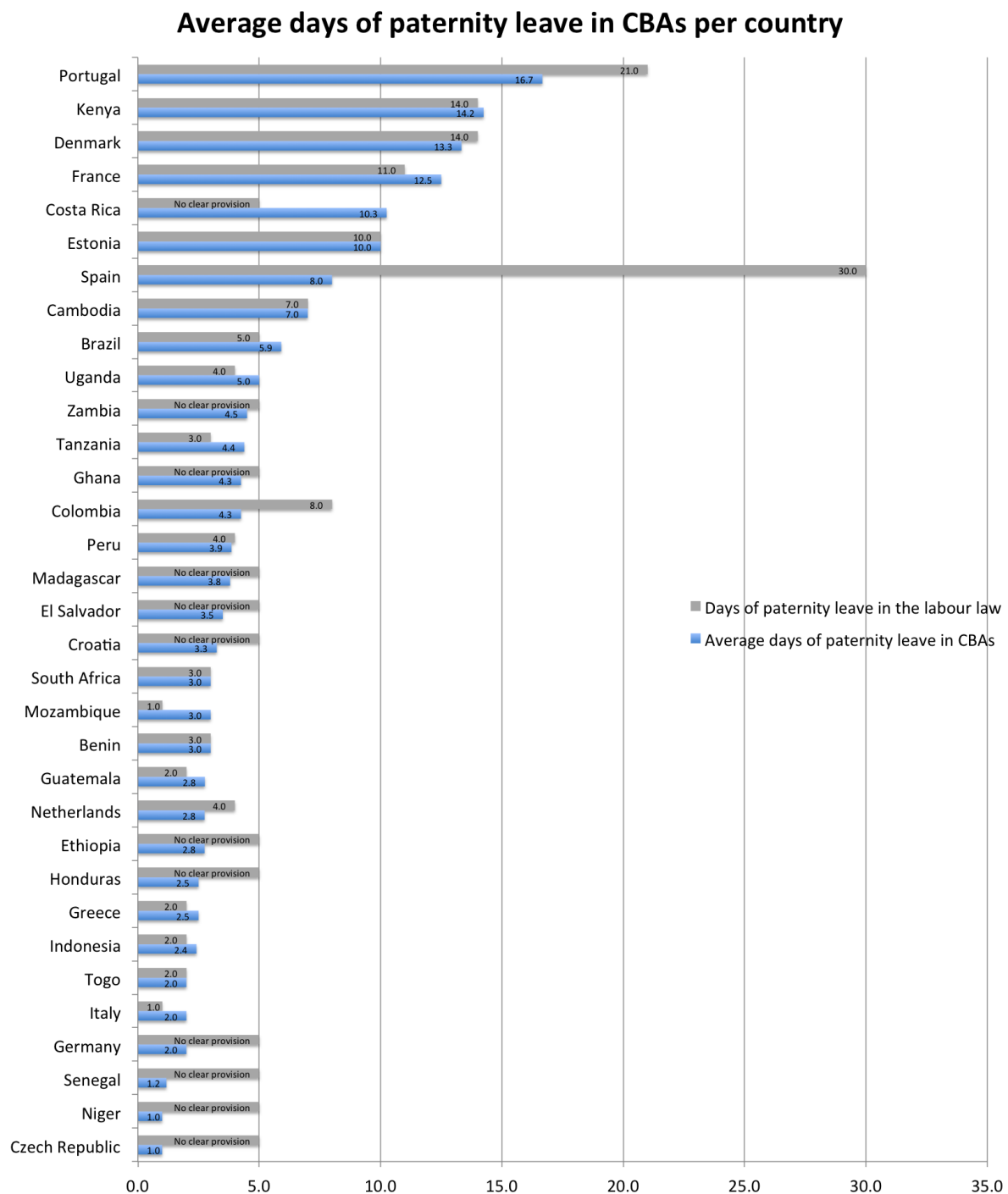
Of these 343 CBAs, 323 provide for the number of days.

Graph 6 shows the average days of paternity 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 (source: WageIndicator Labour Law Database, 2017). Portugal stands out with its average provision of three weeks, but this figure is relevant also because it shows that CBAs in this country provide on average less than the labour law. This happens also quite distinctly in Spain, Colombia and the Netherlands. Costa Rica outstands at global level for providing on average more than ten days of paternity leave, while the labour law doesn't contain this provision at all.

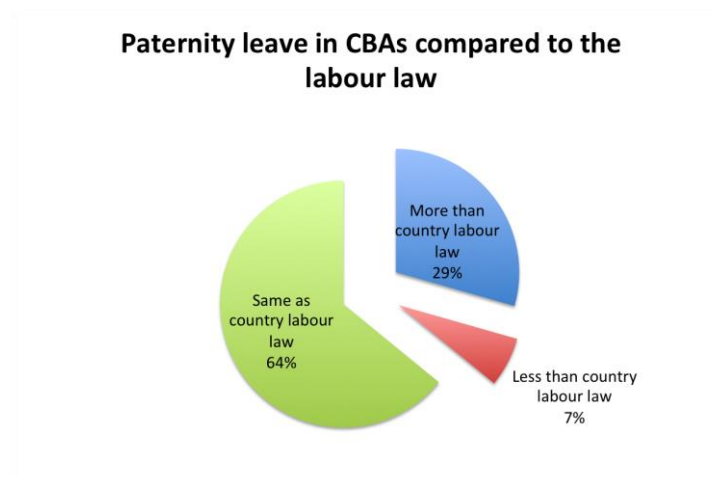
Graph 6



#### b) Comparison with the labour law

Comparison with the requirements of labour law in the examined countries allows seeing how many of the 323 collective agreements meet national law provisions.

Graph 7



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 29% giving better provisions than the law. Unlike what happened with maternity leave, in the case of paternity leave the majority of non-compliant agreements are from Europe.

#### 4.3 Breastfeeding and childcare

##### a) Breastfeeding

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.

Time off and/or breastfeeding facilities for working mothers are provided in 146 collective agreements, i.e. around one fifth of the total. 33 of these are from Ghana, 17 from Indonesia and 14 from Guatemala.

Among the 146 collective agreements having a clause on such topics, 124 state the duration of breastfeeding breaks. The majority of collective agreements (around 60%) 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 one third of the CBAs providing for more than that, especially in Africa - in Ghana and Tanzania in particular. Only six agreements provide for less than one hour.

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

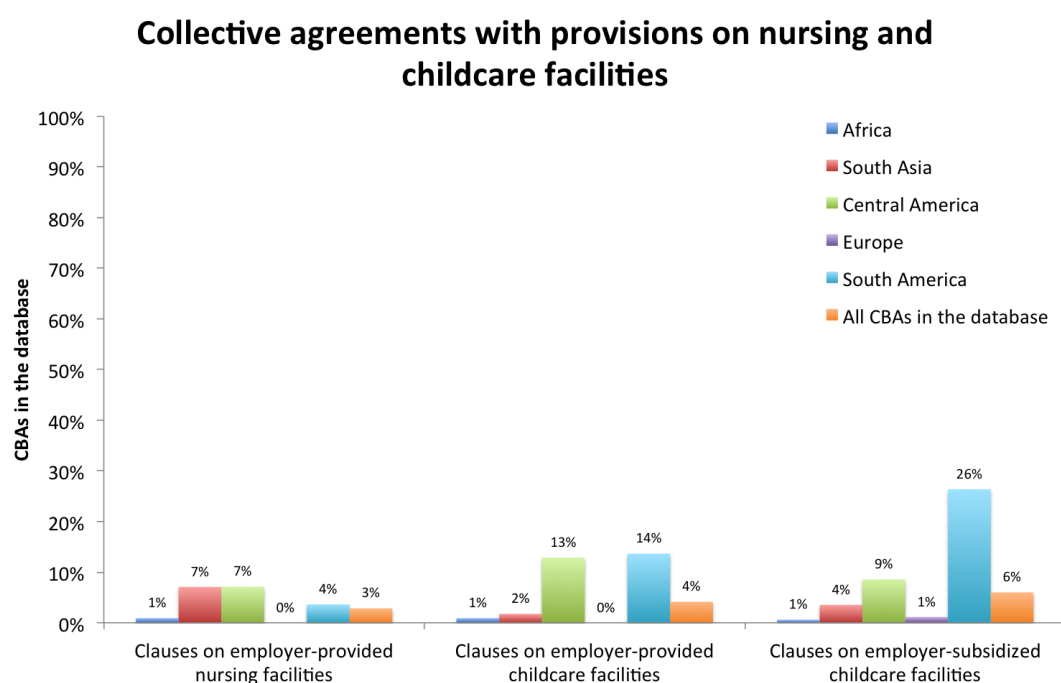
breastfeeding for babies until the age of six months and continued breastfeeding, with appropriate complementary foods, for children of up to two years of age or beyond (World Health Assembly Resolution 55.15). Among the 124 collective agreements providing for the duration of breastfeeding breaks, 114 also state the duration of the entitlement. On average, these provide that women workers are entitled to breastfeeding breaks until the child is eleven months old. The internationally recognized minimum duration of breastfeeding breaks provision is respected by all agreements.

#### b) Nursing and childcare facilities

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

Graph 8 offers an insight on the single topics addressed and displays them per area of the world.

*Graph 8*



Comparison with the requirements of national laws in the examined countries may help explain these data. Table 5 shows which of the analysed countries have a provision on nursing and childcare facilities in the national labour law.

*Table 5: 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, Zambia, Zimbabwe, Peru, Pakistan, Austria, Croatia, Czech Republic, Denmark, Estonia,	No provision

<b>COUNTRY</b>	<b>Nursing or childcare facilities</b>
<b>Finland, Germany, Italy, Portugal, Spain, Sweden, United Kingdom</b>	
<b>Cambodia, France</b>	Provided with a minimum of 100 female workers in the company
<b>Madagascar, Niger, Brazil, Guatemala, Honduras, Costa Rica</b>	Provided with a minimum of 20-30 female workers in the company
<b>Vietnam</b>	Provided to all women
<b>Greece</b>	Provided with a minimum of 300 workers in the company
<b>Colombia, El Salvador, Indonesia, Belgium, Netherlands, Slovakia</b>	Provided to all workers

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

In Africa and Europe 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.

## 5. Equality clauses

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. 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 3): 84% of the CBAs in the database have provisions on work and family arrangements, while only 43% of the CBAs contain clauses about equality.

The equality-related topics that have been analysed here are: 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, and IV) sexual harassment and violence at work.

Table 6 shows how many collective agreements contain clauses related to such topics, and in which areas of the world. In the four South Asian countries analysed, almost all collective agreements contain clauses on equality. In Europe and Central America around 60% of the CBAs address such topics, and in Africa the percentage goes down to 25%. In South America only 18% of the CBAs consider equality in their texts.

*Table 6: - CBAs addressing equality*

Area of the world	CBAs with clauses on equality	Total CBAs	Percentage of CBAs with clauses on equality
South Asia	108	113	96%
Europe	55	87	63%
Central America	40	70	57%
Africa	81	320	25%
South America	20	110	18%
All continents	304	700	43%

*Source: WageIndicator CBA database, accessed 1/6/2017*

### 5.1 Equal pay for work of equal value

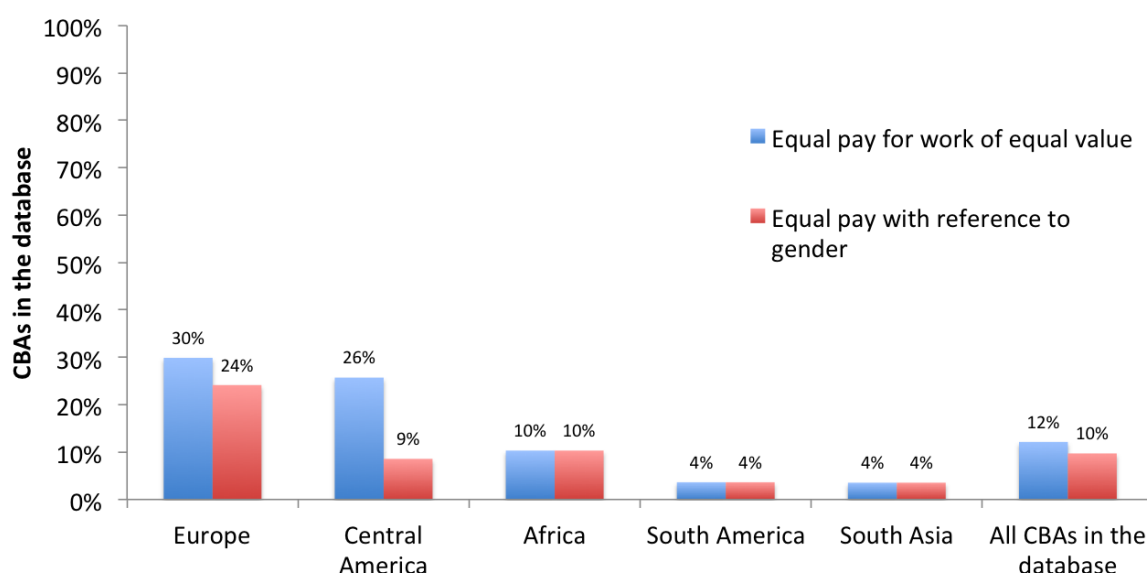
Graph 9 shows how many collective agreements provide for equal pay for work of equal value, and how many of them make a special reference to gender.

In Europe, equal pay is provided in almost one third of the CBAs, the majority of which also makes a reference to gender. In Central America, the percentage of equal pay clauses is 26% (but only the six

agreements from El Salvador make a reference to gender). In Africa, there are 10% of the collective agreements (mostly from Benin and Senegal) clearly stating the principle of equal pay for work of equal value, and among them four of the five inter-professional agreements. All these clearly make a reference to gender. In South Asia and South America this provision is given only in four CBAs each, all from Indonesia and Brazil.

Graph 9

### Collective agreements providing for equal pay for work of equal value, and reference to gender



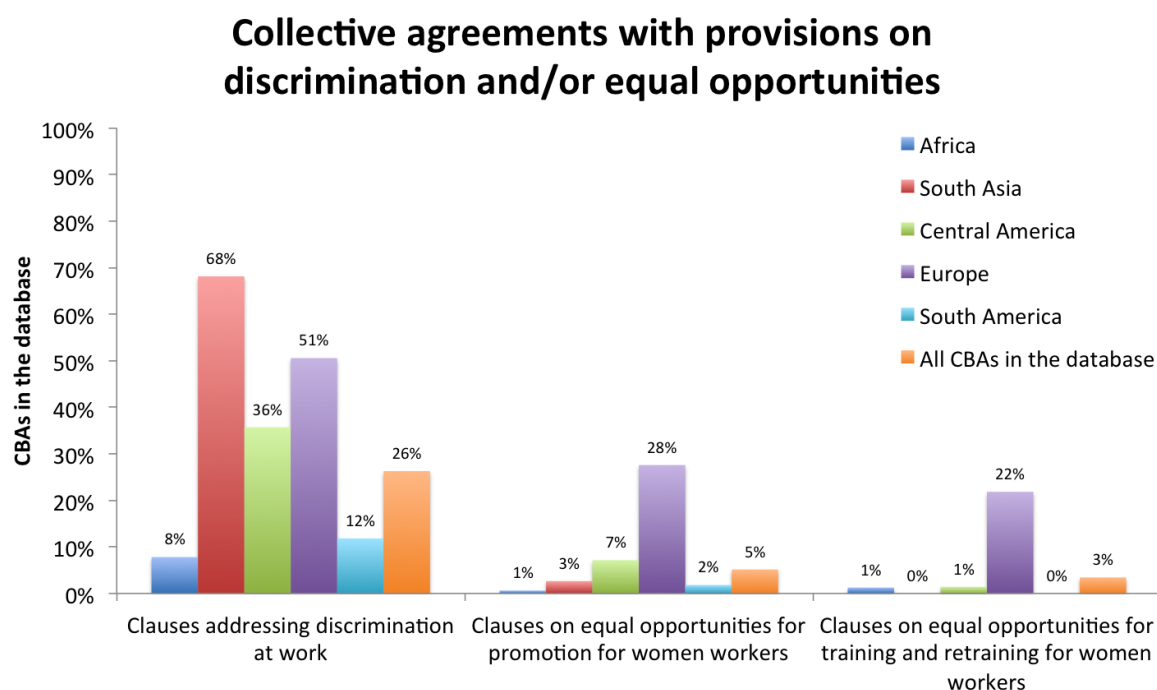
Considering the national laws in the countries may help explain this. Among the analysed countries, only Pakistan does not provide for equal pay for work of equal value in constitution, labour code or equal treatment law (source: WageIndicator Labour Law Database, 2017). This means that in most cases negotiators don't feel the need to reinforce what is already in the law.

#### 5.2 Discrimination and equal opportunities

Graph 10 offers an insight on the collective agreements addressing discrimination and/or equal opportunities, and displays them per area of the world.

Discrimination at work is addressed in most of South Asian collective agreements, in half of the CBAs from Europe, in more than one third of Central American CBAs and in around 10% of South American and African agreements. The African country where there are more CBAs prohibiting discrimination is Ghana, but most of these agreements prohibit only discrimination of unionized employees.

Graph 10



The situation changes drastically with gender-related clauses: equal opportunities for promotion for women workers are only addressed in 5% of the agreements in the database and – except in Europe – only in a few countries per continent: in Ghana and Uganda, (two agreements in total), in Indonesia (three CBAs), in El Salvador (five CBAs), in Colombia and Peru (two agreements in total). Europe is the only area of the world where 28% of CBAs contain clauses on equal opportunities for promotion, and 22% on equal opportunities for training and retraining of women workers. As to this second topic, only 3% of the analysed CBAs in the world provide for this: none in South Asia and South America, and only four CBAs in Africa and one in El Salvador.

The database also offers a more specific insight on discrimination towards pregnant women and working mothers. As explained in chapter 4.1, section c) of this report, prohibition of discrimination related to maternity is addressed only rarely in collective agreements. Only Europe and Africa stand out with around 15% of their CBAs providing for this, which is anyway quite a low percentage.

Also, only two collective agreements in the whole database prohibit screening for pregnancy before promoting a worker or regularising non-standard workers.

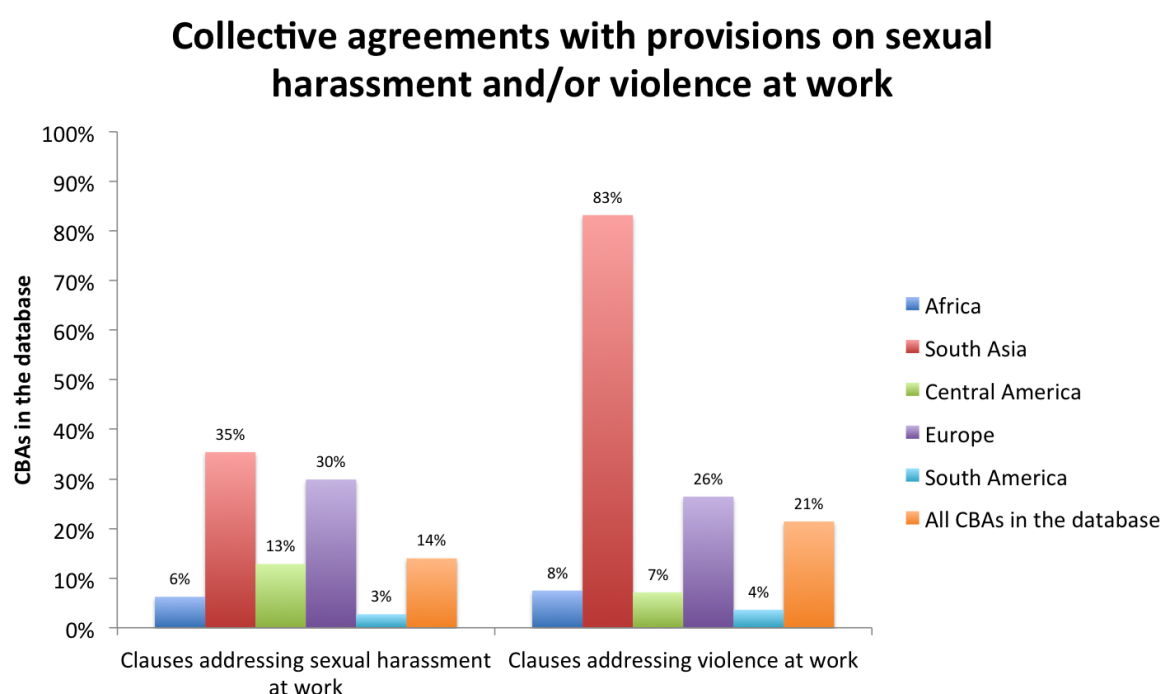
Either in constitution, labour code or equality law, all countries examined in this report prohibit discrimination on the basis of gender in national law (source: WageIndicator Labour Law Database, 2017). Given the very low presence of equal opportunity clauses in collective agreements, it seems that negotiators believe that the law provisions is 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.

### 5.3 Sexual harassment and violence at work

South 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 11. Almost all collective agreements from South Asia contain clauses addressing violence at work. In Africa and Latin America, violence is clearly forbidden in less than 10% of the CBAs, while in Europe the percentage is a higher (26%).

In the entire database, only 14% of the collective agreements provide for clauses against sexual harassment at work, and in Africa and South America the percentage is again much lower than the average.

Graph 11



National law in almost all the analysed countries prohibits sexual harassment and provides for some penalties. Ghana, Guatemala and Indonesia are the three exceptions, where neither constitution nor labour code, nor equal treatment or sexual harassment law prohibit or punish sexual harassment at work. (Source: WageIndicator Labour Law Database, 2017). Among the 98 collective agreements containing clauses against sexual harassment, none is from Guatemala, where this issue seems to be neglected by negotiators at all levels. In Ghana and Indonesia, on the contrary, the negotiators have tried to fill the legal void at least in some agreements (eight from Ghana and 38 from Indonesia).

The database analysis shows that the vast majority of collective agreements are not yet giving even the '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 they seem to think that a general



provision in national law is enough to protect workers (see gender equality, which however is not specifically addressed in the law as work-related gender equality).

## 6. Conclusions

In the Issue Brief n. 4 *Negotiating for gender equality*, published by ILO in 2016, it is stated that 'Collective bargaining is a useful tool in achieving gender equality'; in *Unions and collective bargaining* (S. Hayter, 2015) it is shown how in both industrialized and developing countries, collective bargaining is effective in reducing wage inequalities within those sectors covered by it: research has proved that collective agreements are a tool that can be used to increase gender equality and reduce wage inequalities.

Thus, it can be assumed that improved CBAs could also be a way to help workers getting to the living wage.

By analysing the content of 700 collective agreements from 46 countries in Africa, Europe, Latin America and South Asia, this paper tries to picture the actual situation of equality-related and work and family balance provisions in the world, and to see where and how CBAs improve the labour law. Is the powerful tool of collective bargaining used effectively? Where should it be improved?

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.

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

### a) General country comparison

From a general perspective, the country that stands out is Indonesia, where most collective agreements have clauses both on work and family arrangements and equality, and from which we have a large number of agreements (105).

In Africa, Zimbabwe, South Africa, Niger, Kenya, Ghana and Ethiopia are the countries where work and family balance clauses can be found in all or most of the agreements. Among these, only Ghana has a good percentage (57%) of CBAs addressing equality issues as well. More than half of the agreements contain equality clauses also in Benin, Madagascar, Senegal and Togo. 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.

In Europe (where the number of analysed agreements per country is much lower), there are three countries where all the analysed CBAs provide for clauses both on work/family balance and equality: Slovakia, Spain and Sweden. In Latin America, almost all agreements from Costa Rica and El Salvador include these clauses.

### b) Equality and work/family balance arrangements clauses

Except for Indonesian CBAs, and a bunch of countries in Europe and Central America, 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.

From a general perspective, South American countries do not excel in providing work and family and/or equality rights in their collective agreements, but there is one exception. While on average collective agreements in the database don't reach the minimum standard of paid maternity leave set by ILO (14 weeks), Brazilian agreements provide on average for 20,6 weeks (there are one sectoral and five company agreements providing for 26 weeks of maternity leave). Brazil does well in terms of improvement of its labour law, which provides for 17 weeks.

South America is lagging behind also 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 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 Asian CBAs contain clauses about equality, but also the region stands out for the high number of agreements addressing violence at work (83% of the CBAs), discrimination at work (68% of the CBAs), and sexual harassment (35% of the CBAs).

In Europe and Central America equality clauses are addressed in around 60% of the agreements, and the concept of equal pay is clearly stated in around one third of their CBAs. Both these regions are doing well in addressing discrimination issues, but while Europe is leading in addressing equal opportunities of training and promotion and tackles sexual harassment in around one third of its CBAs, Central America still has a lot to do about these issues. El Salvador is the only country in the area providing for equal opportunities clauses in CBAs.

In South America and Africa, only 18-25% 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.

### c) National labour law, collective agreements and international labour standards

If we look at the average duration of maternity leave in the different areas of the world, what can be noticed is that only in Europe and South America the number of weeks is more than 14. In Africa,

South Asia and Central America the average is around 13. The data also show that labour law has a great responsibility in the CBAs not being compliant with the ILO provisions about maternity leave. Around 92% of the collective agreements in the database comply with their national legislation, which means that the labour law itself is not complying with the ILO minimum. Even the majority of the 14% of collective agreements providing more than their own laws don't reach the 14 weeks of maternity leave.

In the case of paternity leave, 29% of collective agreements provide for more days than their country legislation, but in twelve of these countries there is no provision for paternity leave in the labour law. Costa Rica is the country that stands out here, because it provides more than ten days of leave, while its laws don't contain this provision at all.

Non-compliance with the labour law is pretty high for both maternity and paternity leave: 8% of the agreements, mostly from Latin America, are not compliant with maternity leave provisions in the law. As to paternity leave, 7% of the agreements, mostly from Europe, are non-compliant.

#### d) Nursing breaks and childcare facilities

Breastfeeding breaks are provided in around 20% of the agreements and mainly in Ghana, Indonesia and Guatemala. The majority provide for one hour per day – which is what is recommended by ILO- but there are one third of the collective agreements providing for more. These better provisions can be found mostly in Ghana and Tanzania. As to 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 all CBAs give on average eleven months.

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 South America, and especially in Brazil, where half of the CBAs contain clauses with such provision.

In most European and African countries, the national labour law does not provide for nursing or childcare facilities, and collective agreements from these areas do not compensate the missing provisions.

#### e) 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 Asian CBAs are more advanced (like in clauses prohibiting violence, discrimination and sexual harassment), in other cases it is Europe that leads the way (like in equal opportunities and discrimination related to maternity), and in other

instances it is Africa that gives the best provisions, like in breastfeeding and job security after maternity.

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 (improvement of the national law on paternity leave), Brazil (maternity leave and employer-subsidized childcare facilities), Kenya (job security after maternity), Croatia (duration of maternity leave), Portugal (duration of paternity leave) and Indonesia (violence and discrimination at work, sexual harassment).

## **7. How can these data improve the lives and wages of workers?**

As shown in this research, a global collective agreements database is a very useful tool to understand what are the labour conditions in companies and sectors, and to see where and how the provisions of national labour law are being improved.

The analysis can go further, and these are some of the ways it could improve the working conditions and the wages of workers:

- a) Good practices in collective agreements can be a model to follow for other companies, other sectors or other countries. WageIndicator has put this into practice with the sample CBAs: in three Latin American and several East African countries, sample collective agreements have been created using the best provisions in the country or – when missing – in the neighbouring countries. The project has been a success and in some of the countries, like Guatemala and Ethiopia, sample CBAs have already been used as a model for new agreements;
- b) Better provisions in work/family balance arrangements and equality issues can lead to a reduction of the gender pay gap: this analysis can help negotiators to decide which are the clauses that can be improved and how this is being done elsewhere;
- c) Analysis can be improved by comparing company, sector and multi-company agreements;
- d) As wages are also being annotated, such data can be used to compare wages in CBAs with minimum wages and living wages, and show the way to improve, not only in terms of numbers but also in terms of provisions.

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## Appendix: The WageIndicator Collective Agreements Database coding scheme

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

Picture 1

The screenshot displays the WageIndicator database interface. At the top, a breadcrumb trail shows the path: Root / Countries / Costa Rica / convenci-n-colectiva-mep-sec-sitracome / Convención Colectiva MEP-SEC-SITRACOME. Below this are buttons for 'Contents', 'Edit', and 'Annotate'. A sidebar on the left contains 'Manage Keywords' and 'Next Keyword'. The main content area is titled 'Convención Colectiva MEP-SEC-SITRACOME' and features a 'Legend' dropdown. The document text is visible, including the title 'CONVENCIÓN COLECTIVA MEP-SEC-SITRACOME' and the first article, 'Artículo 1. Reconocimiento del SEC y SITRACOME.' The right sidebar contains a list of topics: Job Titles, Social Security & Pensions, Training, Employment Contracts, Sickness & Disability, Health & Medical Assistance, Work/Family Balance Arrangements, Gender Equality Issues (selected), Wages, and Working hours. Below the 'Gender Equality Issues' section, a question is posed: 'Does the agreement contain any clauses concerning equality?'. The answer is 'Yes'.

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

Picture 2

The screenshot displays the WageIndicator database interface. The main content area shows the text of the 'Convención Colectiva MEP-SEC-SITRACOME' document. A yellow box highlights a specific paragraph: '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.' The right sidebar contains the same list of topics as in Picture 1. Below the 'Gender Equality Issues' section, three questions are posed: 'Does the agreement contain any clauses concerning equality?', 'Does the agreement contain clauses on equal pay for work of equal value?', and 'Does the CBA contain clauses on equal opportunities for promotion for women workers?'. The answers are 'Yes', 'No', and 'No' respectively.

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](#) /

[f](#) [t](#) [g](#) [in](#) [@](#)

- 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