

DO COLLECTIVE AGREEMENTS INCREASE EQUALITY AND PROMOTE WORK-LIFE BALANCE ? EVIDENCE FROM 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 the governments, in the first place. 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 work-life balance conditions) around the world. Gender equality, paternity/maternity leave, childcare provisions, discrimination, and sexual harassment are among of the topics examined in this research. The analysis covers the content of almost 900 collective agreements coming from more than 40 countries in Africa, Latin America, Europe and Asia. These agreements have been collected by the WageIndicator Foundation and are coded in the WageIndicator Collective Agreements Database.

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 regulate relations between the parties, the activity is referred as 'collective bargaining' (ILO Convention 154). 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 makes a first attempt, along with a stream of papers in the past couple of years by the authors, 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 35 million web-visitors in 2017. 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, WageIndicator started gathering collective agreements in December 2012 with the aim to publish the full text on its websites. The idea was to improve working conditions and reach living wages by increasing the circulation and thus the use of collective agreements in actual negotiations. 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 six 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 almost 900 collective agreements from Africa, Asia, Europe and Latin America.

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 886 collective agreements from 45 countries in Africa, Asia, Europe and Latin America. 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 (122 collective agreements), Kenya (81) and Pakistan (77), followed by Ethiopia (54), Brazil (49), Guatemala (36), Ghana (35), Peru (33) and Tanzania (32). From each of the other countries there are 29 or less CBAs per country. Only the countries with at least three agreements have been taken into account.

The WageIndicator team ensures that the database includes a relatively good percentage of collective agreements from Africa, Indonesia, Pakistan. 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 (374) are from Africa, almost one fourth (210) are from Asia but that other areas are more or less equally represented in the analysis: Europe with 112 agreements, South America with 111 and Central America with 79 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. 3 – max. 122 CBAs per country)

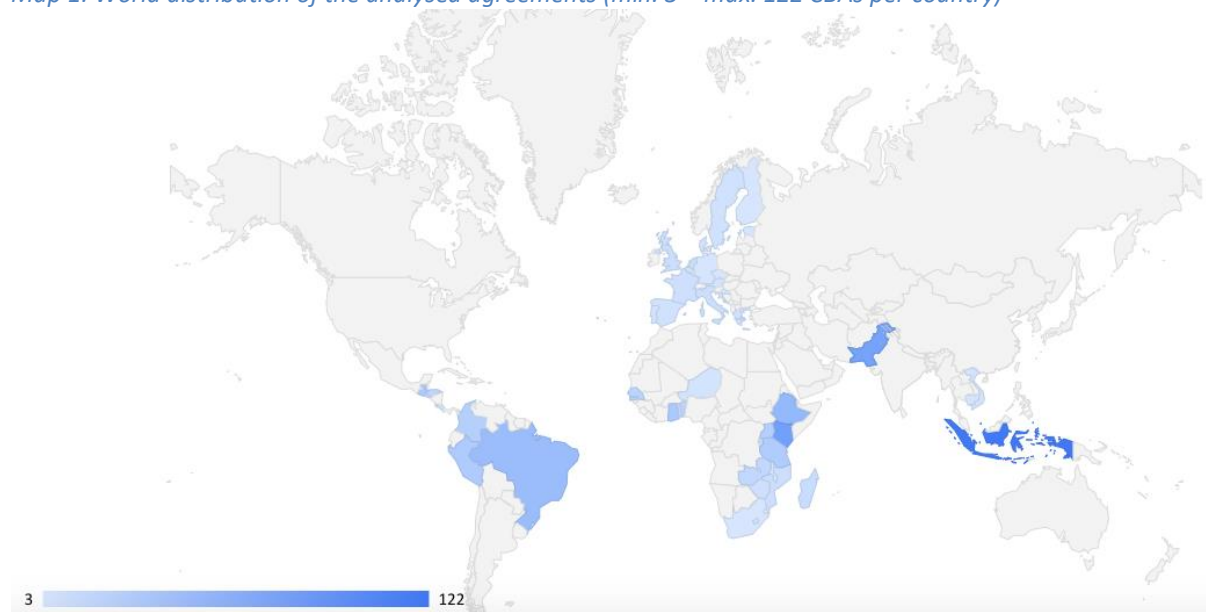


Table 1: Overview of the CBAs used in this report by country

COUNTRY	Number of CBAs	COUNTRY	Number of CBAs	COUNTRY	Number of CBAs	COUNTRY	Number of CBAs
Indonesia	122	Senegal	23	Costa Rica	9	Lesotho	5
Kenya	81	Honduras	21	Belgium	8	Vietnam	5
Pakistan	77	Zambia	19	Burundi	8	Estonia	4
Ethiopia	54	Togo	16	Greece	8	Rwanda	4
Brazil	49	El Salvador	13	Spain	8	Czech Republic	3
Guatemala	36	Madagascar	13	Sweden	8	Finland	3
Ghana	35	Italy	12	Denmark	7	Germany	3
Peru	33	Mozambique	11	Cambodia	6	Malawi	3
Tanzania	32	United Kingdom	11	Croatia	6	South Africa	3
Colombia	29	France	10	Niger	6		
Uganda	28	Netherlands	10	Portugal	6		
Benin	23	Zimbabwe	10	Austria	5		
All							886

Source: WageIndicator CBA database, accessed 1/8/2018

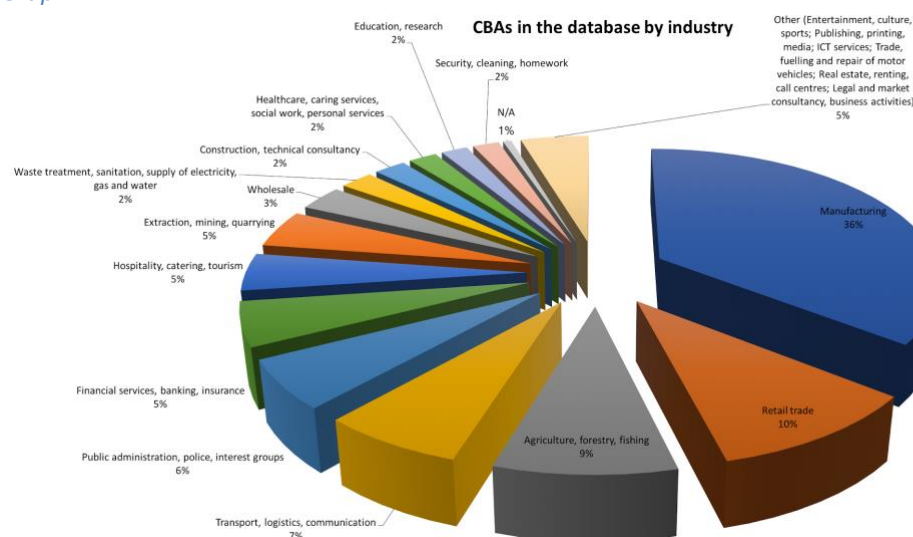
The vast majority (775) of the analysed collective agreements cover the private sector, while only 103 cover the public sector. There are three CBAs from semi-public sector and five inter-professional agreements.

Graph 1 shows the distribution of the 886 collective agreements in 20 main sectors of activity.

Manufacturing is the most frequently encountered industry, with 36% of collective agreements. Far behind, there are 10% of CBAs from retail trade and 9% 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 financial services, hospitality/tourism and extraction/mining. Wholesale CBAs cover 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

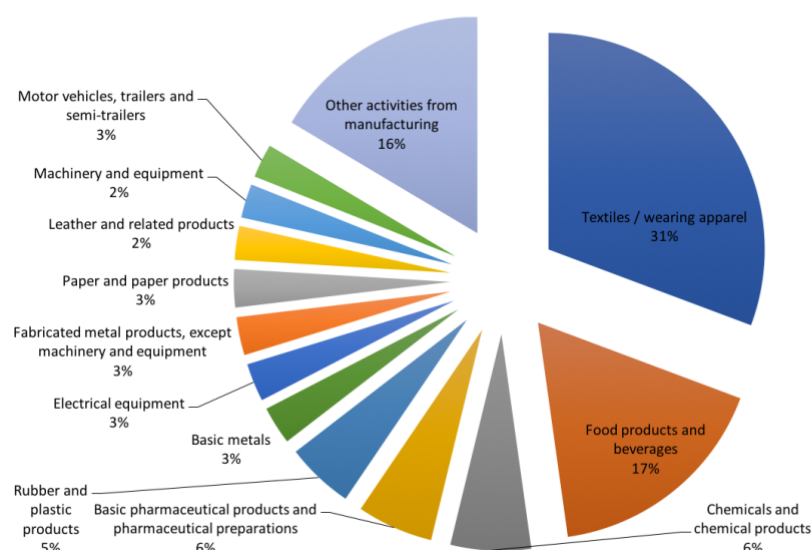


The 316 collective agreements from the manufacturing sector can be split into 21 groups, according to the sub-sector they apply to, as shown in Graph 2.

The most represented sub-sector in manufacture is textile / wearing apparel, which covers almost one third of the manufacture CBAs. The second most represented sub-sector is food/beverages (17% of all the CBAs in this sector), followed by chemicals (6%), pharmaceutical products (6%) and rubber and plastic (5%). Other sub sectors cover each 3% or less of the total CBAs in manufacturing sector and represent altogether 35% 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
Interprofessional	5
Sectoral (Signed by one or more employers' associations)	155
Multi-company (Signed by multiple employers)	15
Company (Signed by one employer / institution)	711

Source: WageIndicator CBA database, accessed 1/8/2018

As shown in Table 2, most CBAs in the system (726) are company/enterprise level collective agreements (711 signed with a single employer or institution and 15 signed with multiple employers), however the database also contains a good sample of sectoral CBAs (155), i.e. CBAs signed with one or more employers' associations. Almost all of the sectoral CBAs are from Africa (72, mostly from Senegal, Togo, Kenya and Zimbabwe), Europe (59, mostly from France and the Netherlands) and Brazil (20). Only four agreements come from other countries (two from Indonesia and two from Vietnam). The five interprofessional 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
Africa	374	81%	27%
Benin	23	74%	57%
Burundi	8	25%	0%
Ethiopia	54	98%	6%
Ghana	35	97%	57%
Kenya	81	99%	7%
Lesotho	5	0%	20%
Madagascar	13	92%	62%
Malawi	3	0%	33%
Mozambique	11	36%	45%
Niger	6	100%	50%
Rwanda	4	75%	25%
Senegal	23	70%	39%
South Africa	3	100%	0%
Tanzania	32	81%	22%
Togo	16	63%	69%
Uganda	28	43%	32%
Zambia	19	74%	11%
Zimbabwe	10	100%	10%
Asia	210	72%	60%
Cambodia	6	100%	67%
Indonesia	122	98%	98%
Pakistan	77	30%	1%
Vietnam	5	60%	40%
Europe	112	75%	61%

Austria	5	60%	60%
Belgium	8	88%	38%
Croatia	6	83%	83%
Czech Republic	3	67%	100%
Denmark	7	100%	71%
Estonia	4	75%	0%
Finland	3	33%	33%
France	10	100%	90%
Germany	3	33%	33%
Greece	8	50%	0%
Italy	12	75%	50%
Netherlands	10	90%	70%
Portugal	6	100%	67%
Spain	8	100%	100%
Sweden	8	100%	75%
United Kingdom	11	9%	64%
Central America	79	94%	57%
Costa Rica	9	100%	89%
El Salvador	13	100%	85%
Guatemala	36	92%	44%
Honduras	21	90%	48%
South America	111	77%	18%
Brazil	49	82%	20%
Colombia	29	72%	7%
Peru	33	76%	24%
ALL COUNTRIES	886	79%	41%

Source: WageIndicator CBA database, accessed 1/8/2018

The purpose of this table is also to show 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 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 (54), and 98% 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, Tanzania, Benin, Guatemala, Brazil and Peru.

The countries where less than 40% of the agreements provide for work and family arrangements provisions are Burundi, Mozambique, Pakistan, Finland, Germany and UK. As explained above, agreements from Malawi and Lesotho provide no clause about work and family arrangements, but we must consider the small number of agreements from these countries in the database. Though, one CBA, both in Lesotho and Malawi contains clauses on equality and in particular prohibits discrimination.

The best ratio *number of analysed agreements / percentage of CBAs addressing equality issues* can be found in Indonesia where almost all of the 122 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 (90%) can be found in France. It is also relevant to note that in Kenya, Ethiopia, Pakistan 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, 6% in Ethiopia and 1% in Pakistan.

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 the number and percentage of collective agreements containing clauses on such topics. In Central America (which means Costa Rica, El Salvador, Guatemala and Honduras) almost all collective agreements contain clauses on work/family arrangements. In Africa, more than 80% of CBAs address such topics, but in South America, Europe and Asia the percentage goes down to 77%, 75% and 72% respectively. On average, 79% 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
Central America	74	79	94%
Africa	302	374	81%
South America	86	111	77%
Europe	84	112	75%
Asia	152	210	72%
All continents	698	886	79%

Source: WageIndicator CBA database, accessed 1/8/2018

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 63% (556 out of 886) 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 (prohibition of) discrimination related to maternity.

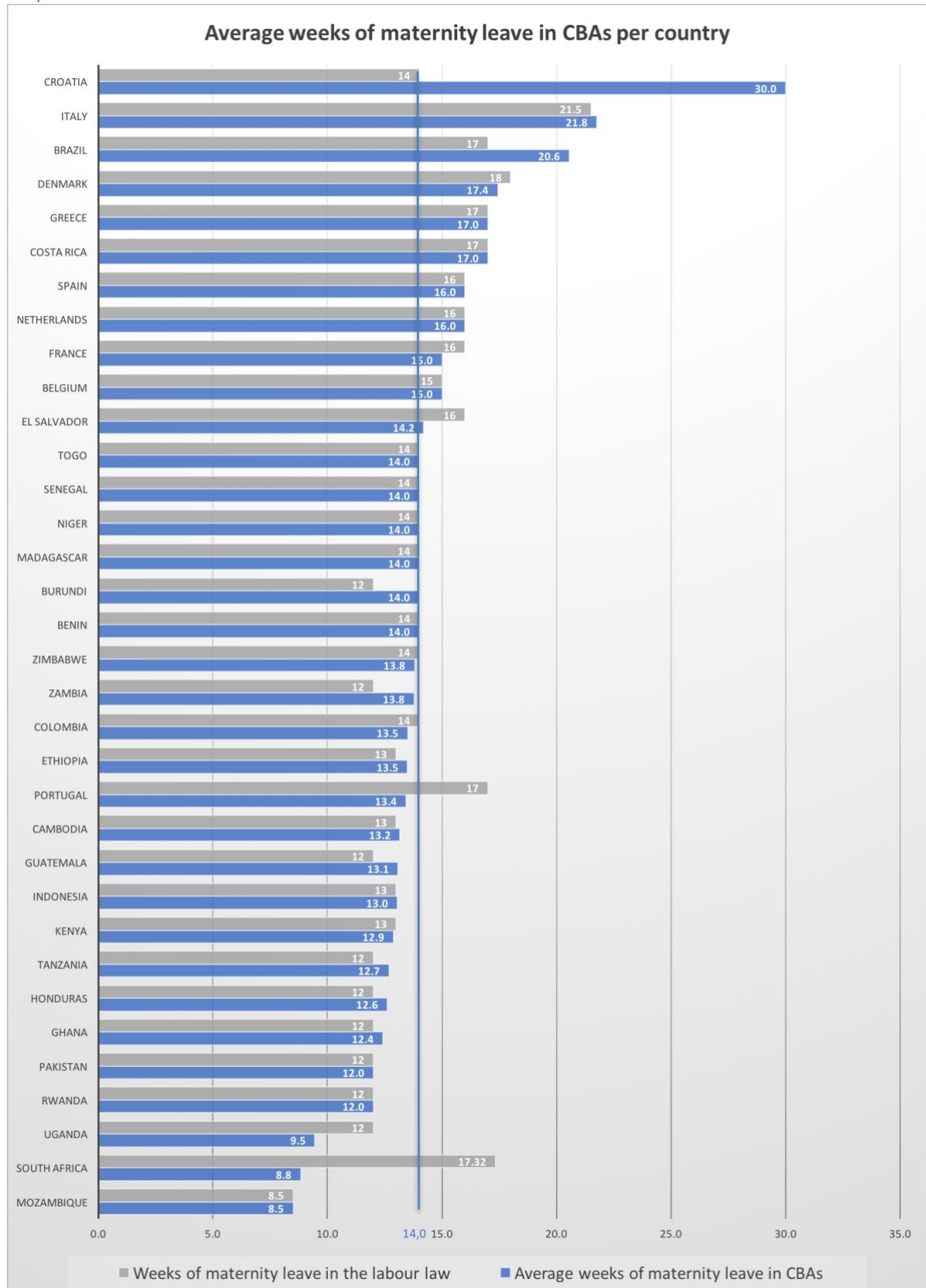
CBAs from Czech Republic, Germany, Lesotho and Malawi have no provision on maternity leave.

Of the 554 collective agreements with clauses on maternity, 482 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 statutory provisions (source: WageIndicator Labour Law Database, 2018) while the blue bar indicates the average weeks of maternity leave. The vertical blue line represents the ILO standard for maternity leave (14 weeks minimum), set by Convention No. 183.

Graph 3



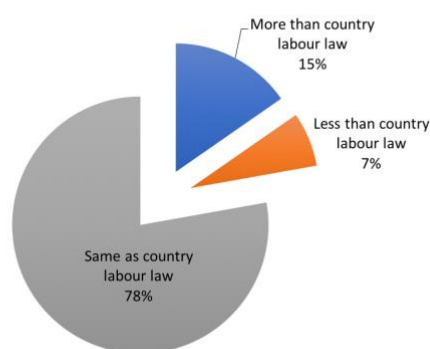
The CBAs from 17 countries provide on average for at least 14 weeks of maternity leave or more. There are agreements in Croatia, Italy, Brazil, Denmark, Greece, Costa Rica, Spain, Netherlands, France, Belgium and El Salvador giving more weeks than those provided by ILO as the minimum.

b) Comparison with the labour law

Comparison with the requirements of the labour law in the examined countries allows seeing how many of the 482 collective agreements meet those provisions. Graph 4 shows the compliance of collective agreements' provisions with the labour law applied in the countries.

Graph 4

Maternity leave in CBAs compared to the labour law



The vast majority of the collective agreements stating the number 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 Tanzania (15), Ghana (twelve), Zambia (eleven) and Brazil (ten). In the case of Brazil, they provide for four to nine weeks more than the law – which

is already giving 17 weeks. In Zambia, there are three agreements providing four weeks more than the law, while in Ghana and Tanzania 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 7% of the total, a percentage that is higher than expected. This 7% is quite evenly distributed among the countries. Since the database contains CBAs from various time periods and the labour law might have changed in between, hence the difference between statutory provisions and CBA provisions in some cases.

c) Pay, job security, prohibition of discrimination

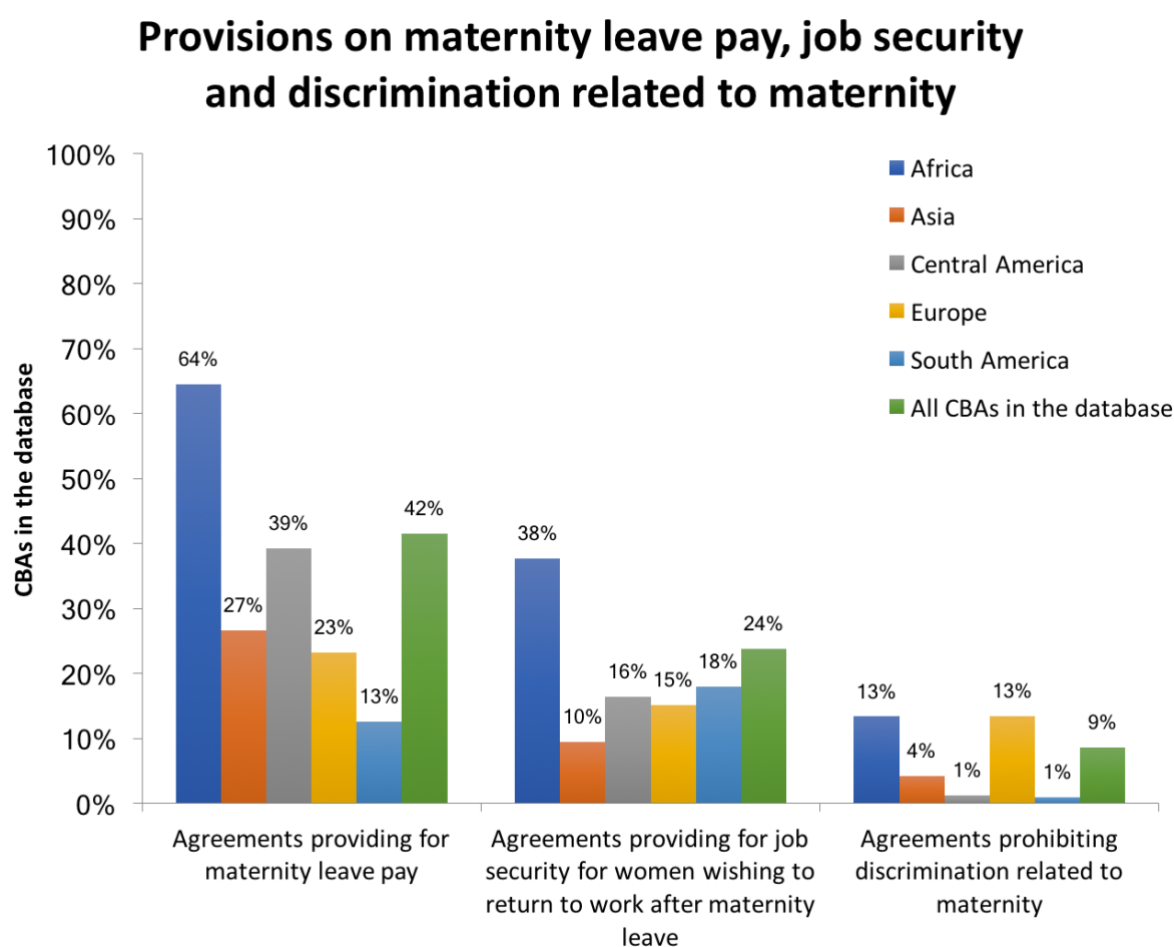
The analysis on maternity leave takes into account three more topics: maternity leave pay, job security for women wishing to return to work after maternity leave and prohibition of discrimination related to maternity. Graph 5 shows how many of the collective agreements in the database contain these clauses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

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 Asia, 49 collective agreements from Indonesia, all six CBAs from Cambodia and one from Pakistan provide for maternity leave pay. The graph shows a substantial difference between Central America (39%, equally distributed among the countries) and South America (13%, mostly in Brazil).

In general, where this clause is available, it usually provides for 100% of basic wage. Exceptions to this can be found in Africa, Italy and Cambodia.

Graph 5



The proportion among different areas of the world changes, when the clauses about job security after maternity leave are addressed: 38% of African CBAs have clauses on such topic (again, mostly in Kenya, Ethiopia and Ghana), while only 10% of Asian CBAs provide for this. However, Africa is doing better than the world average in the three topics.

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

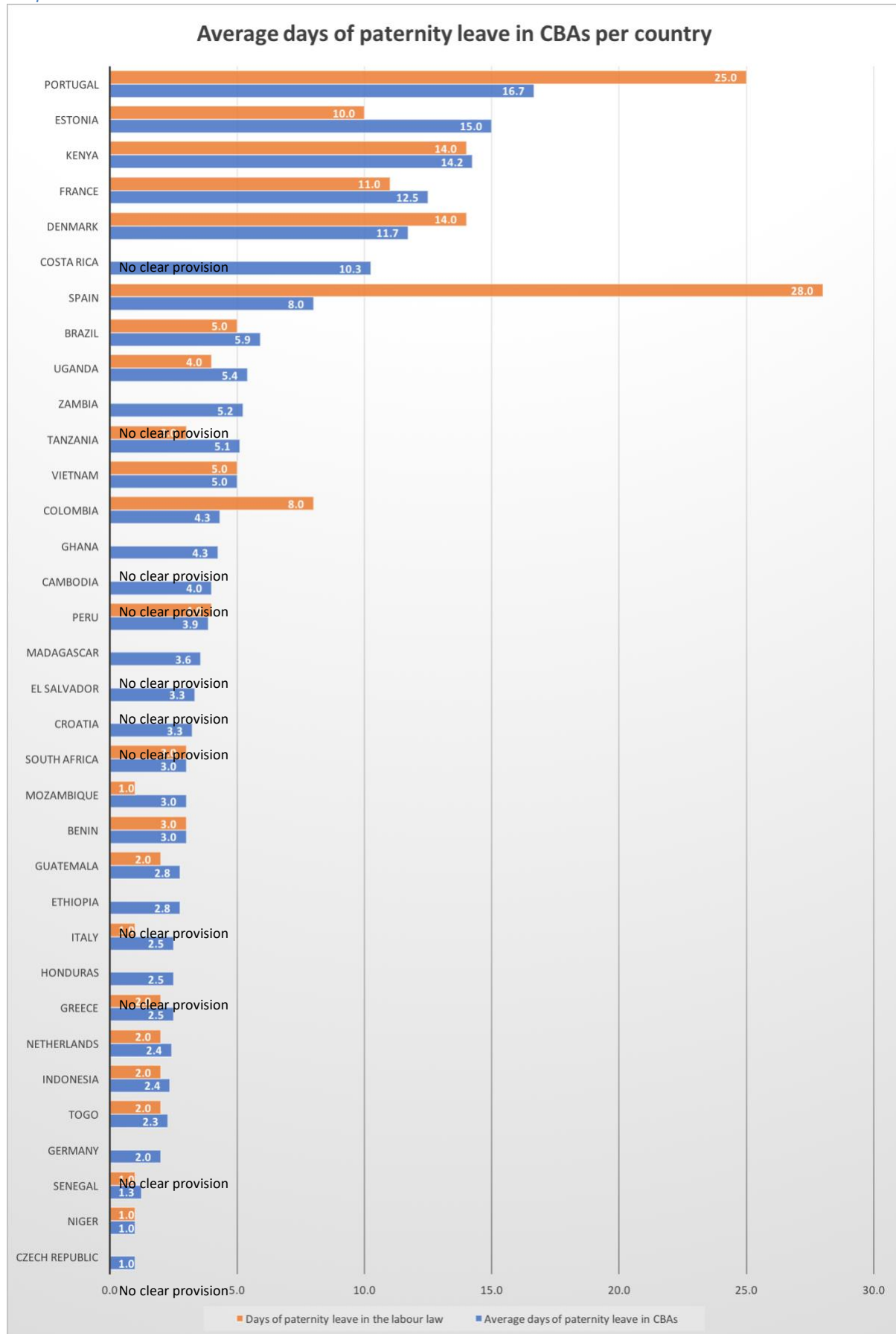
ILO acknowledges that the recognition of men's right to parenthood, as well as their responsibility to share unpaid care and household work, will help to break down traditional social attitudes, resulting in greater equality for both men and women at work and at home. Although it is paid in around 70 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 406 CBAs, 380 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 orange bar shows statutory provision (source: WageIndicator Labour Law Database, 2018) while the blue bar indicates average CBA provisions.

Graph 6



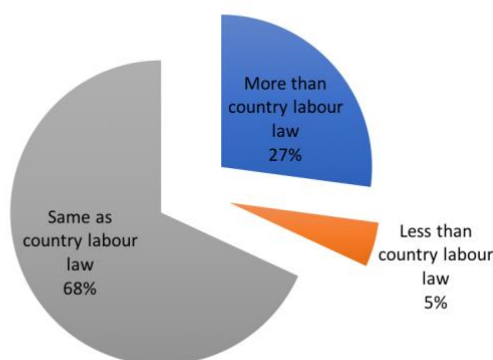
Portugal stands out with its average provision of three weeks, but this figure is relevant also because it shows that CBAs in this country provide on average less than the labour law. This happens also quite distinctly in Denmark, Spain, Colombia, Peru, and the Netherlands. Costa Rica outstands at global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

b) Comparison with the labour law

Comparison with the requirements of labour law in the examined countries allows seeing how many of the 380 collective agreements meet national law provisions.

Graph 7

Paternity leave in CBAs compared to the labour law



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 27% 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 (Spain, Portugal, Denmark) and Latin America (Peru and Colombia).

Again, Since the database contains CBAs from various time periods and the labour law might have changed in between, hence the difference between statutory provisions and CBA provisions in some cases.

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 175 collective agreements, i.e. around one fifth of the total. 33 of these are from Ghana, 20 from Indonesia and 18 from Guatemala.

Among the 175 collective agreements having a clause on such topics, 146 state the duration of breastfeeding breaks. The majority of collective agreements (around 66%) 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 is almost 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 146 collective agreements providing for the duration of breastfeeding breaks, 138 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 except five.

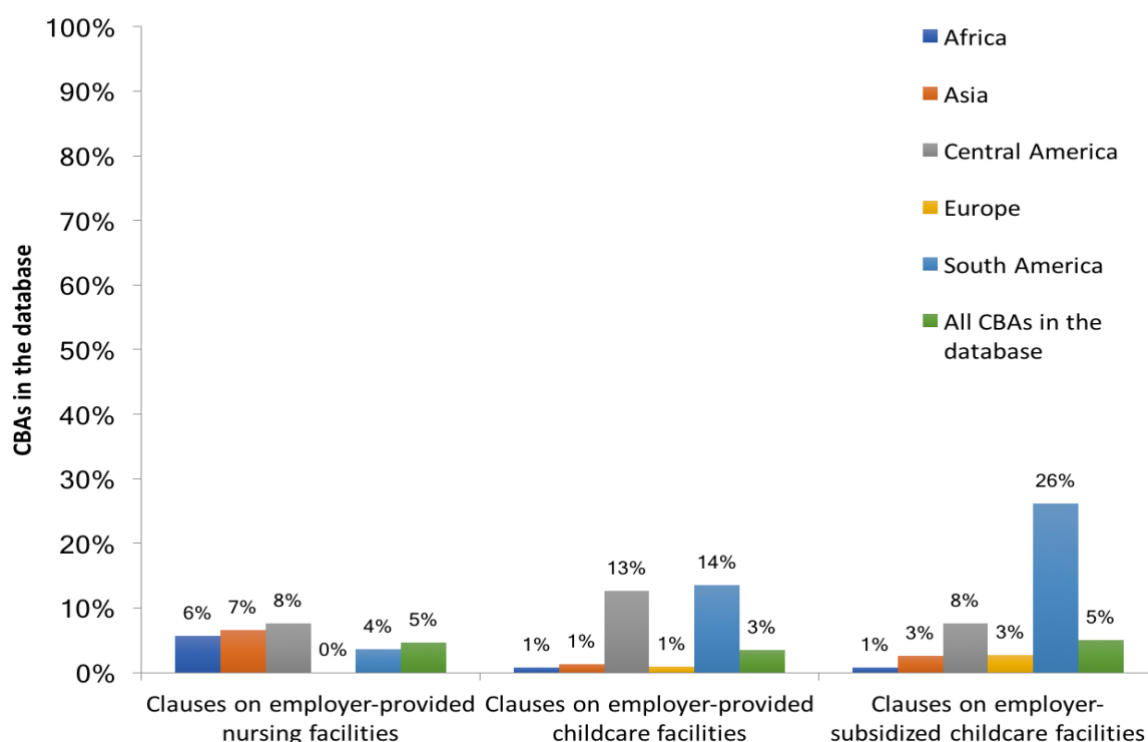
b) Nursing and childcare facilities

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

Collective agreements with provisions on nursing and childcare facilities



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, Finland, Germany, Italy, Portugal, Spain, Sweden, United Kingdom	No provision
Cambodia, France	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
Greece	Provided with a minimum of 300 workers in the company
Colombia, El Salvador, Indonesia, Belgium, Netherlands	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. Pakistan and all European countries except France, Belgium, Netherlands and Greece are lagging behind, because they don't have any provision in the law and the 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 paper, the percentage of collective agreements containing clauses on equality is around half of the percentage of those agreements containing clauses on work and family balance (Table 3): 79% of the CBAs in the database have provisions on work and family arrangements, while only 41% 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 Europe, Asia and Central America around 60% of the CBAs address such topics, and in Africa the percentage goes down to 27%. 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
Europe	68	112	61%
Asia	126	210	60%
Central America	45	79	57%
Africa	100	374	27%
South America	20	111	18%
All continents	359	886	41%

Source: WageIndicator CBA database, accessed 1/8/2018

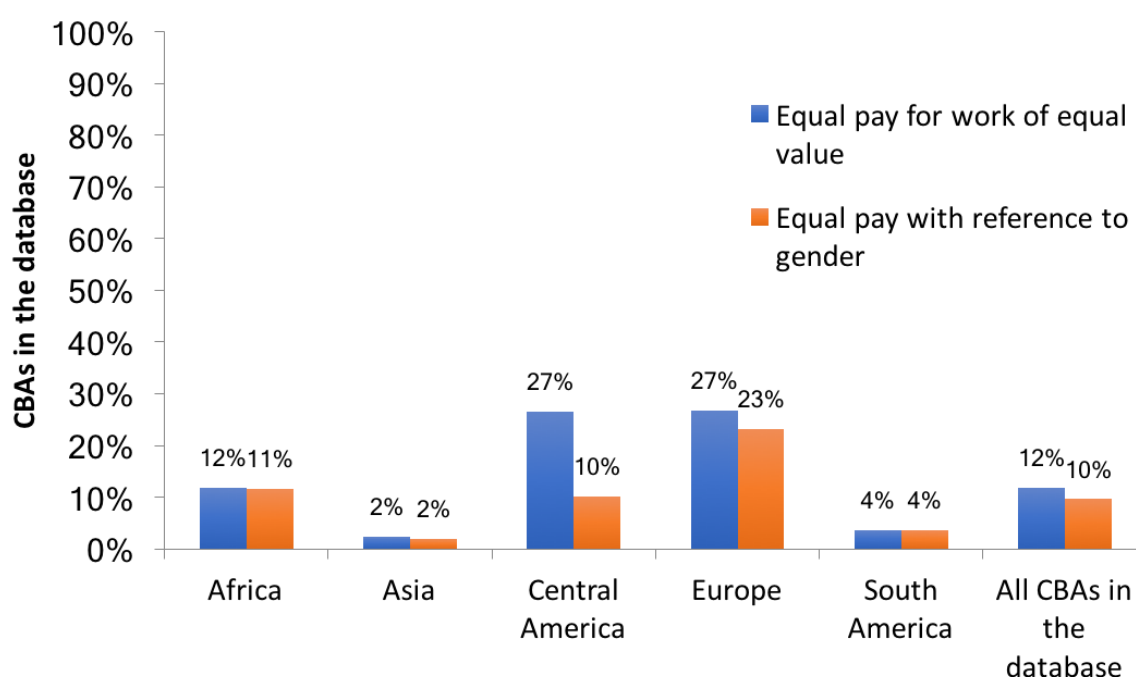
5.1 Equal pay for work of equal value

Graph 9 shows the number of collective agreements which provide for equal pay for work of equal value, and those making a special reference to gender.

In Europe, equal pay is provided in 27% of the CBAs, the majority of which also makes a reference to gender. In Central America, the percentage of equal pay clauses is also 27%, but only six agreements from El Salvador and one from Guatemala make a reference to gender. In Africa, there are 12% of the collective agreements (mostly from Benin, Senegal and Togo) clearly stating the principle of equal pay for work of equal value, and among them four of the five inter-professional agreements. Almost all of these make a direct reference to gender. In 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, at national level, still does not provide for equal pay for work of equal value in constitution, labour code or equal treatment law, though individual provinces now do include provisions in labour legislation on equal pay for work of equal value (source: WageIndicator Labour Law Database, 2018). This means that in most cases, negotiators don't feel the need to reinforce what is already in the law (or negotiate on those issues which are not altogether discussed under the law).

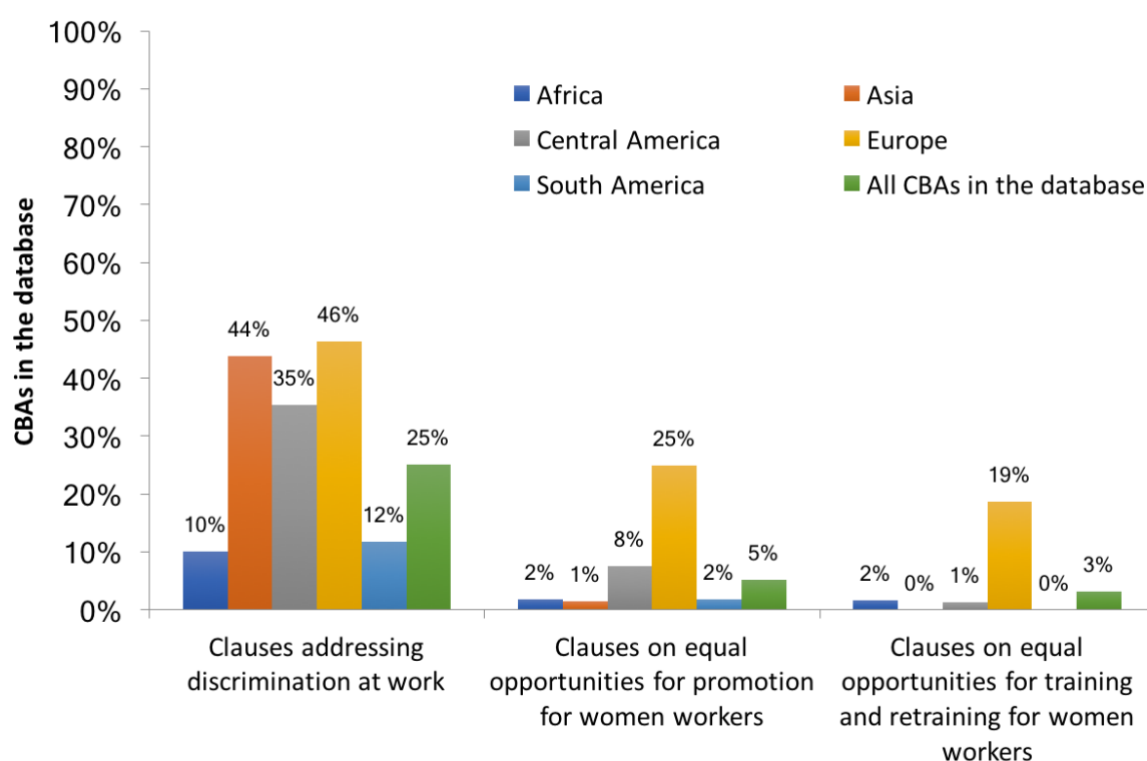
5.2 Discrimination and equal opportunities

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 almost half of Asian and European collective agreements, 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

Collective agreements with provisions on discrimination and/or equal opportunities



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, Senegal, Togo and Uganda, in Indonesia (three CBAs), in El Salvador and Guatemala (five and one CBAs respectively), in Colombia and Peru (two agreements in total). Europe is the only area of the world where one fourth of CBAs contain clauses on equal opportunities for promotion, and 19% 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 Asia and South America, and only six 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 13% 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 (one in France and one in Tanzania).

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, 2018). Given the very low presence of equal opportunity clauses in collective agreements, it seems that negotiators believe that the statutory provisions are 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 reinforce it.

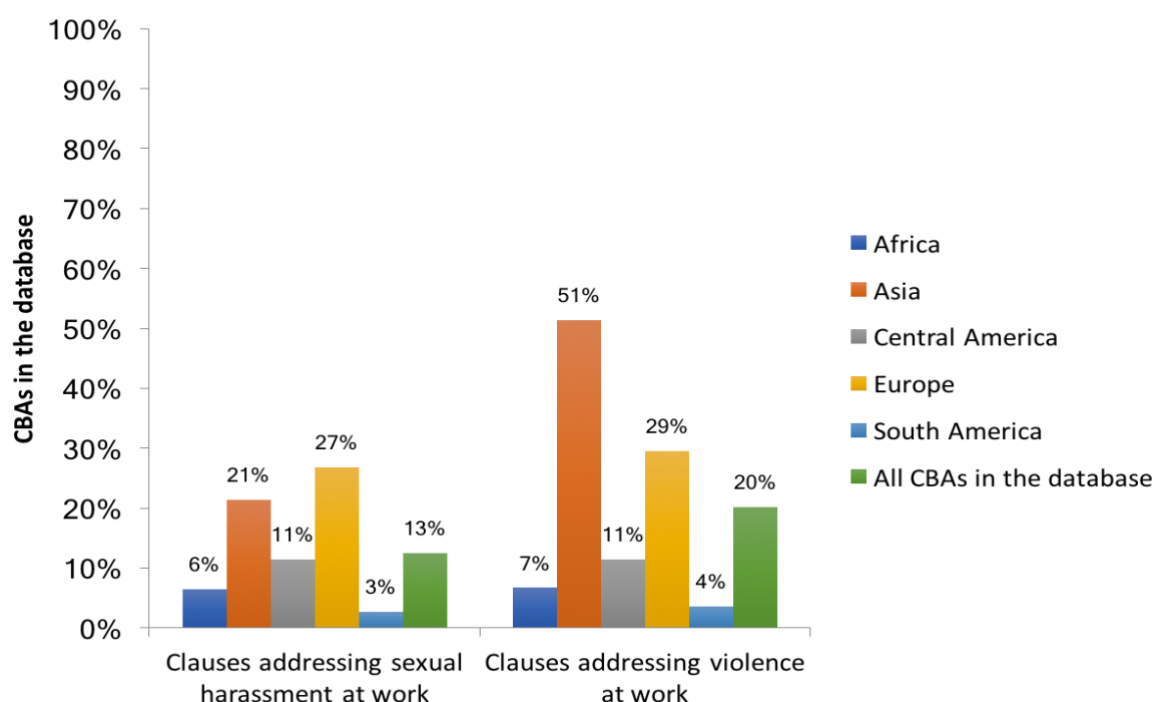
5.3 Sexual harassment and violence at work

Asian CBAs don't contain many clauses on equal opportunities, but almost all Indonesian agreements address topics like violence and sexual harassment, as shown in Graph 11, where the high percentages found in Asia refer mostly to Indonesia. In Africa and Latin America, violence is clearly forbidden in 11% or less of the CBAs, while in Europe the percentage is a higher (29%).

In the entire database, only 13% 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

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



National law in almost all the analysed countries prohibits sexual harassment and provides for some penalties (civil remedies or criminal charges or both). 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, 2018). Among the 111 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 41 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

While research already shows the importance of collective bargaining as a useful tool in achieving gender equality and in reducing wage inequalities within those sectors covered by it.

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 886 collective agreements from 45 countries in Africa, Asia, Europe and Latin America, 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: almost 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.

In Africa, Zimbabwe, South Africa, Niger, Kenya, Ghana and Ethiopia are the countries where work and family balance clauses can be found in 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 and Togo. Also, three of the five inter-professional collective agreements (in Benin, Senegal and Niger) address work and family issues, and four of the 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), only in Spain all the analysed CBAs provide for clauses both on work/family balance and equality. 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 eight 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, Asia doesn't emerge for giving high provisions in its agreements. Things change when equality clauses are taken into account. Not only 44% of Asian CBAs contain clauses about discrimination, but also the region stands out for the high number of agreements addressing violence at work (51% of the CBAs) and sexual harassment (21% of the CBAs).

In Europe and Central America equality clauses are also addressed in around 60% of the agreements, and the concept of equal pay is clearly stated in almost 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 and violence at work in around one third of its CBAs, Central America still has a lot to do about these issues. El Salvador and Guatemala are the only countries in the area providing for equal opportunities clauses in CBAs.

In South America and Africa, only 18-27% 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, 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 93% 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

15% of collective agreements providing more than their own laws don't reach the 14 weeks of maternity leave.

In the case of paternity leave, 27% of collective agreements provide for more days than their country legislation, but in eleven 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 do not contain this provision at all.

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 is almost 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 child care 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 for 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, Asian CBAs are more advanced (like in clauses prohibiting workplace violence), in other cases it is Europe that leads the way (like in discrimination, equal opportunities and sexual harassment), 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 child care 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 concluding new agreements;
- b) Better provisions on work/family balance arrangements and equality issues can lead to a reduction of the gender pay gap: the analysis in this paper can help trade union negotiators in improving the relevant clauses in CBAs while doing a global comparative analysis;
- 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 Indonesia.

Picture 1

cba_ba_id_00001 - PT. Intibenua Perkasatama - 2013

Legend

PERJANJIAN KERJA BERSAMA ANTARA PT. INTIBENUA PERKASATAMA DUMAI-RIAU DENGAN PK. FSB KAMIPARHO SBSI PT. IBP

BAB I : ISTILAH – ISTILAH DAN PIHAK YANG MEMBUAT PERJANJIAN

Pasal 1 : Istilah - Istilah

Dalam perjanjian kerja bersama ini yang diartikan dengan :

- 1.Perusahaan adalah badan hukum yang berbentuk Perseroan Terbatas yaitu PT. Intibenua Perkasatama yang berkedudukan di Jalan Datuk Laksamana Areal Pelabuhan Kecamatan Dumai Timur Kota Dumai.
- 2.Serikat Buruh adalah organisasi yang dibentuk dari, oleh dan untuk Buruh baik di Perusahaan maupun diluar Perusahaan yang bersifat bebas, terbuka, mandiri demokratis dan bertanggung jawab guna memperjuangkan membela Serta melindungi hak dan kepentingan Pekerja/Buruh serta meningkatkan kesejahteraan Pekerja/Buruh dan keluarganya, Serikat Buruh/Pekerja yang dimaksud adalah PK.SBSI PT.IBP, Nomor Pendaftaran 568/PSY/DTK-TRANS/VII/03, tanggal 08 Juli 2012.
- 3.Perjanjian Kerja Bersama (selanjutnya disingkat PKB) adalah suatu perjanjian antara Serikat Buruh dengan

General CBA data Job Titles

Social Security & Pensions Training

Employment Contracts Sickness & Disability

Health & Medical Assistance

Work/Family Balance Arrangements

Gender Equality Issues Wages Working hours

Coverage

GENDER EQUALITY ISSUES

Does the agreement contain any clauses concerning equality and/or violence in the workplace? *

☒ Yes *

☐ No *

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

Picture 2

Legend

3. Kesalahan yang dimaksud pada ayat (1) adalah:

- a. Melakukan penipuan, pencurian, atau penggelapan barang dan/atau uang milik Perusahaan.
- b. Memberikan keterangan palsu atau yang dipalsukan sehingga merugikan pihak Perusahaan.
- c. Meminum minuman keras yang memabukkan/menjual minuman keras yang memabukkan, memakai dan atau mengedarkan narkoba, psikotropika dan zat aditif lainnya di lingkungan Perusahaan.
- d. Melakukan perbuatan asusila atau perjudian di lingkungan Perusahaan.
- e. Merokok di tempat kerja dan tempat lain di lingkungan Perusahaan sehingga cenderung menyebabkan terjadinya kebakaran, peledakan yang mengakibatkan kerugian bagi orang lain dan Perusahaan.
- f. Menyerang, menganiaya, mengancam atau mengintimidasi teman sekerja/atasan atau Pimpinan Perusahaan di lingkungan Perusahaan.
- g. Membujuk teman sekerja/atasan atau Perusahaan untuk melakukan perbuatan yang bertentangan dengan peraturan perundang - undangan.
- h. Dengan ceroboh atau sengaja merusak atau membiarkan dalam keadaan bahaya barang milik Perusahaan yang menimbulkan kerugian bagi Perusahaan.
- i. Dengan ceroboh atau sengaja membiarkan teman sekerja/atasan atau pimpinan perusahaan dalam keadaan bahaya di lingkungan perusahaan.
- j. Membongkar atau membocorkan rahasia perusahaan yang seharusnya dirahasiakan kecuali untuk kepentingan negara.
- k. Melakukan perbuatan lainnya di lingkungan perusahaan yang diancam dengan hukum pidana.
- l. Memberi kendaraan yang menjadi tanggungjawabnya kepada orang lain tanpa seizin pihak Perusahaan/atasan kecuali diperuntukkan untuk keperluan yang layak.

Social Security & Pensions Training

Employment Contracts Sickness & Disability

Health & Medical Assistance

Work/Family Balance Arrangements

Gender Equality Issues Wages Working hours

Coverage

GENDER EQUALITY ISSUES

Does the agreement contain any clauses concerning equality and/or violence in the workplace? *

☒ Yes *

☐ No *

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

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

<p>PERJANJIAN KERJA BERSAMA ANTARA PT. INTIBENUA PERKASATAMA DUMAI-RIAU DENGAN PK. FSB KAMIPARHO SBSI PT. IBP</p> <p>BAB I : ISTILAH – ISTILAH DAN PIHAK YANG MEMBUAT PERJANJIAN</p> <p>Pasal 1 : Istilah - Istilah</p> <p>Pasal 2 : Pihak Yang Mengadakan Kesepakatan</p> <p>BAB II : KETENTUAN UMUM</p> <p>Pasal 3 : Tujuan Perjanjian Kerja Bersama</p> <p>Pasal 4 : Luasnya Perjanjian Kerja Bersama</p> <p>Pasal 5 : Kewajiban Pihak Perusahaan Dan Pihak Serikat Buruh</p> <p>Pasal 6 : Pengakuan Hak - Hak Pengusaha</p> <p>Pasal 7 : Pengakuan Hak - Hak Serikat Buruh</p> <p>Pasal 8 : Landasan Hukum</p> <p>Pasal 9 : Fasilitas Untuk Serikat Buruh</p> <p>Pasal 10 : Lembaga Kerjasama Bipartit</p> <p>BAB III : HUBUNGAN KERJA</p> <p>Pasal 11 : Penerimaan Buruh</p> <p>Pasal 12 : Masa Percobaan</p> <p>Pasal 13 : Kepangkatan Buruh</p> <p>Pasal 14 : Penempatan Buruh</p> <p>Pasal 15 : Pendidikan dan Latihan Kerja</p> <p>Pasal 16 : Mutasi</p> <p>Pasal 17 : Penilaian Prestasi Kerja</p> <p>Pasal 18 : Demosi</p> <p>Pasal 19 : Promosi</p> <p>BAB IV : WAKTU KERJA</p> <p>Pasal 20 : Hari Kerja Dan Jam Kerja</p> <p>Pasal 21 : Bukti Kehadiran</p> <p>Pasal 22 : Hari Istirahat Mingguan</p> <p>Pasal 23 : Hari - Hari Libur Resmi</p>	<p>PT. Intibenua Perkasatama - 2013</p> <p>Tanggal dimulainya perjanjian: → 2013-06-01</p> <p>Tanggal berakhirnya perjanjian: → 2015-05-31</p> <p>Diratifikasi oleh: → Lain - lain</p> <p>Diratifikasi pada: → 2013-06-01</p> <p>Nama industri: → Pertanian, Kehutanan, penangkapan ikan</p> <p>Nama industri: → Penanaman Padi, Perkebunan Holtikultura</p> <p>Sektor publik/swasta: → Sektor swasta</p> <p>Disimpulkan oleh:</p> <p>Nama perusahaan: → PT. Intibenua Perkasatama</p> <p>Nama serikat pekerja: → PK FSB KAMIPARHO-SBSI PT. Intibenua Perkasatama</p> <p>Nama penandatangan dari pihak pekerja → Indra, Zulkifli</p> <p>JAMINAN SOSIAL DAN PENSIUN</p> <p>Pengusaha memberikan kontribusi untuk dana pensiun bagi pekerja: → Ya</p> <p>Pengusaha memberikan kontribusi untuk tunjangan cacat bagi pekerja: → Ya</p> <p>Pengusaha memberikan kontribusi untuk tunjangan pengangguran bagi pekerja: → Tidak</p> <p>PELATIHAN</p> <p>Program pelatihan: → Ya</p> <p>Magang: → Tidak</p> <p>Pengusaha memberikan kontribusi untuk dana pelatihan bagi pekerja: → Tidak</p>
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