

Female friendly clauses in collective bargaining agreements

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**Paper prepared for presentation at the
“8th Conference of the Regulating for Decent Work Network”
on Ensuring decent work in times of uncertainty
at the International Labour Office Geneva, Switzerland
10-12 July 2023**

Abstract

Women account for almost 50% of the global workforce. However, Female Labour Force Participation varies across countries. Do countries with higher Female Labour Force Participation rates address gender equality and work/family balance issues better through their CBAs? Or is it only the female-dominated industries that have a higher percentage of female-friendly clauses in their CBAs? Cross-Continental (Asia, Europe, Africa, Central and South America) analysis shows that almost eight in ten CBAs include clauses on work/family arrangements and four in ten do so on gender equality. With 30 weeks of maternity leave, CBAs in Croatia have the longest leave, whereas Mozambique has on average only 8.5 weeks of maternity leave. Other gender equality and work/family balancing clauses include health and safety, paternity leave, parental leave, and breastfeeding and childcare. More than 2000 agreements are analysed using 11 gender equality and 24 work/family balancing clauses to provide a comparative view of the female-friendly CBAs across continents.

Keywords: CBAs, Cross-Continental, FLFPR, Women,

Acknowledgements: The author(s) acknowledge(s) gratefully the European Commission for funding the COLBAR and BARCOVID under its Social Dialogue Program (VS/2019/0077, VS/2021/0190); Mondiaal FNV for funding several projects in Africa, see <https://wageindicator.org/about/projects/mywage-org-ethiopia-for-living-wages-in-the-flowers-and-garment-sector>; Laudes Foundation for funding IMPROVING WORKING CONDITIONS in Indonesia, see <https://wageindicator.org/about/projects/makin-terang-improving-work-and-worker-representation-in-indonesia>, This paper solely reflects the opinion of the author(s) and does not necessarily reflect the official opinion of the funder.

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1. INTRODUCTION

The potential women workforce is almost 50%, however, the global labour force participation rate for women is only about 50%, whereas that of men is almost 80% (ILO, 2017). One of the biggest barriers affecting women's participation in the labour market is the work-life balance.

Through collective bargaining, representatives of a group of employees, usually a labour union, negotiate terms and conditions of employment with an employer or representatives of the company. The purpose of collective bargaining is to reach a mutually acceptable agreement that governs the working relationship between the employees and the employer.

A collective agreement, also known as a labour agreement or a collective bargaining agreement (CBA), is a legally enforceable contract that is the result of the collective bargaining process. It describes the employees covered by the agreement's rights, obligations, and working circumstances. Wages, working hours, benefits, job security, grievance procedures, and other employment terms and circumstances are normally covered by the collective agreement. It acts as a thorough agreement that both parties must follow for the term of the contract, which is typically a few years.

Governments as well as researchers suggest that including women friendly and gender equality clauses may encourage more women to participate in the labour market. Using WageIndicator's CBA data base (WageIndicator, 2023) this research paper presents a cross-country analysis (Besamusca and Tijdens, 2015) of female-friendly clauses included in the CBAs and also checks for its relationship with female labour force participation rate (FLFPR) in the respective country. Further, sectoral as well as firm-type analysis is conducted to understand which sectors and firm-types include female-friendly clauses in the CBAs.

2. DATA AND RESEARCH METHODOLOGY

The research paper uses WageIndicator Foundation's CBA database (WageIndicator, 2023). Since the content of the CBA is analysed, the unit of analysis is the agreement (Ceccon and Ahmad, 2018). The database contains more than 2000 CBAs, annotated for questions related to 12 topics, as mentioned in Box 1, consisting of 749 variables (Ceccon and Medas, 2022).

Box 1: Topics covered in WageIndicator CBA database

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	Coverage

This research paper focuses only on 35 variables from the CBA database that relates to questions regarding work/family balance arrangements and gender equality issues. While the paper studies all female-friendly clauses within the CBAs, it streamlines the analysis by categorising them into six main themes as seen in Table 1:

Table 1 – Themes of Female-friendly clauses in CBAs

CBA Clause	Number of Clauses
Maternity Leave	8
Health and Safety	7
Breastfeeding	7
Paternity Leave	2
Gender Equality	11

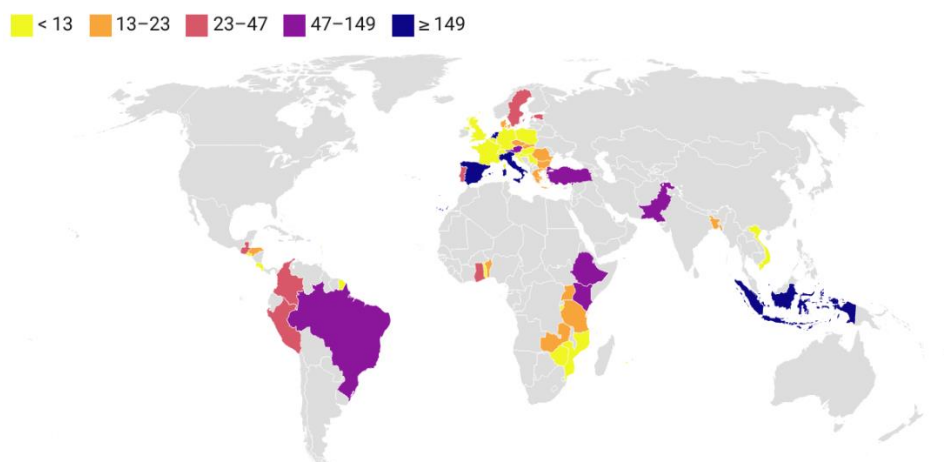
Specific details regarding the individual clauses are presented in Appendix 1.

The analysis is presented in four parts:

1. The binary CBA clauses by theme are analysed to gain insights into the provisions and policies implemented in different countries in the main themes mentioned in Table 1. In each CBA and for each theme, the CBA's were given a "score" by calculating the number of clauses it includes in each them. Finally, these scores were averaged out and converted to percentages across countries/continents/sectors and used in the analysis.
2. Additionally, we examine CBA clauses with continues variables, which involve specific quantitative measures such as paid leave days and nursing break length and duration.
3. We also conduct a sector-wise and firm-type analysis of the female-friendly CBA clauses.
4. Lastly, we compare the average FLFPRs and female-friendly CBA clauses across the World for the countries in the WageIndicator CBA database.

The paper focuses on the analysis of 1668 CBAs from 47 countries (see Figure 1). Only those countries with more than five CBAs in the WageIndicator CBA database and between the years 2012 and 2022 are considered for data analysis.

Figure 1: Number of CBAs across the countries



By conducting this comprehensive analysis, the paper aims to gain insights into the presence and extent of provisions that promote and support the rights and well-being of female workers within collective bargaining agreements across different countries and regions. The research paper also uses the FLFPR from 2012 to 2021 obtained from the ILO database (ILOSTAT, 2023). The paper employs

visualisations and tables as analytical tools. The analysis is conducted on a country-wise and region-wise basis, allowing for an exploration of female-friendly clauses in the CBAs.

3. MAIN FINDINGS

3.1 Analysis of Binary Variables in the CBA clauses

3.1.1 Maternity Leave Clauses in CBAs – Country Level Analysis

Percentage of maternity leave clauses in CBAs across countries are presented in Figure 2. Regarding the inclusion of maternity leave terms in Collective Bargaining Agreements (CBAs), African countries are at the top and bottom of the scale. Zimbabwe and Kenya stand out as leaders in this regard, with an astounding average of 80% of maternity leave clauses. These countries prioritise the well-being and assistance of working moms by including robust maternity leave provisions in their CBAs.

Burundi, on the other hand, trails substantially behind, with a remarkable absence of any kind of maternity leave clauses. Ethiopia and Ghana are also amongst the top, with 65%+ of maternity leave clauses in their CBAs, on average. Further, the European countries, France and Italy are amongst the top 5 at 75%.

Figure 2: Percentage of Maternity Leave Clauses in CBAs – Country Level Analysis

The female-friendly clauses related to maternity leave have been grouped and the graph shows us country-wise, the percentage of clauses all the CBAs on average include.

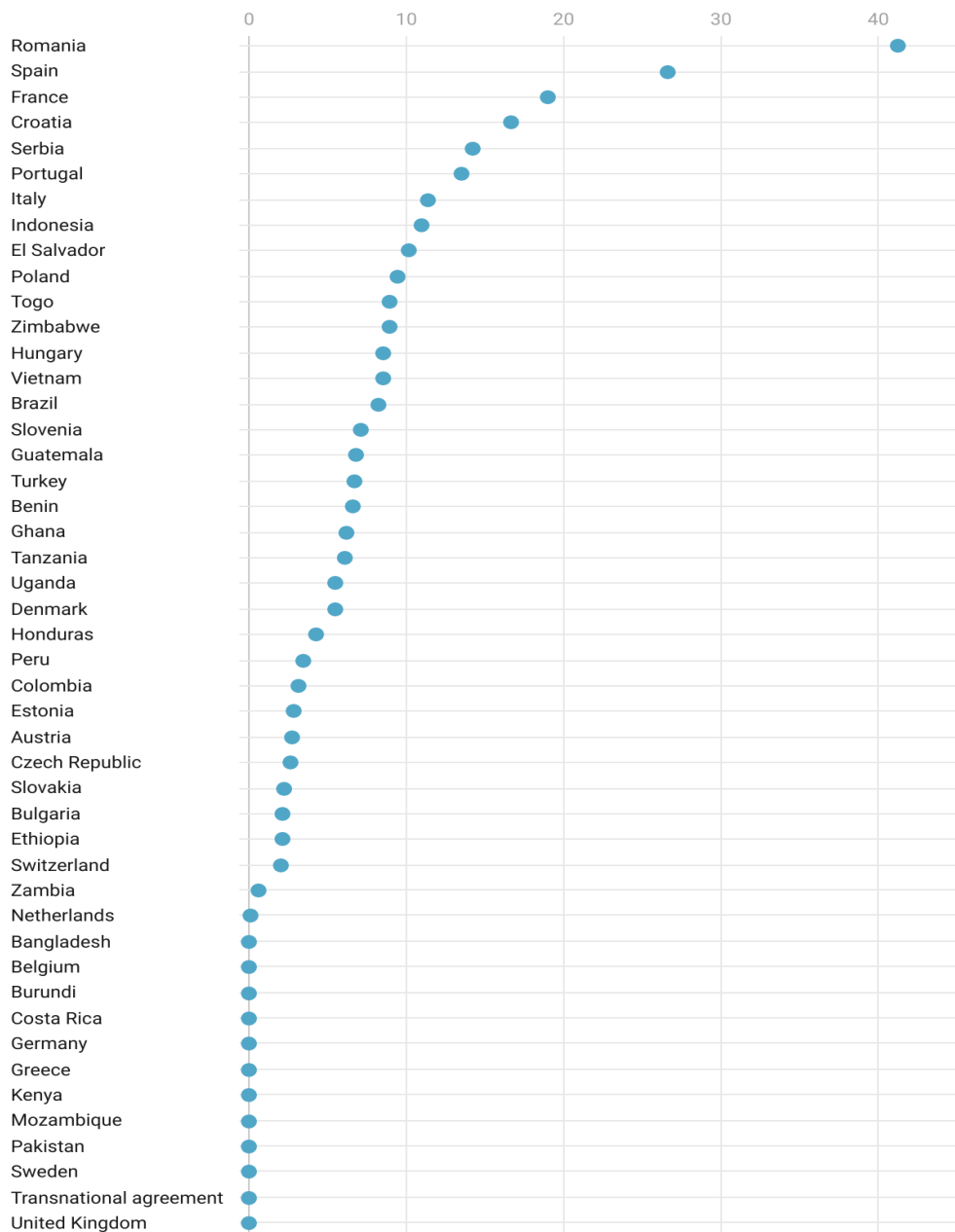


3.1.2 Health and Safety Clauses in CBAs – Country Level Analysis

The analysis of Collective Bargaining Agreements (CBAs) reveals a concerning trend regarding the inclusion of female-friendly health and safety clauses across most countries. A majority lie between 0 to 10% of health and safety clauses in their CBAs, on average as seen in Figure 3. However, European countries distinguish themselves by exhibiting a more robust approach to female-friendly health and safety clauses in their CBAs. In fact, all top 7 positions are held by European nations in this regard. Taking the lead is Romania, which stands out with the highest percentage of health and safety clauses at 41%. This demonstrates Romania’s commitment to ensuring a safe and healthy working environment for women. The prominence of European countries in prioritising female-friendly health and safety legislation demonstrates a commitment to building a workplace that protects female employees’ well-being. Nonetheless, other countries must follow suit and prioritise the inclusion of similar sections in their CBAs in order to promote gender equality and protect the health and safety of all workers, particularly women.

Figure 3: Percentage of Health and Safety Clauses by Country

The female-friendly clauses related to the health and safety of female workers have been grouped and the graph shows us country-wise, the percentage of clauses the country's CBAs include, on average.

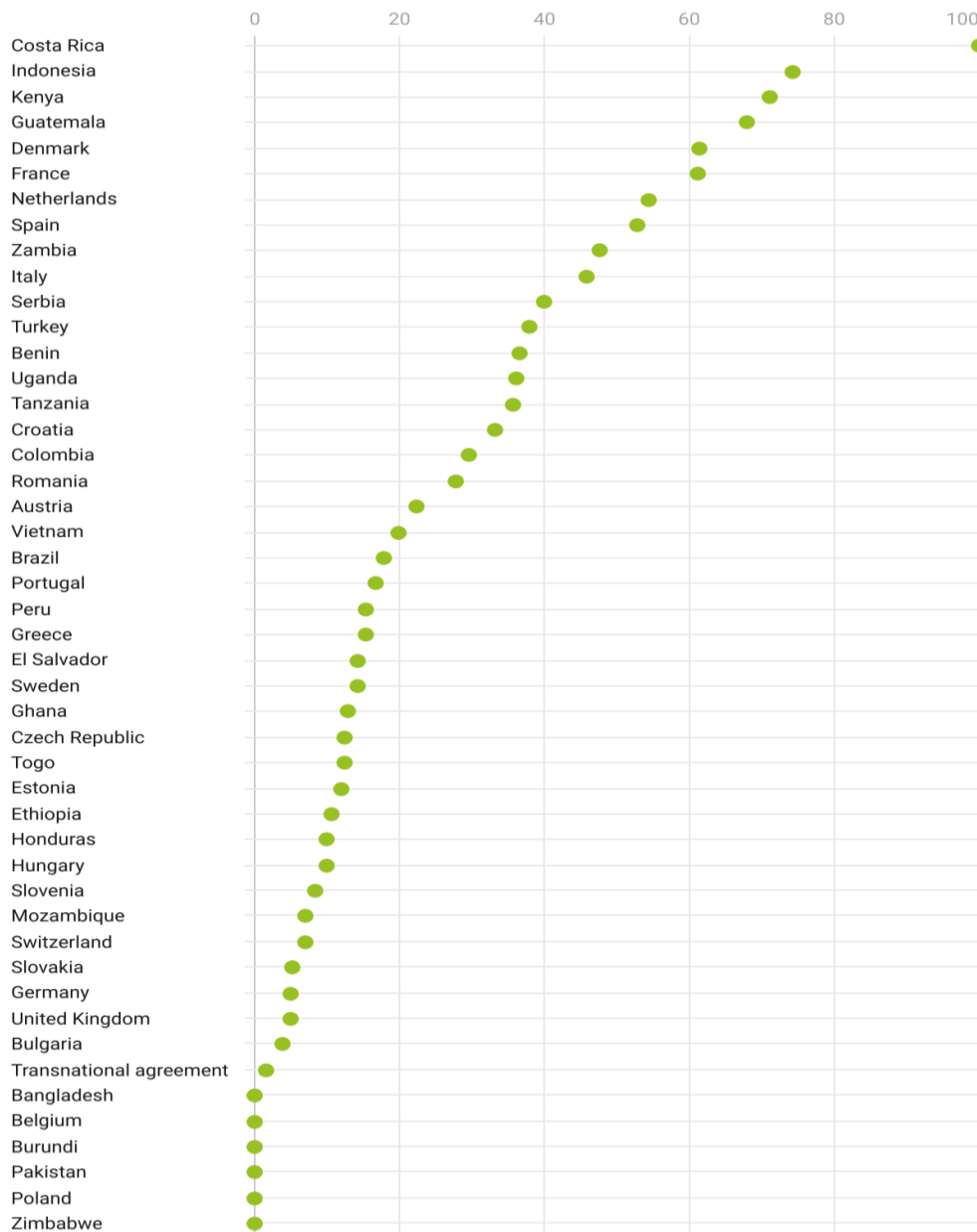


3.1.3 Paternity Leave Clauses in CBAs – Country Level Analysis

Paternity leave clauses in Collective Bargaining Agreements (CBAs) show no distinct regional trend. Instead, countries worldwide showcase varying levels of progress in this aspect. Many countries have made significant strides in recognizing the importance of paternity leave and incorporating clauses to support it in their CBAs. As seen in Figure 4, Costa Rica takes the lead by including paternity leave clauses in all of its CBAs, demonstrating a strong commitment to supporting fathers in balancing their work and family responsibilities. This comprehensive inclusion sets a notable example for other countries to follow. Indonesia and Kenya also deserve recognition for their efforts, as they include over 70% of these clauses, on average, in their CBAs. This indicates a growing recognition of the role fathers play in caregiving and highlights a commitment to promoting gender equality in parental leave policies. On the other end of the spectrum, countries such as Pakistan, Burundi, Bangladesh, Belgium, and Poland lag behind in terms of including paternity leave clauses in their CBAs. These countries have yet to prioritise and address the importance of paternity leave as a means to support fathers and foster gender equality in parenting responsibilities.

Figure 4: Percentage of Paternity Leave Clauses by Country

The female-friendly clauses related to paternity leave have been grouped and the graph shows us country-wise, the percentage of clauses all the CBAs on average include.



3.1.4 Breastfeeding Clauses in CBAs – Country Level Analysis

When it comes to breastfeeding clauses in Collective Bargaining Agreements (CBAs), Zimbabwe emerges as a frontrunner with an average inclusion of 30% of such clauses as seen in Figure 5. This highlights Zimbabwe's commitment to supporting breastfeeding mothers in the workplace and promoting a conducive environment for their needs. Notably, Central American countries showcase commendable progress in this area. El Salvador and Guatemala join the ranks of the top 5 countries with significant inclusion of breastfeeding clauses in their CBAs. Furthermore, European countries also excel in prioritising breastfeeding clauses. Turkey and Spain secure their positions among the top 5, demonstrating their dedication to supporting breastfeeding mothers through robust provisions in their CBAs.

Figure 5: Percentage of Breastfeeding Clauses by Country

The female-friendly clause related to breastfeeding have been grouped and the graph shows us country-wise, the percentage of clauses the country's CBAs include, on average.



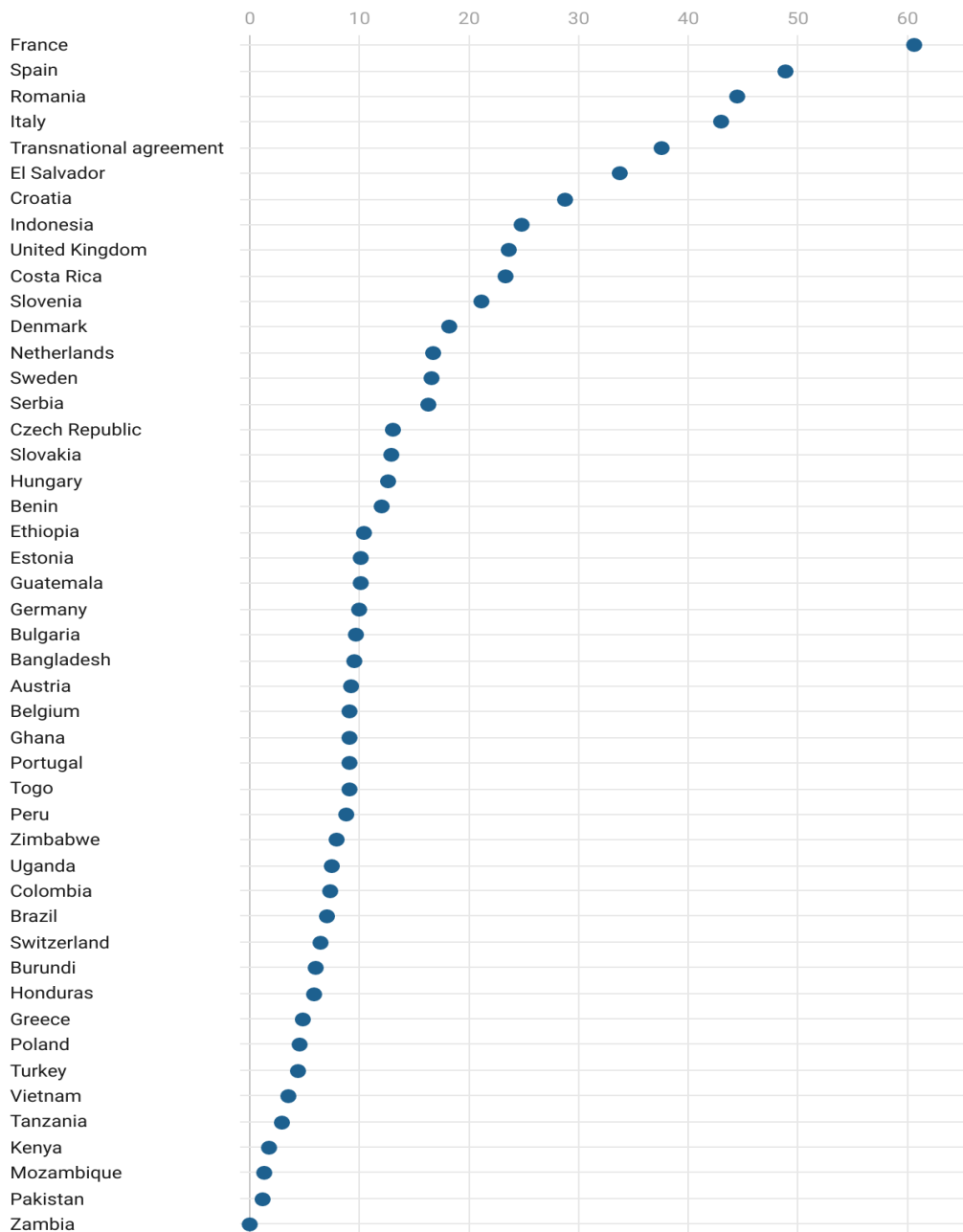
3.1.5 Gender Equality Clauses in CBAs – Country Level Analysis

When it comes to gender equality clauses, European countries take the lead, showcasing a strong commitment to promoting gender equality in the workplace as presented in Figure 6. Spain, Romania, and Italy stand out by including over 40% of these clauses, on average, in their CBAs. France, in particular, incorporates 60% of these clauses in its CBAs. Interestingly, transnational agreements also demonstrate a commendable performance in promoting gender equality. These agreements, which involve cooperation among multiple countries, prioritise the inclusion of gender equality clauses in their CBAs. This reflects a collective effort to address gender imbalances and create more inclusive and equitable working environments on a broader scale. However, there is room for improvement in several regions. African countries, including Tanzania, Kenya, Mozambique, and Zambia, along with Asian countries like Vietnam and Pakistan, have a significant opportunity to enhance the inclusion of

gender equality clauses in their CBAs. By doing so, these countries can take significant strides towards empowering women in the workforce and reducing gender disparities.

Figure 6: Percentage of Gender Equality Clauses by Country

The female-friendly clause related to gender equality have been grouped and the graph shows us country-wise, the percentage of clauses the country's CBAs include, on average.

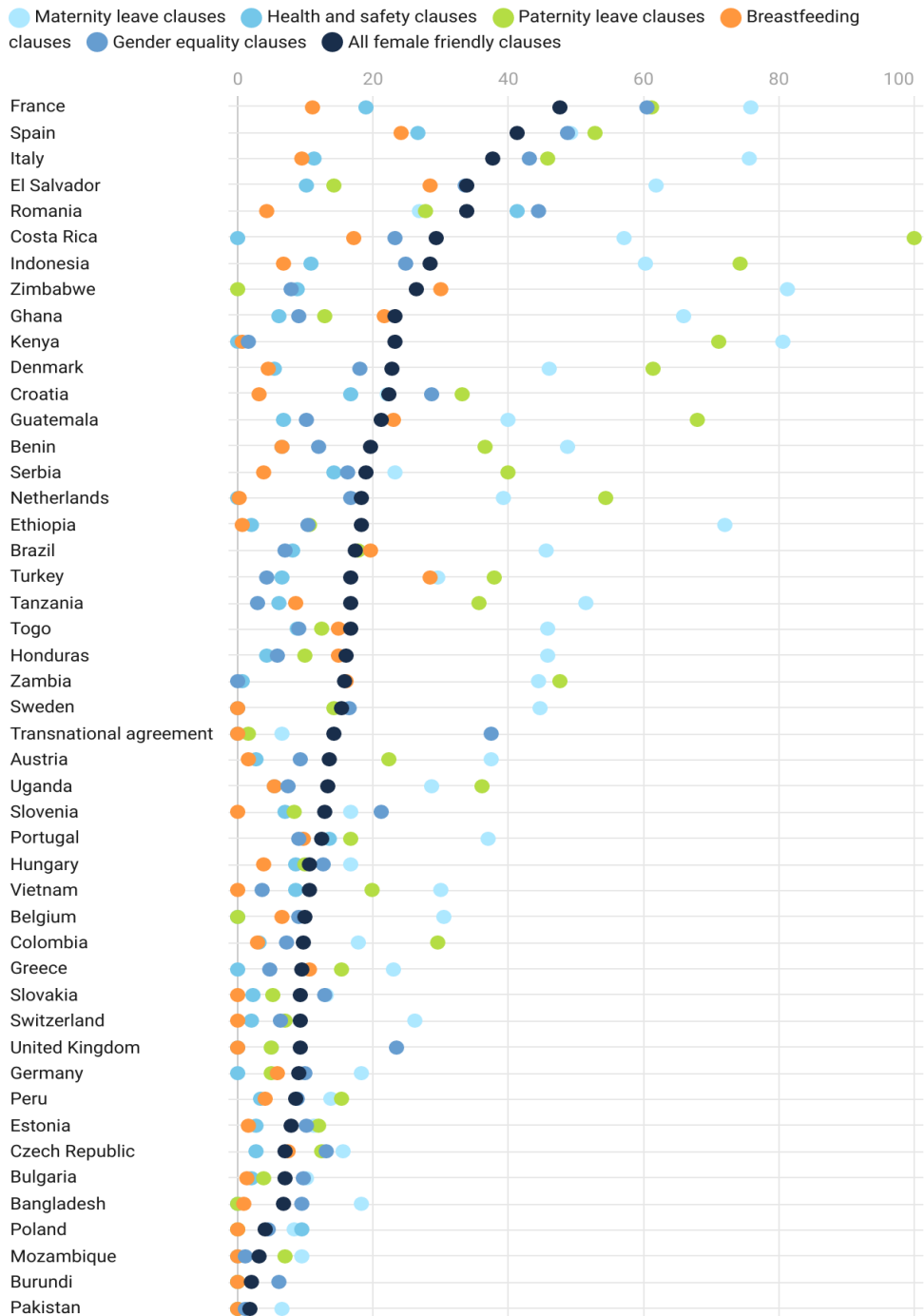


3.1.6 Female-friendly clauses by Country - Average

An analysis of the CBA data reveals several noteworthy trends in CBAs across countries. Firstly, a majority of countries' CBAs exhibit a significant inclusion maternity and paternity leave clauses. Remarkably, all of Costa Rica's CBAs included all paternity leave clauses as seen in Figure 7. However, when examining the overall average, it becomes apparent that there are areas where CBAs are lacking. Specifically, there is a notable scarcity of breastfeeding clauses, and gender equality clauses across most countries. The CBAs in France, on average have 47.57% of all the female-friendly clauses, the highest in the world while Pakistan has the lowest, at 1.8%.

Figure 7: Summary of Female-friendly Clauses by Country

The female-friendly clauses have been grouped by themes and the graph shows us country-wise, the percentage of clauses all the CBAs on average include.



3.1.7 Percentage of Female-friendly Clauses by Region

The analysis of collective bargaining agreements (CBAs) across different regions reveals trends that align with the earlier observations. It is notable that, regardless of the region, CBAs universally exhibit a low proportion of breastfeeding and health and safety clauses.

The CBAs in all the regions have on average, 40-50% of the paternity leave clauses we are studying. South America's CBAs, have a lower percentage of paternity leave clauses, with an average of only 20%. Furthermore, when considering the overall inclusion of female-friendly clauses, South America's CBAs exhibit the lowest percentage among all the regions.

Figure 8: Percentage of Female-friendly clauses by Region

The female-friendly clauses have been grouped by themes and the graph shows us region-wise, the percentage of clauses all the CBAs on average include.

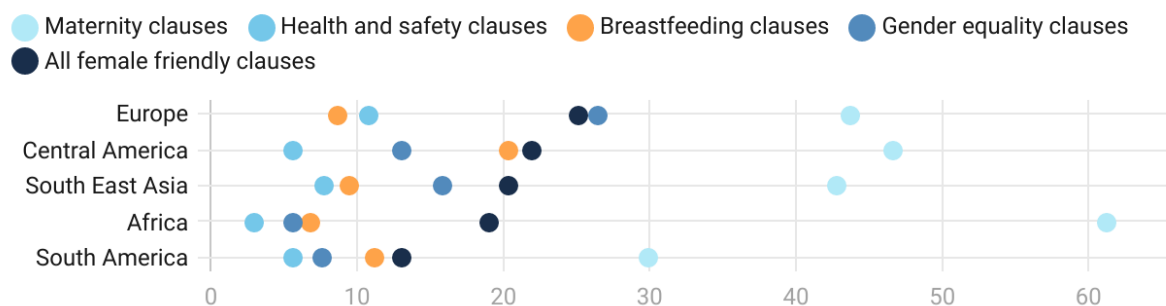


Table 2 Percentage of Female-friendly Clauses by Region

The female-friendly clauses have been grouped by themes and the graph shows us region-wise, the percentage of clauses all the CBAs on average include.

Region	Maternity clauses	Health and safety clauses	Breastfeeding clauses	Gender equality clauses	All female friendly clauses
Africa	61	3	7	6	19
South East Asia	43	8	9	16	20
Europe	44	11	9	26	25
Central America	47	6	20	13	22
South America	30	6	11	8	13

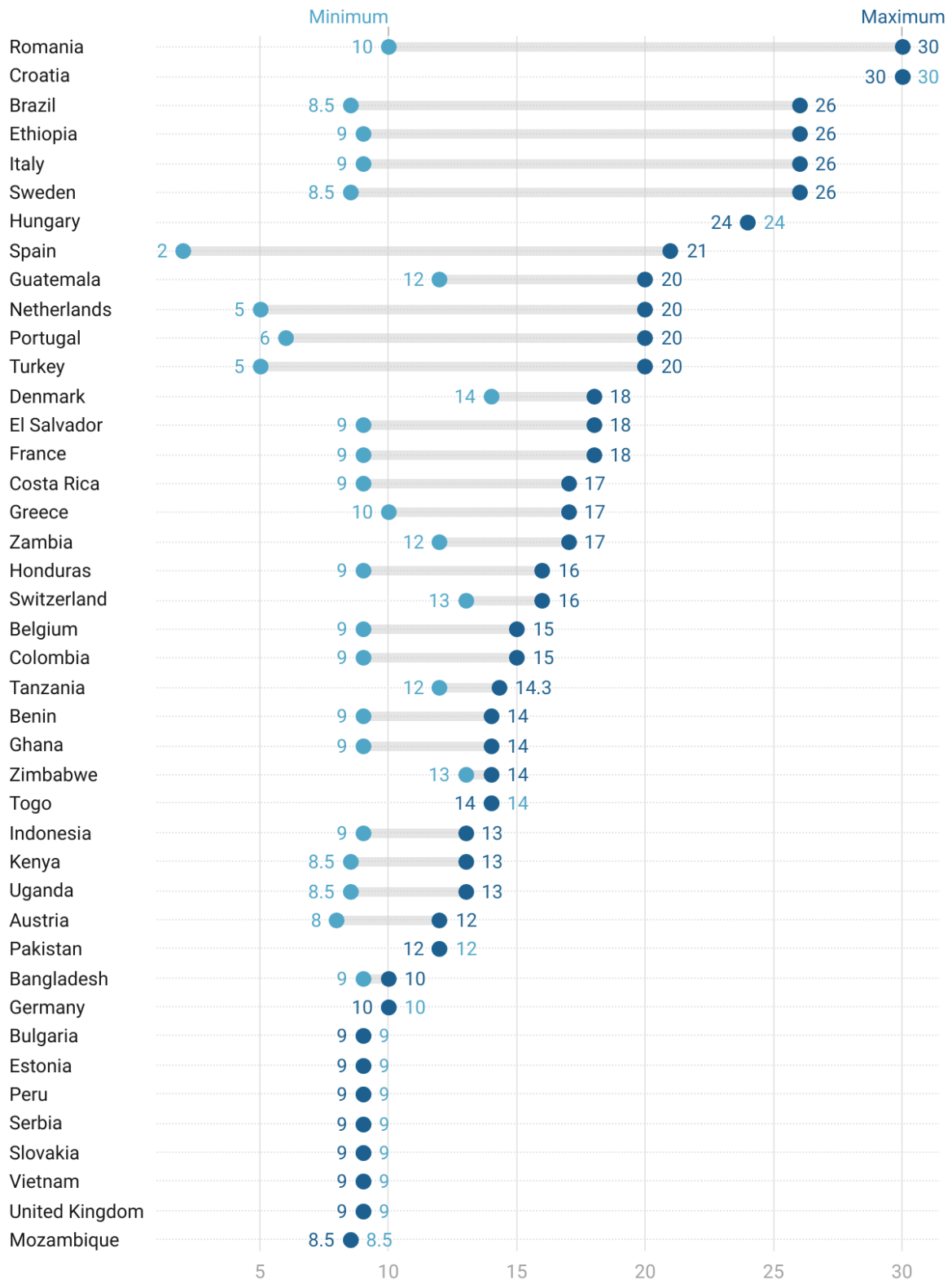
3.2 Analysis of Continuous Variables in the CBA clauses

3.2.1 Maternity Leave in CBAs – Country Level Analysis

As seen in Figure 9, there is huge disparity across the countries when it comes to maternity leave. All CBAs from Croatia have the 30 weeks of maternity, which is currently the highest amongst all the countries. Romania also has a maximum of 30 weeks, however, there are also CBAs which mention only 10 weeks. Mozambique has the lowest maternity leave at 8.5 weeks. There is no clear regional trend that can be established, however many European countries lie at the bottom of the chart when it comes to maternity leave.

Figure 9: Maternity Leave Duration in CBAs by Country

The graph displays the country-wise range of the total duration of maternity leave in consecutive weeks covered in the CBA



3.2.2 Region-wise Percentage of Pay during Maternity Leave and Paternity Leave

The Table 3 describes the average percentage pay provided to workers during their maternity and paternity leave across regions. As can be seen, majority of CBAs provide 99-100% of pay in both cases. Thus, there is not much variation across the countries and regions. Only Africa's paternity leave on average is at 97%, which is lower than other regions, but still a high percentage.

Table 3: Region-wise Pay Percentage during Maternity and Paternity Leave

The table displays the average pay during maternity and paternity leaves based on our CBAs

Region	%pay during maternity leave	%pay during paternity leave
Africa	100	97
South East Asia	100	100
Europe	99	99
Central America	100	100
South America	100	100

3.2.4 Region-wise Length and Duration of Nursing Breaks

The Table 4 displays the length of daily breastfeeding breaks accessible to mothers, in hours. The provisions mentioned in collective bargaining agreements (CBAs) varied depending on the region. Except for South East Asia, where the average duration of nursing breaks is one hour, CBAs in all other regions normally provide two hours for these breaks. However, South East Asian CBAs stand out because they provide breastfeeding breaks until the kid reaches 13 months of age, which is substantially longer than in other regions. Nursing breaks are only offered in South America until the kid is 7 months old, but they are available in all other regions until the child is 10 months old. The findings reveal that, while most regions adhere to a conventional duration of 2 hours for nursing breaks, there are variances in the duration and age restriction for which these breaks are offered. South East Asia stands out for its longer nursing breaks, which may reflect a greater emphasis on maternal and child well-being in that region.

Table 4: Length and Duration of Nursing Breaks by Region

Region-wise duration of daily breastfeeding breaks, as provided by the CBA and the duration of the entitlement to breastfeeding breaks (age of the child in months).

Region	Duration	Length
Africa	2	10
South East Asia	1	13
Europe	2	10
Central America	2	10
South America	2	7

3.3 Sector-wise and Firm-wise Analysis of Female-friendly Clauses in CBAs

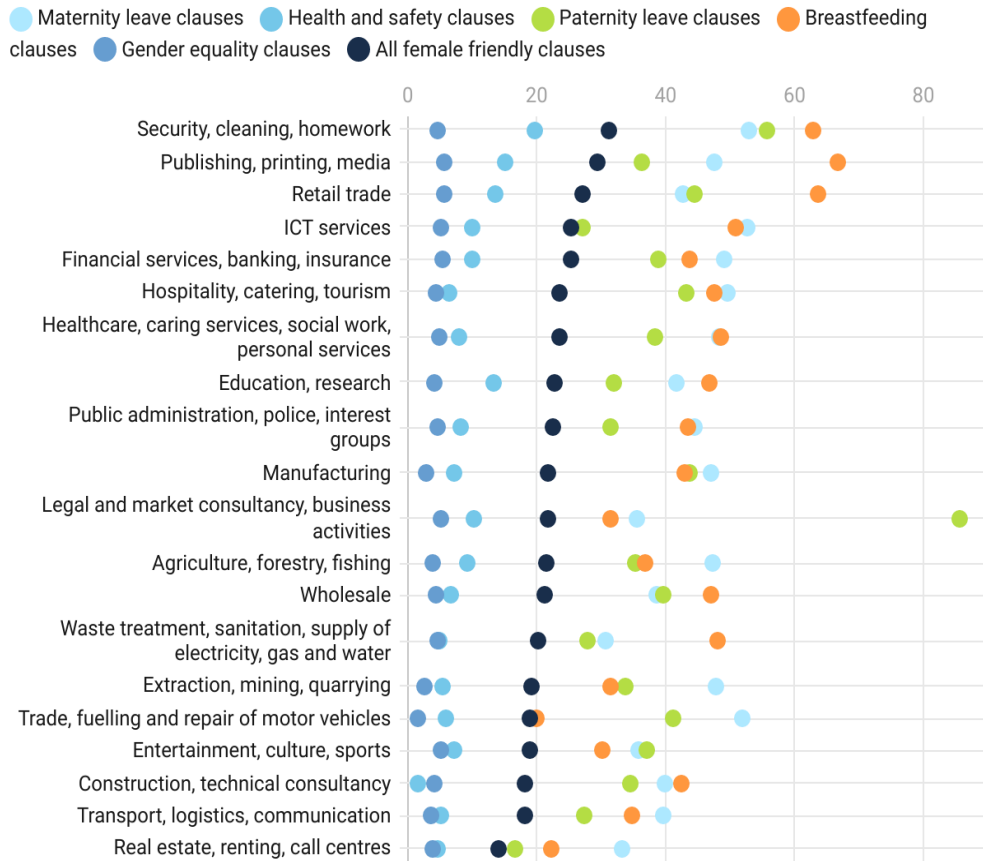
3.3.1 Percentage of Female-friendly Clauses by Sector – Global Analysis

In the realm of security, cleaning, and homework sectors, collective bargaining agreements (CBAs) tend to include a substantial proportion of provisions that are conducive to fostering a female-friendly work environment. The sector on average has 31% of these female-friendly clauses and most sectors are above the 20% mark. However, certain areas lag behind in terms of incorporating

female-friendly measures into their CBAs. Specifically, the real estate, renting, and call centre sectors exhibit the lowest percentage of such provisions, standing at a mere 14%.

Figure 10: Percentage of Female-friendly Clauses by Sector

The female-friendly clauses have been grouped by themes and the graph shows us sector-wise, the percentage of clauses all the CBAs include, on average.

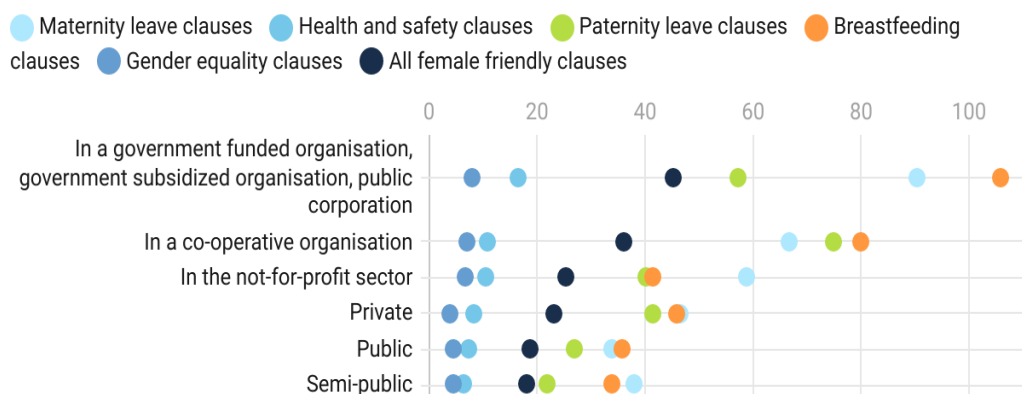


3.3.2 Percentage of Female-friendly Clauses by Firm Type – Global Analysis

Collective bargaining agreements (CBAs) in government-funded organizations stand out by having the highest percentage of female-friendly clauses, including more than 40% of female-friendly clauses. However, all firms lack in terms of gender equality and health and safety clauses.

Figure 11: Percentage of Female-friendly Clauses by Firm Type

The female-friendly clauses have been grouped by themes and the graph shows us according to firm types, the percentage of clauses all the CBAs include, on average.

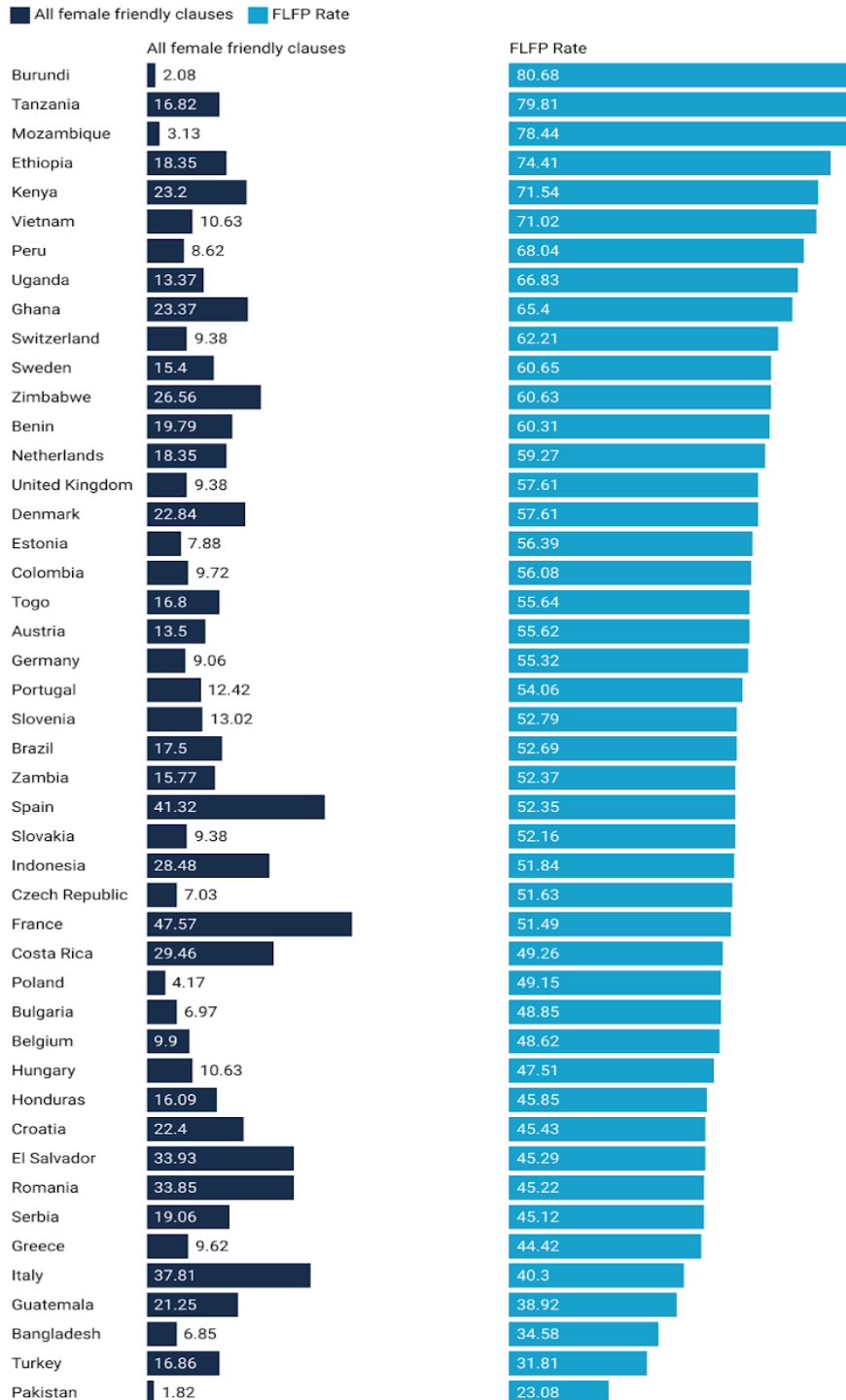


3.4 Female Labour Force Participation Rate and Female-friendly CBA Clauses – Country Level Analysis

The average FLFPR is determined by calculating the average FLFPRs spanning the years 2012 to 2021 for all the countries. Conversely, the average female-friendly clauses in collective bargaining agreements (CBAs) are computed for the years 2012 to 2022 (as seen in Figure 7).

Figure 12: Female-friendly CBA Clauses and FLFPRs by Country

This graph illustrates the relationship between female-friendly clauses the country's CBAs include, on average over the years 2012-2022 and the average FLFP over the years 2012-2021.



Upon examining the data in Figure 12, it becomes apparent that there is no significant correlation between FLFP rates and the presence of female-friendly clauses within CBAs. This suggests that there might be other influential factors at play such as societal norms, educational opportunities, and economic conditions when it comes to determining FLFPRs (Klasen, 2019). While CBAs play a crucial role in shaping workplace policies and conditions, they do not encompass all industries and job sectors.

4. Conclusion

The analysis of 35 female friendly clauses in CBAs using the WageIndicator CBA database provides insights in to gender equality and work/family balance status of 47 countries. Most countries include maternity clauses in their CBAs, however African countries perform better in this aspect. All countries in question perform poorly on gender equality clauses and breastfeeding clauses. Overall, European countries include more female friendly clauses as compared to the regions. However, this does not translate in to improved FLFPRs.

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APPENDIX 1

QUESTIONS:

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?

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?