

**REALIZING THE RIGHT OF WOMEN TO SAFE WORK – BUILDING GENDER EQUALITY
INTO OCCUPATIONAL SAFETY AND HEALTH GOVERNANCE**

**Commissioned as an ILO Concept Note for presentation at the XVIII World Congress on
Occupational Safety and Health
June 29-July 2, 2008, Seoul, Korea**

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Updated July31/08 version

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¹ This paper was prepared with the excellent assistance of my colleagues Michelle Dagnino and Ryan White of Cavalluzzo Hayes Shilton McIntyre & Cornish LLP.

EXECUTIVE SUMMARY

Globally, women's paid and unpaid work is a hazardous occupation. Women workers suffer widespread work-related ill health and lack of safety and well-being. Securing women's right to occupational safety and health (OSH) is part of the world's commitment to gender equality and decent work for all.² Yet women are often denied that right because they do "women's work" and because of gendered and biological differences, stereotypes and prejudices which structure their life, work experiences and economic opportunities. Women and men are different and so is much of their work - performed in sex-segregated work ghettos in many diverse locations and circumstances including homes, communities, offices, factories, care facilities, farms and streets. The ILO measures "decent work" as work which is available, freely chosen, productive, sustainable, equitable, secure and dignified. This includes the right to safe work. On these criteria, the number of women internationally who are engaged in "decent work" lags far behind that of the world's men. Labor markets globally continue to deliver vastly different outcomes to men and women workers. With labor women's main asset in the marketplace and women facing systemic barriers in access to resources, rights and representation, two thirds of the world's poor are women.³

There is an increasing recognition of the gendered nature of occupational accidents, illnesses, violence and harassment and the links to the systemic gender inequalities arising from the gendered construction of women's labour in the family, society and other workplaces.⁴ Women's greater home and community responsibilities, reproductive role, and dominance in low or unpaid, low-skilled, part-time and precarious work results in their systemic and discriminatory exclusion from "decent work" with OSH protections.⁵ Such exclusion also fuels the many other inequalities they face. While some progress has been made, OSH governance mechanisms often fail to differentiate between the protection of women's and men's work, leaving women to work in conditions which are unsafe and unhealthy. Deep seated gender prejudices and other constraints also hinder effective actions.⁶ The challenge for the OSH sector is to transform its governance so that, working with other equality seekers, it can create and sustain the conditions which will ensure that women workers can be both physically and psychologically as safe as male workers.

This paper was originally prepared to stimulate discussion at the 2008 XVIII World Congress on Occupational Safety and Health where decision-makers, safety and health professionals, employers' and workers' representatives and social security experts gathered to work on realizing the promise of OSH and gender equality rights and standards.⁷ The Health and Safety Summit

2 See ILO, A Fair Globalization: the Role of the ILO, Report of the Director General on the World Commission on the Social Dimension of Globalization, International Labour Conference, 92nd Session, Geneva, 2004; ILO: "Decent work - the heart of social progress", Online: <http://www.ilo.org/public/english/decent.htm>; C187 Promotional Framework for Occupational Safety and Health Convention, 2006, Online: <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C187>.

3 ILO, Equality at Work: Tackling the Challenges, (International Labour Organization, 2007); ILO: Global Employment Trends for Women, (Geneva: International Labour Organization, March 2008).

4 ILO, Beyond deaths and injuries: The ILO's role in promoting safe and healthy jobs, Safework - Introductory Report, 2008 (Geneva, International Labour Organization, 2008).

5 Konkolewsky, Hans-Horst, "Gender Issues and Diversity in Occupational Health and Safety", Presentation, First Conference of Director Generals, Dublin, April 18-20, 2004, European Agency for Safety and Health at Work. Online: <http://www.safetynet.mun.ca/pdfs/Gender%20issues%20and%20diversity%20in%20occupational%20safety%20and%20health.pdf>

6 ILO: Global Employment Trends for Women, *op. cit.*, and Equality at Work: Tackling the Challenges, *op. cit.*

7 2008 XVIII World Congress on Occupational Safety and Health, Safety and Health at Work: a Societal Responsibility - Global Forum on Prevention, Seoul, Korea. See <http://www.safety2008korea.org/eng/>.

held in conjunction with this Conference led to the June 29, 2008 signing by leading world decision-makers of the Seoul Declaration on Safety and Health at Work. This Declaration recognizes the right to a safe and healthy working environment as a fundamental human right and the promotion of occupational safety and health and the prevention of work accidents and diseases as a core element of the ILO's Decent Work Agenda.⁸

Using the UN human rights-based approach (HRBA) and gender mainstreaming perspective, this paper provides a background review of some key issues, lessons learned and some promising pathways for understanding how to reduce gender-specific risks and secure safety and health for the diverse forms of women's work.

Part I briefly reviews why the world benefits from women's work that is safe. With children, families and communities depending on women's paid and unpaid work to sustain social and economic development and reduce poverty, securing safe and healthy work is a human rights and development priority and opportunity.

Part II provides a brief summary of key international OSH and labour and gender equality standards which taken together guarantee the world's women the right to safe and discrimination-free work. It also highlights the mandatory responsibilities and rights of duty bearers, rights holders and roles of other stakeholders.

Part III explains how using a HRBA and gender mainstreaming lens helps to shift the focus to securing safe decent work as a right not an option. It emphasizes securing gender equality for women through safe work and securing safe work through gender equality. This raises a different set of questions for policy making and improved OSH tools, including the requirement that existing labour market and OSH mechanisms must be analyzed to determine their adverse discriminatory impacts.

Part IV reviews the gendered nature, structure and conditions of the diverse forms of women's work and how it differs from men's work and impacts on women's ability to secure safe work. With women's work often invisible or discounted during the public policy process in the past, OSH governance has centered on male-dominated work and accidents at fixed work sites in the formal economy. Women's work, on the other hand is predominantly in the precarious and least protected segments of the informal/formal labour market continuum, ranging from those with a "contract of employment" to those who are self-employed/own account workers, sex trade or household workers. Mapping the structures, conditions and socio-economic influences on women's diverse paid and unpaid work helps to shine a gender-sensitive light on the information needed to properly analyze women's OSH risks and hazards. This evidence-based analysis shows that women face multiple and intersecting layers of discrimination and disadvantage in their homes, communities and at work that contribute to and sustain their OSH risks. These include social, physical, psychological and emotional factors, such as lack of time, precariousness, low wages and gender-based violence.

Part V reviews some key research and analysis that reveals the ways in which women's OSH risks

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Seoul Declaration on Safety and Health at Work-see http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Speeches/lang--en/docName--WCMS_095910/index.htm

and hazards have been systemically ignored, under-estimated and/or misunderstood. The drivers of unsafe work for women are complex and country specific, with work mechanisms and structures often not designed to accommodate women's work, and gender based stereotypes and prejudices fueling myths about women's OSH risks/impacts. This Part reviews the gender differences in risks/hazards and health outcomes, noting that differences among women also shape OSH differences. It also reviews the many knowledge gaps in research and data about women's work, the bias in workers compensation in favour of men's work and women's lack of influence in OSH decision-making. Research linking precarity, gender, workplace restructuring and OSH impacts is also discussed.

Part VI reviews some key policy directions which can assist governments, employers, trade unions and other equality seeking actors to develop OSH mechanisms which will work to deliver the right to safe and non-discriminatory work. Using research based on accurate and sex-disaggregated data and working with the empowered voice of women, OSH and other labour market and socio-economic systems and structures must be reconsidered and reconstructed from the international right down to the local enterprise and community to optimize positive gender impacts and reduce negative ones. This often requires creating different, equality promoting and "gender-sensitive" measures from those applied to men's work. Applying the same "gender neutral" measures frequently results in sustaining inequitable and unsafe outcomes. A combination of country-specific, multi-level, integrated and pro-active institutions and supportive policy measures is necessary to address these aspects, prioritize actions and develop the right mix of mechanisms and sequencing of steps.⁹

I. EVERYONE BENEFITS FROM SECURING WOMEN'S RIGHT TO SAFE WORK

Making women's work safe and non-discriminatory is a basic human right which enables women to lead productive and fulfilling lives, with the means to provide and care for their families and communities. It is also a key business and development tool inextricably linked with promoting gender equality and maximizing women's socio-economic contributions. Women's work "holds families and communities together" and is one of the building blocks the world must rely upon to meet the 2015 Millennium Development poverty reduction goals.¹⁰ The World Bank's Gender Action Plan calls on countries to harness the economic growth potential of the planet's women by rectifying the systemic labour market inequalities they face, noting that discrimination undermines the efficiency and productivity of markets.¹¹ The World Economic Forum's 2007 Global Gender Gap Report highlights these same inequalities for required action by economic leaders.¹² Unsafe and unhealthy work causes both immediate and long term harm to women, businesses and economies. As noted by the ILO's 2003 Global Strategy on Occupational Safety and Health,

⁹ Cornish, Mary, Fay Faraday and Veena Verma, "Securing Gender Justice: Challenges Facing International Labour Law", in John Craig and Michael Lynk, *Globalization and the Future of Labour Law*, Cambridge University Press, 2006; Vosko, Leah, *Precarious Employment: Towards an Improved Understanding of Labour Market Insecurity*, Precarious Employment : Understanding Labour Market Insecurity in Canada (Montreal and Kingston, McGill-Queen's University Press, 2006)

¹⁰ UNIFEM, and United Nations, *Taking Action: Achieving Gender Equality and Empowering Women*, UN Millennium Project, Task Force on Education and Gender Equality, 2005 and see Mary Cornish (2006). "Closing Global Gender Pay Gap: Securing Justice for Women's Work", *Comparative Labor Law & Policy* 28(2).

¹¹ World Bank, *World Development Report 2006: Equity and Development* Washington, 2006 at 2 and World Bank, *Gender Equality Is Smart Economics: the World Bank Gender Action Plan* (Washington, 2006) Online: <http://siteresources.worldbank.org/INTGENDER/Resources/GAPNov2.pdf>.

¹² World Economic Forum, *2007 Global Gender Gap Report*, Online: <http://www.weforum.org/en/initiatives/gcp/Gender%20Gap/index.htm>

“occupational accidents and diseases cause great human suffering and loss. The economic cost is high”.¹³ These impacts include depression and anxiety affecting home and private life and impaired performance and productivity, higher turnover rates and greater absenteeism. The World Bank’s 2006 World Development Report highlights gender-based unsafe work and violence and harassment as part of the profound and increasing economic inequalities which undermine women’s empowerment and impoverish women, children, families and communities.¹⁴ The Bank calls for pro-active, concrete equity planning to remedy the “inequality traps” which will otherwise “tend to reproduce themselves over time and across generations”.¹⁵

II. WOMEN’S RIGHT TO SAFE DECENT WORK WITHOUT DISCRIMINATION

Introduction: There are many different and overlapping international and regional labour and human rights standards that govern the right of women to safe and equitable work, free from violence and harassment.¹⁶ Over the last 30 years, new understandings of the inter-relationship between labour, gender and human rights have developed and been incorporated into human rights instruments such as the *UN Convention on the Elimination of Discrimination Against Women (CEDAW)*, the *Beijing Declaration and Platform for Action (BDPA)* and Follow Up Documents, the *OAS Convention on the Prevention, Sanction and Elimination of Violence Against Women (Convention Belém do Pará)* and the ILO equality-focused conventions. The focus has also expanded to include the positive and negative impacts of trade and investment.¹⁷ New instruments are increasingly detailed and require state parties and social partners to take pro-active steps to establish substantive gender equality. In adopting a systemic equality promotion approach, these standards recognize that the discriminatory labour market conditions women workers face are sustained by the co-existing systemic discrimination they face in education and health areas and arising from gender-based violence and political and social exclusion. They also recognize the specialized needs of women workers, particularly those arising from their biological differences and social reproduction role. With the proliferation of precarious employment statuses in the globalizing economy, declining trade union coverage, “individualized” and increasingly “informal” work relationships and a reduced role for the state, these standards recognize that traditional work governance models were not working to achieve equality for women and in many ways, never have¹⁸.

ILO Decent Work Framework: This Framework is a labour standards equality tool which has been adopted by the world’s governments and UN institutions. It enshrines a comprehensive and integrated approach to labour and human rights by recognizing that achieving decent work requires governments working with social partners to create work for both men and women that

13 ILO, *Global Strategy on Occupational Safety and Health*, Conclusions adopted by the International Labour Conference, 91st Session, 2003, (International Labour Organization, 2004); See also Hoel, H., Sparks, K. & Cooper, C.L.. *The Cost of Violence/Stress at Work and the Benefits of a Violent/Stress-Free Working Environment*. (Geneva: International Labour Organization, 2001) Online: <http://www.ilo.org/public/english/protection/safework/whpwb/econo/costs.pdf>

14 World Bank, *Integrating Gender in the World Bank’s Work - a Strategy for Action*, (Washington: World Bank, 2002). Online: <http://siteresources.worldbank.org/INTGENDER/Resources/strategypaper.pdf>

15 Ibid; World Bank, *Global Monitoring Report, Millennium Development Goals: Strengthening Mutual Accountability, Aid, Trade and Governance*, (World Bank, 2006.)

16 Cornish et. al., *Securing Gender Justice*, *op. cit.*

17 Mary Cornish, “Building Gender Equality into the Global Trading System” Working Discussion Paper prepared to guide the World Bank Seminar on June 2, 2005 in Washington “Equitable Development and the MDGs - Addressing Equity Challenges in the Trade and Labor Agendas”. <http://www.cavalluzzo.com/publications/index.html>

18 Cornish et. al., *Securing Gender Justice*, *op.cit.*

is safe and free of labour market inequalities. The 2003 ILO Conference Conclusions promoting the Decent Work Framework made explicit the interaction between safe work and decent work and raised the need to take account of gender specific factors in the context of OSH standards, instruments, management systems and practices. Decent work is to be achieved through four strategic fields of action: 1) fundamental principles and rights at work and international labour standards; 2) employment and income opportunities; 3) social protection and social security; and 4) social dialogue and tripartism.¹⁹ At the 2008 97th International Labour Conference, the ILO adopted the landmark Declaration on Social Justice for a Fair Globalization and an accompanying resolution, which were designed to strengthen the ILO's capacity to promote its Decent Work Agenda and to forge an effective response to the growing challenges of globalization.²⁰

Gender Equality Human Rights Instruments: *CEDAW* calls on state actors and social partners to take comprehensive actions to address the multi-layered dynamics of sex discrimination in order to build sustainable gender equality in all areas of women's lives.²¹ It specifically recognizes that the right of women to the same employment opportunities, conditions and benefits as men requires: a) securing safe and healthy working conditions; b) protections against discrimination due to pregnancy, family responsibilities or biological differences; and c) securing women's other economic, social, civil and political rights as well as other fundamental labour rights, including freedom of association and the right to collective bargaining.²² The *Convention Belém do Pará* recognizes the central role which violence has played and continues to play in impairing and often nullifying the enjoyment of women's human rights, requiring that "every woman has the right to be free from violence in both the public and private spheres". The 1995 *BDPA* resulted in a world commitment to gender sensitive equality planning through gender mainstreaming in order to address systematically women's changing needs and conditions.²³ It rejected earlier formal notions of equality which regarded discrimination as an exceptional and individual circumstance requiring intention. Instead the *BDPA* recognizes that discrimination is often structural and embedded in economic and work practices and systems which are in turn rooted in prevalent cultural and social practices and prejudices.²⁴ Remedying and preventing discrimination requires a recognition that existing social and legal arrangements have benefitted dominant groups and disadvantaged others due to prejudice and stereotypes, and "gender neutral" or "gender blind" planning may further reinforce that disadvantage. As a result, gender sensitive proactive employment equity or affirmative action measures are needed to restore the balance and transform institutional practices to accommodate gender and biological differences.²⁵ Governments reporting to the 2005 Beijing +10 UN Commission on the Status of Women meetings cited the increasing precariousness of women's work and increased violence against women as harmful to the world's ability to

19 ILO, *Time for Equality*, *op.cit.*; ILO, *A Fair Globalization*, *op. cit.*; See also ILO, "Decent work - the heart of social progress." *op. cit.*

20 ILO, Declaration on Social Justice for a Fair Globalization and accompanying Resolution, adopted at the 97th International Labour Conference, June, 2008 - http://www.ilo.org/global/What_we_do/Officialmeetings/ilc/ILCSessions/97thSession/pr/lang--en/docName--WCMS_094042/index.htm

21 See Cornish et. al, *Securing Gender Justice*, *op.cit* for a review of international gender equality instruments. For more information on CEDAW see: <http://www.un.org/womenwatch/daw/cedaw/>

22 CEDAW, including art.11; Cornish et al., *Securing Gender Justice*, *op. cit.*; ILO: *Time for Equality at Work*, *op. cit.*

23 Cornish et. al *Securing Gender Justice*, *op.cit.*

24 Abella, R.S., *Equality and Employment*, Report of the Royal Commission on Equality in Employment (Ottawa: Ministry of Supply and Services, 1984).

25 See *CNR v. Canada (Human Rights Commission)* (1987) 1 S.C.R. 1114 ; *British Columbia (Public Service Employee Relations Commission) v. BCGSEU* [1999] 3 S.C.R. 3.

implement the *BDPA*.²⁶ Other UN instruments also include important gender equality employment rights.²⁷

ILO Gender Equality Instruments: ILO standards also recognize the need for systemic action in the area of gender equality. Convention 100 recognizes the systemic differences between men's and women's work and requires positive steps to ensure that the different work women and men do is paid on a comparable basis where it is of comparable value.²⁸ Convention 111 prohibits discrimination in employment and occupation which is defined broadly as encompassing any distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation and requires state actors to pursue a national policy aimed at eliminating all discrimination including sex-based discrimination.²⁹ Again, only adverse effects are required with no need to intentionally discriminate. OSH mechanisms which fail to take into account the gendered and biological safety and health impacts women face in their work would not meet the standard of this Convention. These two conventions are part of the 1998 *Declaration of Fundamental Principles and Rights at Work and its Follow Up* which bind all ILO members.³⁰ Recognizing the multiple layers of women's disadvantage, the ILO has built on these core conventions with its *Maternity Protection Convention*, the *Workers with Family Responsibilities Convention*, the *Termination of Employment Convention*, the *Part-time Work Convention* and the *Home Work Convention*.³¹

ILO OSH Instruments: The ILO's 2006 Promotional Framework Convention on Occupational Safety and Health and its accompanying Recommendation calls for the development of national

26 Similar reports were made by states in the Caribbean along with Africa and parts of Asia. United Nations, "Review of the Implementation of the Beijing Platform for Actions and the 2000 Outcomes Documents, Report of the Secretary General ", December 6, 2004. See also, Cornish et. al, *Securing Gender Justice*, *op.cit.*

27 The *Universal Declaration of Human Rights* affirms women's right to among other things a standard of living adequate for the health and well-being of the individual and her family; and the right of all mothers and children to receive special care and assistance and the same social protection as all other individuals. The *International Covenant on Civil and Political Rights* ensures that men and women are entitled to equal protection under the law, free from discrimination. The *International Covenant on Economic Social and Cultural Rights* requires member states to create just and favorable working conditions for men and women. In addition to the instruments and enforcement mechanisms set out below, there are also UN Representatives and Working Groups that are critical in promoting and enforcing women's economic rights. Some of these include the UN Commission on the Status of Women, UN Special Rapporteurs, the Commission and Sub-Commission on Human Rights. *Universal Declaration of Human Rights*, G.A. Res. 217 (III), UN GAIE, 3d Sess., Supp. No. 13, UN Doc. A/810 at 71 (1948). See also art. 16, art. 23 , art. 25; *International Covenant on Civil and Political Rights*, 16 December 1966, 999 UNTS 171. See also art. 7, art. 22, art. 23; *International Covenant on Economic, Social and Cultural Rights* , 16 December 1966, 993 UNTS 3.

28 For text of these conventions see: <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C100>. and <http://www.ilo.org/ilolex/english/convdisp1.htm>

29 *Convention Concerning Discrimination In Respect of Employment and Occupation*, (ILO Convention No. 111) 25 June 1958, 362 U.N.T.S. 31 (entered into force 15 June 1960) at Article 1(b) and Article 2. .

30 *Declaration on Fundamental Principles and Rights at Work*, Geneva Conference, International Labour Conference, 86th Sess., Geneva, June 1998.

31 *Maternity Protection Convention, (Revised)* (ILO Convention No. 183), International Labour Conference. Provisional Record, 88th Sess. Geneva, 15 June 2000, which requires member states to take appropriate measures to ensure that maternity does not constitute a source of discrimination; art. 6, art. 8, art. 9, art. 10; *Convention on Workers with Family Responsibilities*, (ILO Convention No.156), International Labour Conference, 67th Sess. Geneva, 23 June 1981 which requires signatory states to implement national policies which enable persons with family responsibilities to engage in employment without discrimination; *Termination of Employment Convention*, (ILO Convention No. 158) International Labour Conference, 67th Sess. Geneva, 22 June 1982 which provides that sex does not constitute a valid ground for termination; *Part Time Work Convention*, (ILO Convention No. 175) International Labour Conference, 81st Sess. Geneva, 24 June 1994 particularly significant for the predominate number of women who split their days between family care and part-time work – aims to ensure equality in protection between part-time workers and full-time workers, particularly with respect to the right to bargain collectively; access to occupational health and safety; and the right to work free from discrimination. *Home Work Convention*, (ILO Convention No. 177) International Labour Conference, 83rd Sess. Geneva, 20 June 1996 requires signatory states to adopt and regularly review a national policy on home work aimed at promoting equality with other wage earners.

plans and policies to progressively achieve a safe and healthy working environment for workers. To achieve a culture of health and safety compliance, employers are required to perform risk assessment as follows: 1) Hazard identification; 2) Risk assessment; 3) Implementation of solutions including emphasizing prevention through combating risks or hazards at source, providing information and training and consulting with workers; 4) and 5) Monitoring and Review.³² The Promotional Framework follows from the 2003 ILO Global Strategy on Occupational Health and Safety. The Strategy refers to the need to assess gender differentiation in assessing the “social relations” affecting OSH risks/impacts and notes the “need to take account of gender specific factors” in the context of OSH governance.³³ The 1985 ILO Resolution on Equal Opportunities and Treatment highlights the need to protect both men and women from risks inherent in their work in the light of up-to-date scientific knowledge and technological changes. It also calls for measures to extend special protection to women and men for those types of work which have proved to be harmful to them, particularly concerning their reproductive function. ILO action in this field is undertaken through its Global Programme on Safety and Health at Work. SAFEWORK works to increase the capacity of member states to protect workers' health and to prevent and reduce occupational accidents, injuries, occupational and work-related diseases, through the improvement of working conditions and working environments. The eleventh session of the ILO/WHO Committee on Occupational Health, (1992) recognized that there were specific occupational risks based on factors such as gender, age and other social factors and urged priority attention in these areas to ensure that there was no discrimination.³⁴ The ILO has also developed Codes of Practice in areas such as workplace violence in the female dominated service sectors.³⁵

III. APPLYING AN HRBA APPROACH AND GENDER MAINSTREAMING PERSPECTIVE

International Gender Equality Framework: The UN Statement of Common Understanding on Human Rights-Based Approach to Development Cooperation and Programming (2003) requires that all programming should integrate a human rights perspective and further the realization of human rights standards, including the right of women to gender equality.³⁶ Gender mainstreaming is the framework agreed upon by the world's governments and UN institutions as the means for operationalizing gender equality rights through gender-sensitive analysis in all governance areas.

32 See <http://www.ilo.org/public/english/protection/safework/integrat/survindex.htm> for a discussion of the ILO's Safework strategy and links to the Framework and Recommendation.

33 See also other ILO Conventions in this area, including the Occupational Safety and Health Convention, 1981 (No. 155), and the Occupational Safety and Health Recommendation, 1981 (No. 164).

34 See fuller discussion of the issue in Forastieri, V., Information Note on Women Workers and Gender Issues on Occupational Safety and Health (Geneva: International Labour Organization, 2000).

35 See Annex I of Forastieri, V., Information Note on Women Workers and Gender Issues on Occupational Safety and Health for a list of the ILO Conventions on Occupational Safety and Health Relevant to Women Workers. These include: Convention No. 161 and Recommendation No. 171 on occupational health services; Convention No. 155 and Recommendation No. 164 on occupational safety and health; Convention No. 148 and Recommendation No. 156 on working environment (air pollution, noise and vibration). Convention No. 115 and Recommendation No. 114 on radiation protection, Convention No. 139 and Recommendation No. 147 on occupational cancer; Convention No. 170 and Recommendation No. 177 on the safe use of chemicals at work; Convention No. 149 and Recommendation No. 157 on nursing personnel; Convention No. 110 on plantations; Convention No. 127 and Recommendation No. 128 on maximum weight; Convention No. 136 and Recommendation No. 144 on Benzene; Convention No. 115 and Recommendation No. 114 on radiation protection. Convention No. 170 and Recommendation No. 175 on the safe use of chemicals at work; and Convention No. 103 and Recommendation No. 95 on maternity protection (under revision).

36 United Nations, UN Statement of Common Understanding on Human Rights-Based Approach to Development Cooperation and Programming (2003) Online at: http://www.undg.org/archive_docs/6959-The_Human_Rights_Based_Approach_to_Development_Cooperation_Towards_a_Common_Understanding_among_UN.pdf

HRBA and gender mainstreaming are complementary with the evidence-based and planning tools embedded in OSH governance and referred to in the above-noted Seoul Declaration. Gender mainstreaming focuses on identifying gender differences, constraints and equality promoting measures. By addressing the implications for both women and men of any planned intervention, it helps to ensure that everyone - girls, boys, men and women are accounted for equally and the right to gender equality is realized. With unsafe, often violent and discriminatory conditions co-existing and supporting each other, untangling these dynamics becomes essential. At the same, OSH and human rights mechanisms need to work together to dismantle interacting barriers while at the same time planning and implementing strategies to free women's work from such conditions and thus realize substantive progress. Empowering women and creating more equitable socio-economic conditions for women's work will reduce gender-based unsafe work and violence and such reductions will also further empower women and promote their economic equality.

HBRA Elements: Applying the HRBA principles to OSH governance involves the following key elements: 1) assessment and analysis to identify women's human rights claims in OSH governance and the corresponding obligations of duty bearers including governments, as well as the immediate, underlying and structural causes of the failure to realize rights; and 2) programmes/mechanisms that; a) are informed by the recommendations of international human rights bodies and mechanisms; b) assess the capacity of individuals to claim their rights and of governments to fulfil their obligations, and then develop strategies to build those capacities; and c) monitor and evaluate both the outcomes and processes, guided by human rights standards and principles.³⁷

Benefits of Gender Mainstreaming: The use of a gender mainstreaming perspective helps to: 1) identify the question - namely what measures are necessary to ensure women are able to exercise their human right to safe and equitable work; 2) ensure the necessary priority is given by the duty bearers to the actions necessary to carry out these legal obligations; 3) promote accountability by using complaint mechanisms where appropriate measures are not being taken; 4) ensure a pro-active perspective focusing on an action-oriented, results-based approach; 5) prioritize the empowerment of women as both a strategy and goal of the process and enable women to be participating actors and influence the policies and actions which impact on their lives; 6) focus on the important complementary role of other rights, such as collective bargaining or equal pay for work of equal value; 7) focus on the importance of a strong equality role for state actors who are responsible for ensuring the human rights of their citizens, and 8) enshrine the importance of sex-disaggregated data and gender sensitive knowledge, research, monitoring and reporting capacity as key parts of a safe work enforcement system.³⁸

Mainstreaming Gender Equality Human Rights Perspective into OSH Governance: This requires linking the gender equality and OSH standards highlighted in Part II above so that OSH mechanisms will operate to provide both women and men with equal access to a safe and healthy working environment. This means adopting a gender sensitive approach to each of the above-noted OSH steps: 1) and 2) identifying, anticipating and assessing gender-based occupational risks or hazards, including physical hazards, chemical and biological substances and psycho-social factors; 3) (a) finding and implementing solutions for women's OSH risks and hazards

37 United Nations, UN Statement of Common Understanding on Human Rights-Based Approach to Development Cooperation and Programming (2003), *op.cit.*

38 See Cornish, Closing the Global Gender Pay Gap, *op.cit.*

emphasizing prevention including combating risks or hazards at source; (b) taking positive action to promote an OSH culture which promotes safety and health in women`s work; and c) providing information and training focused on women`s issues and consulting with women workers; 4) and 5) monitoring and review. With work conditions and structures constantly changing, there is a need for ongoing review to evaluate and adapt equality and safe work mechanisms.

IV. MAKING VISIBLE THE GENDERED CONSTRUCTION OF WOMEN’S WORK

Women’s Work is Often Invisible or Misunderstood: The systemic discrimination women experience often starts with institutions and practices failing to take into account their circumstances, needs or priorities. OSH mechanisms and practices are no exception in this regard. Women’s work and its hazards are often rendered invisible or underestimated in laws, public policy and practices. While some progress has been made in incorporating a gender equality perspective, many OSH mechanisms are gender biased in favour of the protection of male dominated work. They often adopt a gender neutral or gender blind approach which assumes that men and women workers are the same rather than the gender aware or sensitive approach mandated by international standards.

An excellent example of the efficacy of the gender mainstreaming approach is the European Agency for Safety and Health at Work (EASHW) 2003 Report, “Gender Issues in Safety and Health at Work: A Review. This Report sets out important research and analysis concerning engendering OSH laws and practices.³⁹ This work relied on an important gender sensitive ILO study authored by V. Forastieri.⁴⁰ Subsequently, the World Health Organization’s Report, Gender Equality, Work and Health: A Review of the Evidence by K. Messing and P. Östlin further contributed to this discourse.⁴¹ These publications were created as part of gender mainstreaming initiatives in the ILO and the EU. The EU *Community Strategy on Health and Safety at Work, 2002-2006* called for state parties and social partners to integrate gender into OSH activities as did ILO documents. These publications criticize the predominant gender neutral approach taken by many OSH mechanisms, noting that it results in risks to female workers being underestimated or ignored altogether with fewer resources being provided for securing women’s OSH rights. For example, European health and safety directives do not cover domestic workers, those working in the informal economy or contributing family workers who are primarily women. Furthermore, the tendency of OSH activities to focus on male-dominated occupations such as mining because they are considered to involve more serious OSH problems than arise in women’s work was also criticized.⁴²

Understanding Women’s Work - Five Key Trends: Securing safety and health for women’s work requires first an understanding of the work women do, where they do it and the gendered conditions of that work. This requires making the links between gender discrimination, women’s work, globalizing labor markets and safety and health. The ILO, UN, World Economic Forum,

39 European Agency for Safety and Health at Work Report, “Gender Issues in Safety and Health at Work: A Review”, (Belgium: 2003) Online: <http://osha.europa.eu/en/publications/reports/209>

40 V. Forastieri, Information Note on Women Workers and Gender Issues on Occupational Health (Geneva: ILO, 2000) Online: <http://www.ilo.org/public/english/protection/safework/gender/womenwk.htm#key>; See also: World Health Organization, *Gender, Health and Work*, (Geneva: World Health Organization, 2004). Online: http://www.who.int/gender/other_health/Gender,HealthandWorklast.pdf

41 Messing, Karen and Ostlin, Pirooska, Gender Equality: Work and health: Review of the Evidence (Stockholm: World Health Organization 2006).

42 Commission of the European Communities , *Adapting to Change in Work and Society: A New Community Strategy on Health and Safety at Work, 2002-2006* (Brussels, 2002) Online: http://ec.europa.eu/employment_social/news/2002/mar/new_strategy_en.pdf

World Bank and academic researchers have all detailed the vast differences in world-wide labour market outcomes between women and men workers, noting that the achievement differences are large and slow to narrow.⁴³ Labour markets are marked by the following five key trends which drive the systemic gender equality gaps between men and women workers. Industrialized and developing countries alike share these trends, although in different degrees and the burden of inequality falls greatest on women workers where poverty, the informal economy, weak employment regulation, racial and ethnic discrimination and violence are most pronounced.⁴⁴

1) More women are working for pay. While women's work has expanded more than men's in the new globalized economy with a growing services sector and declining manufacturing sector, their conditions of work have not commensurately improved with the level of their economic contributions. Women are approaching parity with men in economic participation in less than half the world.⁴⁵

2) Better but still unequal pay. Women's wages have improved gradually, yet nowhere have women achieved average wages which equal men's average wages and many women and girls receive no pay for their household or community work or work under conditions of forced labour.⁴⁶

3) Persistent occupational segregation. Despite the first two trends, men and women continue to do different work often in different workplaces with men dominating jobs in the formal economy and supervisory and management positions. As such the segregation is both vertical and horizontal. Within both the formal and informal economy, men dominate higher-paying "production" jobs and women dominate lower-paying care giving, home-based or informal jobs. This corresponds with a value system in which men's work is considered superior economically, socially and legally. Women's full integration into the labour market continues to be resisted and surrounded by patriarchal stereotypes, prejudices, misconceptions and culturally-based expectations about gender roles and what constitutes "valuable work worthy of protection".⁴⁷

4) Unequal Home/Life Circumstances: Women remain primarily responsible for unpaid housework and caring for children, the sick and elderly, creating significant stress in reconciling their unpaid and paid work responsibilities and increasing their work hours beyond that of men.⁴⁸ Balancing the demands of paid work and unpaid care work, women often have to take low or non-paying "flexible" jobs with unsafe conditions. Women's double burden and time pressures are further exacerbated where they take on added care obligations as states roll back, privatize and eliminate public services, as the population ages, as global poverty increases, and as HIV/AIDS rises internationally.⁴⁹

43 *Time for Equality at Work*, op. cit., pp. 2-3.; Cornish, Closing the Global Gender Gap, op. cit.; World Economic Forum, op. cit.; For more information see citations listed at footnotes 2-12.

44 Chen, M., and Joann Vanek, Francie Lund, James Heintz, with Renana Jhabvala and Christine Bonner, Progress of the World's Women: Women, Work and Poverty (New York: United Nations, 2005); United Nations, Taking Action: Achieving Gender Equality and Empowering Women. (UN Millennium Project, Task Force on Education and Equality, 2005.) Available: <http://www.unmillenniumproject.org/documents/Gender-complete.pdf>; Cornish et al, Securing Gender Justice, op. cit.

45 2008 ILO Global Employment Trends for Women, op. cit.

46 Cornish, Closing the Global Gender Pay Gap, op. cit.

47 *Ibid.*

48 ILO Equality at Work, op. cit.

49 ILO, Equality at Work, op. cit.; More generally see : Hodges, Jane (ed), "Digest of good legislative practices relating to HIV/AIDS in selected African countries." ILO Paper No. 12, Social Dialogue, (International Labour Organization - Labour Law and Labour Administration Branch, November 2007) Online: <http://www.ilo.org/public/english/dialogue/ifpdial/downloads/papers/digest.pdf>

5) Predominance in Precarious Work: Although women's labour force participation has increased, this growth has come largely in the informal economy with increases in self-employment, part-time employment, casual and temporary employment and home-based low income work. About two-thirds of the women in the developing world (outside of agriculture) work in the informal economy. Women are clustered in the lowest paid, lowest skilled jobs in the informal sector. Relative to work in the standard economy, this work is a) highly vulnerable and often unsafe; b) has very low pay and irregular income; c) is excluded from effective legal and regulatory frameworks and d) lacks access to employee and social security benefits.⁵⁰ While men are also being forced into more precarious jobs, as noted by a 2005 United Nations report, "the further down the chain of quality and security, the more women you find".⁵¹ Given the unequal relations of social reproduction, and the constraints women face as a result of their domestic and child care responsibilities, precarious, unsafe employment is not a free choice.⁵²

Labour Market Discrimination: All of these trends operate to sustain a gendered labour market with women worldwide experiencing a high degree of unlawful discrimination both in gaining access to work as well as in the conditions of that work and their ability to keep it. Unsafe work is one of those conditions. Women who are disadvantaged by factors such as race, ethnicity, disability or religion generally experience greater and often different adverse work impacts.⁵³

Gendered Impacts of Globalizing Economy: The globalizing economy, with its concomitant world-wide migration of capital, work and labour, has had both positive and negative impacts on the ability of women to secure safe and healthy work. While some women have more paid work with better conditions, the new economy is affecting the nature and the degree of rights violations and the design of mechanisms to successfully tackle those violations.⁵⁴ Fueled by the global information economy, international trade and investment practices and the supply chain operations of transnational corporations, labour markets are being deregulated and state resources and services are often being reduced at a time when women workers require greater protections and services.⁵⁵ With a global trend to informality rather than "decent work," even formal economy work is also more precarious.⁵⁶ Many enterprises have a male-dominated core labour force and a periphery of networked enterprises where workers disadvantaged by factors such as gender, race or immigrant status increasingly have only a temporary, contract or home-based status.⁵⁷ New

50 Equality at Work, Tackling the Challenges, *op. cit.*; ILO 2008 Global Employment Trends Brief, *op.cit.*

51 UNIFEM, Progress of the World's Women: Women, Work and Poverty, *op. cit.*; United Nations, Taking Action: Achieving Gender Equality and Empowering Women, *op. cit.*;

52 L. Vosko: "Precarious employment: Towards an improved understanding of labour market insecurity", in L. Vosko (ed.): *Precarious employment : understanding labour market insecurity in Canada* (Montreal and Kingston, McGill-Queen's University Press, 2005).

53 *Ibid.*

54 Equality at Work, Tackling the Challenges, *op. cit.* and ILO Fair Globalization Report, *op.cit.*

55 Arthurs. H.W., (1996) "Labour law without the state", *The University of Toronto Law Journal*, 46(1) p.1-45.; A. Supiot: (1999) "The transformation of work and the future of labour law in Europe: A multidisciplinary perspective", *International Labour Review*, 138(1), p.31-46; Piore, M., and S. Safford (2006) "Changing regimes of workplace governance, shifting axes of social mobilization and the challenge to industrial relations theory", in *Industrial Relations: A Journal Of Economy And Society* 45(3), p.299-325; Hepple, B. (1994), "New approaches to international labor regulation", *Industrial Law Journal* , 26:353-366; and Cornish et. al. Securing gender justice *op.cit.*

56 See *A fair globalization*, *op. cit.*; and ILO: "Decent work" online at <<http://www.ilo.org/public/english/decent.htm>>.

57 J. Fudge and R. Owens: "Precarious work, women and the new economy: The challenge to legal norms", in J. Fudge and R. Owens, (eds.): *Precarious work, women, and the new economy: The challenge to legal norms* (Oxford, Hart Publishing, 2006); J. Fudge and L. F. Vosko: "Gendered paradoxes and the rise of contingent work: Towards a transformative feminist political economy of

export processing zone jobs are often governed by weak labour laws or enforcement.⁵⁸ Some workers have no “employer” at all as self-employment and own account work increases significantly.⁵⁹ Productive decentralization and “flexibilization” are driving the greater “individualization” of labour conditions and limiting the role of workers’ representatives who play a key role in rights enforcement.⁶⁰ All of these factors are undermining the ability of state actors and social partners to deliver on the safe work and human rights promises found in international and regional human rights standards. Interventions to address women’s inequalities in the home, community and at other workplaces are necessary to enable women to realize their human rights.

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The above brief review of the global structures and conditions of women’s work leads to the next OSH and HRBA step which is to obtain an overview of the OSH risks/hazards and needs and health outcomes arising from those structures and conditions.

V. MAKING VISIBLE WOMEN’S OCCUPATIONAL RISKS AND HAZARDS

Introduction: The different conditions of women’s work, situated as they are in a socio-political context where women experience systemic gender discrimination result in major differences in work-related risks/hazards/needs and health outcomes. For example, women face serious safety and health hazards/risks relating to biological, physical, chemical and psycho-social factors. Women often suffer from muscular-skeletal disorders because neither equipment and tasks, usually designed for male workers are adapted to their build. They are also vulnerable to stress-related disorders resulting from discriminatory workplace practices and the double burden of work and family/community commitments as well as gender-based violence and harassment.⁶²

Drivers of Unsafe Women’s Work: These are very complex and woven into the country-specific social, organizational and economic fabric of women’s work which need to be mapped at the country, local, enterprise and household/community levels.⁶³ As scholars have documented, the struggle of women for safe and equal integration into the labour market has centered on addressing the diversity of women workers, biological differences between men and women and the reality of job/worker interactions.⁶⁴ While some conduct is carried on in the open, other factors such as violence and harassment are often committed intentionally but surreptitiously by male supervisors, clients, co-workers or by domestic partners. A work environment hostile to women also puts women at risk of injury.⁶⁵

the labour market,” in W. Clement and L. Vosko, (eds.): *Changing Canada: Political economy as transformation* (Montreal, McGill-Queen’s University Press, 2003).

⁵⁸ Cornish et al., *Securing Gender Justice* op. cit.

⁵⁹ Fudge, op. cit.;

⁶⁰ ILO, *The Employment Relationship*, (Geneva: ILO, 2004) p. 113.

⁶¹ World Bank, *World Development Report*, 2006, op. cit.

⁶² See EAHSW Report, op. cit. Forastieri, V., Information Note on Women Workers and Gender Issues on Occupational Health, op. cit. and WHO, *Gender, Health and Work*, op. cit.

⁶³ “Taming the Beast: A Look at the Many Forms and Guises of Workplace Violence”, *World of Work No. 56* (Geneva: ILO, April 2006) at 25.

⁶⁴ Messing, K., Katherine Lippel, Diane Demers, and Donna Mergler, “Equality and Difference in the Workplace: Physical Job Demands, Occupational Illnesses and Sex Differences”, 2000 *NWSA Journal* 12(3) (Fall) at 21.

⁶⁵ Chappell D. and Di Martino V., *Violence at Work* (Geneva: International Labour Organization, 2006).

Work Mechanisms not designed for Women: Workplaces in the formal economy were historically designed primarily for the average male and able bodied workers. Even traditionally female workplaces often do not make the necessary accommodations for female workers. Many OSH laws exclude altogether work sectors dominated by women such as the sex trade, domestic work or micro-enterprise and self-employment. OSH mechanisms have traditionally focused on the more immediate work environment to assess risks and hazards. This focus is expanding now to include not only the physical and bio-mechanical environment and health practices but also the psycho-social environment. To protect women's work, this focus must also include overall socio-economic issues and life outside of work. Individual differences need also to be considered. Within the work context, other important contributing factors include the organization and conditions of work and any work OSH systems. These are all situated in the context of state laws and policies.⁶⁶

Gender-based Stereotypes and Prejudices: When a light is shone on women's OSH conditions, the results reveal problems rendered invisible by stereotypes and prejudices - an adverse impact which is discriminatory. These myths include that 1) women's work is safe; 2) violent or unsafe conditions are inevitable or caused primarily by individual wrongdoers; 3) women's physical capacities (size, shape and strength) are considered to make them not as fit for "men's" work; 4) women's occupational illnesses are related to physical or psychological capacities, rather than to their working conditions; 5) women's reproductive role renders them unfit to work, making it risky and expensive to hire women; and; 6) women's unsafe conditions are inevitable and must be accepted. Many of these prejudices lead to the creation of risks and to not hiring women or refusing to accommodate the workplace for their needs or to include them in prevention programmes.⁶⁷ These myths are now being challenged. Many conditions are in fact often predictable and preventable, particularly if the gender-based prejudice and stereotypes which have allowed unsafe work and violence to flourish are rooted out. These conditions are now starting to be recognized as both the cause and the result of the systemic discrimination women experience both at work, at home and in their community.

Gender Differences in Risks/Hazards and Health Outcomes: With occupations and sectors segregated by sex, gender mainstreaming requires an occupation and sector specific analysis of health risks and hazards. The EASHW Report analyzes, in a developed world context, the risk/hazards and health outcomes based on existing research looking at male and female dominated work and focusing on problems in female dominated sectors such as health care, child care workers, cleaning, food production, catering and restaurant work, textiles and clothing, laundries, ceramics sector, "light" manufacturing, call centres, education, hairdressing, clerical work and agriculture. The risks and hazards vary greatly and include the infectious diseases suffered by hospital laundry workers; the musculo-skeletal and voice problems arising from prolonged standing, sitting and speaking of teachers and call centre workers; the effects of chemical sprays and dyes on hairdressers; and the "emotionally demanding work" involved in health care.⁶⁸ The evidence cited in the report shows that women are more exposed to or have a higher incidence than men of upper limb disorders, stress, violence from the public, asthma and allergies, skin diseases, infectious diseases and inappropriate protective equipment. Men and women have relatively equal exposures/ incidence when it comes to reproductive health and inappropriate work

66 See ILO Global Strategy on Occupational Health and Safety, *op. cit* and "Model showing where gender differences can occur that affect occupational safety and health." (Fact Sheet 42) (EASHW, 2003) Online: <http://osha.europa.eu/en/publications/factsheets/42>

67 Messing, Lippel, Demers, and Mergler, *op. cit.* p. 21-2 and 26.

68 Women tend to stay in the same job longer which results in much greater exposure times. Since women work in areas where there is weak union representation, they have much less impact on OSH outcomes. . See EASHW Fact Sheet #43, *op. cit*

hours. The evidence also shows that men are more exposed/have higher incidence of accidents, heavy lifting, noise/hearing loss, occupational cancer. Yet women's work such as care, teaching and cleaning work can also involve heavy lifting and accidents; women in food production and textiles are exposed to hearing loss; and the types of reproductive health issues can be different.⁶⁹ The ILO's Safework Introductory Report 2008 notes the OSH gender dimension and the different effects of work-related risks and hazards on men and women.⁷⁰

Differences Among Women Shape OSH Differences: The degree of disadvantage women suffer from also shapes the forms of unsafe work they experience. For example, women suffering from multiple forms of discrimination, for example immigrants, Indigenous women, lesbians, ethnic minorities or poor women are more susceptible to violence and unsafe work and may be targeted or simply excluded from protections. For these women with lower social status, and fewer or no options for assistance, a broader context of disadvantage underlies each of their often different experiences.⁷¹ For example, women with disabilities tend to be more vulnerable to exploitation such as sexual harassment.⁷² For younger women, problems such as sexual harassment can be particularly difficult to address because older men hold considerably more power.⁷³

Knowledge Gaps: Part of the OSH discrimination women face is that their issues are often ignored or not accurately or properly reflected in research and data collection, with much more attention paid to issues relating to male-dominated work. OSH institutions and research often do not collect or analyze data based on gender.⁷⁴ Given the predominant focus on men's work, treating OSH risks/impacts as generic usually excludes women's interests and therefore is biased.⁷⁵ For example, a study of European workers showed that men's work risks, particularly in accidents are more visible and therefore recorded more than the "ill health" women experience. Under-reporting of injuries and illnesses increases women's OSH risks/impacts. With workers compensation claims often used to collect statistics, much of women's precarious work is usually excluded from such coverage. Where such gender-biased statistics are used to show that men have more accidents than women, many accidents happening in precarious and privatized work and self-employment are not recorded.⁷⁶ Further even the existing research - which documents women's occupational hazards, including stress, workplace violence, reproductive hazards, the impact of new technologies and globalized work conditions - has not been widely used to inform OSH policies.⁷⁷ In a recent important work, gender experts in various work fields have called for the direct consideration of women and men's biological differences in order to ensure that the

69 EASHW Fact Sheet #42, *op. cit.*

70 ILO, *Beyond Deaths and Injuries: the ILO's role in promoting safe and health jobs*, *op.cit.* at 20.

71 WHO, *Gender, Health, and Work* *op. cit.*

72 United Nations Enable. "International Norms and Standards Relating to Disability. Part V. Persons with Disabilities and Multiple Discrimination - Rights of Special Groups. 5/10 4. Rights of Women with Disabilities" Online: <http://www.un.org/esa/socdev/enable/comp504.htm>.

73 United Nations, "Ending Violence Against Women, From Words to Action" Report of the Secretary General, 2006.

74 Messing K and Stellman JM. Sex, gender and women's occupational health: The importance of considering mechanism. *Environmental Research* 2006; 101(2): 149-162.

75 Hans-Horst Konkolewsky, "Gender Issues and Diversity in Occupational Health and Safety", *op.cit.*

76 Cox, Rachel and Lippel, Katherine, *Falling through the legal cracks: The pitfalls of using workers' compensation data as indicators of work-related injuries and illnesses*. 2008, publication forthcoming, Klippel@uottawa.ca; Lippel, K. Compensation for musculo-skeletal disorders in Quebec: systemic discrimination against women workers? *International Journal of Health Services* 2003; 33(2): 253-281 and Lippel, K. *Workers' Compensation and controversial illnesses*; Moss P and Teghtsoonian K, *Contesting Illness: Processes and Practice*, Toronto: University of Toronto Press, 2008: 47-68.

77 See Valentina Forastieri, "Information Note", *op.cit.*

workplace is adapted to the physical dimensions and capacities of both sexes and unnecessary OSH impacts are avoided.⁷⁸

OSH Compensation Gaps: The compensation of women workers for their injuries/illnesses is also affected by gender bias, with the chronic injuries common to service-type work (traditionally women's work) less likely to be compensated than those of workers with acute accident injuries, associated more with resource industries and manufacturing (traditionally men's work).⁷⁹ Research has also shown a systemic gender bias in the compensation of women for musculo-skeletal disorders.⁸⁰

Women's Lack of Influence on OSH Decision-Making: Given that women are often excluded from decision-making, are intimidated from participating or have too little time to do so, they have little or no influence in occupational health and safety standard setting. As such the risks often facing women are often underestimated or misunderstood and no plan is made to address them. For example, where assumptions are made that women are not facing risks, they are not provided with gender-specific training or protective equipment.⁸¹

Precarity and OSH Impacts: Studies show a link between precarity, gender and ill health with commentators seeking to explain the link as relating to women's vulnerable position in the labour market. This includes their concentrations in sectors with high rates of violence and with the most unfavourable working conditions (eg. on-call, temporary, home-based work) in health, social services and domestic work. Increasing automation, subcontracting, teleworking, networking and the rise of self-employed work are also factors as is the expanding numbers of women working alone (eg. in the sex trade and domestic work) or working under trafficked conditions or forced labour.⁸² These structures and conditions increase women's OSH risks and reduce the likelihood they will have effective access to enforcement. The reality is that many aspects of precarious work are "invisible to those that plan".⁸³

The Gendered Nature of Workplace Change and Restructuring: Studies have found that workplace changes can have gendered effects, given that such changes more often lead to greater control for men and less control for women.⁸⁴ There is likely to be less stress if job changes are associated with increased job control.⁸⁵ Recent research has started to link workplace bullying/mobbing, abuse and other forms of occupational violence and harassment to structural conditions such as downsizing and work restructuring and more 'hard-nosed' human resource

78 Messing, Lippel, Demers, and Mergler, *op.cit.*

79 Messing, Lippel, Demers, and Mergler, *op.cit.* p. 21-2.

80 Katherine Lippel, "Compensation for Musculo-Skeletal Disorders in Quebec: Systemic Discrimination Against Women Workers, *International Journal of Health Services*, (2003), 33(2) 253-282 and Katherine Lippel, "Workers Compensation and Stress: Gender and Access to Compensation, *International Journal of Law and Psychiatry*, 1999, 22(1): 79-89.

81 See Messing and Ostlin, "Gender Equality, Work and Health" *op.cit.* and V. Forastieri, Information Note, *op.cit.*

82 UN, Ending Violence Against Women, *op.cit.*

83 See Seifert, Ana Maria, and Karen Messing, Jessica Riel, Celine Chatigny, Precarious employment conditions affect work content in education and social work: results of work analyses. *International Journal of Law and Psychiatry* 30 (2007) 299-310; Banerjee, A. T. Daly, H. Armstrong, P. Armstrong, S. Lafrance and M. Szebehely, "Out of Control: Violence Against Personal Support Workers in Long Term Care, February 23, 2008. York University and Carleton University. http://www.yorku.ca/mediar/special/out_of_control_english.pdf

84 See Gender, Job Stress and Illness, Vo2, 34.1-34.77, ILO Encyclopedia.

85 Karasek, R. & Theorell, T. (1990). *Healthy Work: stress, productivity, and the reconstruction of working life*. New York: Basic Books.

management.⁸⁶ Reduced staffing and care levels has placed health care workers at greater risk of being bullied by supervisors or being abused or assaulted by anxious long term care, mentally ill or elderly patients or their families. Public sector restructuring and reduced staffing levels combined with increased volatility in the care sector has increased the number of persons working alone and reduced the capacity of care providers to engage in discursive exchanges that are critical to assessing risks to all concerned. Contributing to this is also the intensification of care-giving positions where women workers are often expected to withstand abuse because of the way in which care-taking labour is constructed to be selfless.⁸⁷

Global Supply Chains and Safe Work: The dynamics of global supply chains are also affecting the safety of women's precarious work. While they produce significant employment opportunities for women, their networks are usually structured to depend upon "insecure" forms of employment, with workers employed in export processing zones, home-based as well as in micro and small enterprise manufacturing and artisanal clusters.⁸⁸ Worker safety and health is superceded by cost-cutting and production time constraints or is not addressed at all.⁸⁹

Workplace Violence, Stress and Harassment: Women's work violence happens in homes, communities and workplaces and ranges from murder, rape, physical and sexual assaults, forced prostitution and labour to psychological violence, bullying and verbal abuse with many women having to cope with sexual and psychological harassment.⁹⁰ Given the pervasiveness of domestic violence and increases to the number of women in the paid workforce such violence is spilling over into the workplace, particularly in the developing world.⁹¹ According to the UN and the ILO, gender-based violence and harassment is a world-wide pandemic.⁹² As an example, it is estimated that hundreds of thousands of women are trafficked each year both within and between countries and forced to engage in sex trade work and other forms of slave labour which expose them to profound violence including rape and murder. As well, in many armed conflict zones, women are compelled to serve as slave labour or as conscripted wives.⁹³ Women are also forced to have unprotected sex and thereby expose themselves to disease, pregnancy and HIV/AIDS.⁹⁴ Workplace homicide has also become a key issue. For example, in the U.S. workplace homicide

86 Quinlan, M. Organisational Restructuring/Downsizing, OHS Regulation and Worker Health and Well-Being, *International Journal of Law and Psychiatry* 30 (2007) 385–399,

87 See Viitasara E, Sverke M, Menckel E "Multiple risk factors for violence to seven occupational groups in the Swedish caring sector." *Relations industrielles/Industrial Relations*, 2003; 58: 202 and Banerjee, Daly, Armstrong et al, *op.cit.*

88 Dolan, Catherine S., "On Farm and Packhouse: Employment at the Bottom of the Global Value Chain" *Rural Sociology*, 69(1), 2004, pp. 99-126.

89 For example, predominantly female harvesters on East African flower farms have been compelled to pick flowers at the same time as the spraying of pesticides is taking place in order to expedite the export of the flowers, without being given any protective clothing or advice on how to protect themselves in such a hazardous environment. Women Working Worldwide: *Promoting Women Workers' Rights in African Horticulture*, Online: http://www.poptel.org.uk/women-ww/WWW_Research_Overview_FINAL.pdf

90 Hoel et al, 2001, *op.cit.* at 21.

91 The World Bank has reported that between a quarter and a third of women in countries surveyed were found to be physically abused by their family and the number is higher if emotional abuse is taken into account. See Heise, L., Pitanguy, J. & Germain, A. Violence against women: The Hidden Health Burden. *World Bank Discussion Paper 2555*, Washington DC: World Bank, 1994).

92 UN, *Ending Violence Against Women*, *op.cit.*

93 United Nations, *In-Depth Study on All Forms of Violence Against Women*, Report of the Secretary General, 2006, at para. 136 -144. See Margaret L. Satterthwaite, *Crossing Borders, Claiming Rights: Using Human Rights Law to Empower Women Migrant Workers*, 8 *Yale Hum. Rts. And Dev. L.J.* 1(2005) for general discussion of exploitation of women migrant workers. Including physical and sexual abuse. See also Smith, Rebecca, *Human Rights at Home: human rights as organizing and legal tools for low wage workers*. 3 *Stanford J CR CL* (2007) 285-315; and Kennedy Nyabuti Ondimu, *Workplace Violence Among Domestic Workers in Urban Households in Kenya: A Case of Nairobi City*, EASSRR, vol. XXIII, no. 1 (January 2007)

94 Hodges, ILO, *op.cit.* at 9.

has become the leading cause of death for women .⁹⁵ Furthermore, the Juarez killings of around 320 women in Mexico and 1460 murders of women in Guatemala were in areas around maquilas or export processing zones with a majority of vulnerable women workers.⁹⁶

The International Crime Survey shows that workplace victimization is greatest in industrialized countries, with non-sexual and sexual assaults most prevalent in Latin America. Ten per cent of violent incidents involving women took place in the workplace, with young workers such as hotel workers particularly vulnerable to sexual assaults. One study found "almost two-thirds of nonfatal assaults occurred in service industries, such as nursing homes, hospitals, and other establishments providing residential care and other social services."⁹⁷ With some evidence that physical assaults are on the rise in the workplace, female workers are significantly at risk as they predominate in high risk occupational sectors such as retailing and other service industries along with health and social services.⁹⁸ With Filipino women one-half of all overseas workers, research discloses shows that these women are frequently and disproportionately affected by violence associated with employment. Domestic migrant workers report high levels of physical assault at work.⁹⁹ All of this violence is too often socially condoned and tolerated.¹⁰⁰

While both men and women experience violence and harassment at work, the conditions and incidence are often different. In a recent study using a gender sensitive analysis of workers compensation decisions, it was found that violent incidents involving women were increasing while violence against men was decreasing. As well, the actions experienced by women were more often verbal than physical, led more often to psychological rather than physical injury, and the period of disability caused by the injury was longer for women.¹⁰¹

The 1993 UN Declaration on the Elimination of Violence Against Women called on the world to recognize that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men which then contributes to their inferior societal and work conditions.¹⁰² As noted by a recent ILO study, powerlessness and vulnerability "lies at the root of a great deal of violence at work."¹⁰³ Assessing the specific causes of work violence requires an assessment of many factors, including behaviour, the workplace environment, the conditions of work, the way in which co-workers interact, the way that customers or clients interact with workers and the interaction between managers and workers.¹⁰⁴ Country specific

95 ILO, "When working becomes hazardous" *World of Work* (ILO), No. 26, September/October 1998 Online: <http://www.ilo.org/public/english/bureau/inf/magazine/26/violence.htm>

96 UN, *Ending Violence Against Women*, *op. cit.* at para. 127.

97 Hoel et al., *op. cit.*; Banerjee, Daly, Armstrong et al., *op. cit.*

98 Bulatao, E.Q. & VandenBos, G.R. (1996) *Workplace violence: Its scope and the Issues*. In G.R. VandenBos & E.Q. Bulatao (Eds). *Violence on the Job* (p1-23). Washington, DC: American Psychological Association.

99 Chappell & Di Martino, *op. cit.*, at. 3-5

100 "The IACHR Special Rapporteur Evaluates the Effectiveness of the Rights of Women in Guatemala to Live free from Violence and Discrimination", Press Communique, No. 2004, Inter-American Commission on Human Rights.

101 Lippel, K., *Les agressions au travail : un même traitement pour les travailleurs et les travailleuses?*, *Recherches féministes*, 2001; 14(1): 83-108.

102 United Nations, *Declaration on the Elimination of Violence against Women*. General Assembly Resolution 48/104 of 20 December 1993 [http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.RES.48.104.En](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.48.104.En).

103 "Taming the Beast: A Look at the Many Forms and Guises of Workplace Violence", *World of Work* (ILO), No. 56, April, 2006 at 25.

104 See Di Martino, V., *Violence at the Workplace: the Global Challenge*. Presented at International Conference on Work Trauma, Johannesburg, 8 - 9 November 2000. Online: <http://www.ilo.org/public/english/protection/safework/violence/violwk/violwk.htm>

cultural and economic factors also affect the perception of violence and stress and as well as how individuals and institutions react.¹⁰⁵ While they are related, violence, harassment and stress also need to be considered separated in order to be understood appropriately.

VI. KEY POLICY DIRECTIONS FOR REALIZING WOMEN'S OSH EQUALITY RIGHTS

Informed by the lessons learned in enforcing women's human rights, this Part briefly reviews some key policy directions and considerations to assist equality seekers. This includes duty bearers such as state actors and enterprises, women and their voice representatives and other equality promoting institutions and civil society organizations. Some examples of promising practices, laws and mechanisms are referenced at Annex A. The selected reference sources in Annex B provide more detailed guidance. In summary, there is a need to concentrate on actions which are goal-oriented, action-based and designed to achieve progress over a realistic time-scale. There is no single path to OSH gender equality and each country must chart its own mechanisms, mainstreaming gender issues into OSH governance, as well as simultaneously mainstreaming OSH issues into gender equality governance.

Making Safe Work for Women a Priority - The Role of Rights and the State: OSH governance discussions should start from the premise that securing equitable and safe work for women is a mandatory obligation, reinforced by international and regional standards and by relevant national and local laws. This means women's OSH risks/ hazards and health outcomes should be given a priority in research, public education, law reform and prevention activities.¹⁰⁶ Current resources, knowledge and experience can be used to immediately start to make a difference in women's OSH outcomes, even as work is carried out on getting better data and mechanisms. The state, as the guardian of human rights, has the responsibility for enacting equality promoting mechanisms and resourcing those mechanisms to the degree practical.

Adopting a Comprehensive (Holistic) and Integrated Approach: To break women free from the web of socio-economic and political inequalities they face in their home, community and other workplaces requires a combination of transformative and integrated interventions which address the specific constraints and prejudices that interact in complex and specific ways, depending on the particular work and enterprise, local or country context.

Adapt the OSH Governance Model to Protect the Diversity of Women and their Work: Mechanisms must adapt to a new regulatory paradigm where, depending on the women and their work, different equality promoting mechanisms may be necessary. This can include not only state labour mechanisms but also trading rules or criminal law measures (eg. for violence) and other non-state norms such as corporate social responsibility and agreements negotiated by women's voice organizations.¹⁰⁷ This requires state actors, trade unions and employers along with other non-state actors to work together to carry out different but intersecting equality and OSH roles.¹⁰⁸ Existing OSH mechanisms should be audited for gender bias. Protocols should be developed to

105 Hoel. et. al. *Op.cit* at 64.

106 EASHW Fact Sheet #42 *op. cit.*

107 See ILO, The Employment Relationship, Report V(1), International Labour Conference, 95th Session 2006, International Labour Organization, Geneva; Adelle Blackett, *Global Governance, Legal Pluralism and the Decentred State: A Labor Law Critique of Codes of Corporate Conduct*, (2001) 8 *Ind.J. Global Leg. Stud.* 401; Adelle Blackett & Colleen Sheppard, *Collective Bargaining and Equality: Making the Connections*" (2003) 142 *International Labour Review*, 419.

108 Adelle Blackett, *Global Governance, op. cit.* .

take account of gender issues, differences and inequalities in each of the OSH phases. Each should take account of the many safety and health impacts arising from women's work environment, their work-family balance and the structural conditions which impact on women's work.

OSH Mapping and Research Approach: Effective OHS governance at any level starts with an accurate picture or "mapping" of the specific equality and safety and health issues facing women and the particular work at issue¹⁰⁹ Such mapping serves a number of human rights functions: 1) by making visible discriminatory actions and their impacts, it shines a light on wrongful practices; empowers the vulnerable to seek redress and reduces their stigma; 2) it provides an informed foundational basis for designing effective strategies to address different circumstances; and 3) it facilitates monitoring progress in discrimination reduction and the effectiveness of interventions.¹¹⁰ Research and epidemiological methods should be audited for gender bias in topics, data and conclusions. Implementation and evaluation indicators and definitions should include measures for women's occupational risks based on real exposure times and understandings of women's OSH conditions.¹¹¹

Planning for Safe and Equality Promoting Work: Systemic discrimination calls for systemic and pro-active planning and remedies.¹¹² Relying on workers to complain in order to obtain safe conditions is an undue burden on already vulnerable groups. Decent Work Country Programmes linked with country Poverty Reduction Strategy Papers and CEDAW and ILO Convention Reports provide an important way to plan for gender-sensitive OHS policies and programmes as integral and inter-related parts of other gender equality promoting strategies.

Enterprises/Suppliers: Employers have the obligation to develop standards and practices which are inclusive of all rather than developing standards based on the male or able-bodied worker.¹¹³ Companies operating in the global economy with global supply chains are increasingly called upon to assume greater responsibility for compliance with international labour standards in their supply chain operations. Securing the right to a safe and healthy workplace is no longer considered only a direct employer's or a government's responsibility. Suppliers, whether they be direct employers or contractors, are facing increased demands to ensure that this right is being provided.¹¹⁴

Empowering Women's Voice - Education, Training, Consultation and Trade Union Rights: With OSH decision-making continuing to be male-dominated, measures need to be taken to promote the inclusion of women and their experiences and knowledge in OSH design and implementation. through effective gender sensitive workplace consultation mechanisms. This requires identifying and redressing barriers facing women's effective participation including an analysis of the personal and power politics in workplaces and broader societal relationships. Consultation policies will not be effective unless women are enabled to use them. Facilitating

¹⁰⁹ See Sassen, S., (2002) "Women's Burden: Counter-geographies of Globalization and the Feminization of Survival", in *Nordic Journal of International Law* 71(2)

¹¹⁰ Cornish, Closing the global gender pay gap, *op.cit.*

¹¹¹ EASHW Fact Sheet #42, *op. cit.*

¹¹² Cornish et al., Securing Gender Justice, *op. cit.*

¹¹³ See *CNR v. Canada (Human Rights Commission)* (1987) 1 S.C.R. 1114 ; *British Columbia (Public Service Employee Relations Commission) v. BCGSEU* [1999] 3 S.C.R. 3.

¹¹⁴ ILO, Fair Globalization Report, *op.cit.* and Equality at Work: Tackling the Challenges, *op.cit.*

collective bargaining by trade unions or other women's voice representatives at the enterprise, local and national level also contributes to effective implementation and complaint mechanisms. This helps to improve the reporting of incidents in conditions of safety and confidentiality. Capacity-building education and training informed by gender sensitive research and communications enables duty bearers to provide important empowerment information to women and effectively address women's OSH issues.

Role of Enforcement/Monitoring: Effective, accessible and gender sensitive OSH enforcement mechanisms, tailored to address women's justice needs are essential. The UN-affiliated Commission on the Legal Empowerment of the Poor (CLEP) which reported in June, 2008 highlights the critical role of legal empowerment in extending the rule of law so that poor and informal sector women workers can access the benefits of labor markets, secure their labor rights (including to safety and health) and reduce their vulnerability and poverty.¹¹⁵

CONCLUSION – TOWARDS SUSTAINABLE SAFE AND HEALTHY WORK FOR WOMEN

Changing the way the business of work is carried out so that it delivers more equitable, safe and healthy outcomes for women at all points of the formal/informal economy continuum involves enormous challenges. At the same time it also creates substantial development and economic opportunities. While some progress has been made, given the systemic discriminatory conditions and gender-based OSH risks/hazards and health-outcomes outlined in this paper, the work required of duty bearers to enable the realization of women's OSH equality rights is very great. The costs that are placed upon women are significant until further progress is made. Tackling the issues addressed in this paper requires research, collaboration, action and coordination to further understanding of the issues by state actors, women's representatives, decision makers, policy makers, trade unions, enterprises and NGOs. As everyone works together to realize women's right to safe and health work, they also help to shape and influence the broader dialogue about how best to bring the ILO standard of "decent work" to workers worldwide.

115 See Commission on the Legal Empowerment of the Poor at <http://legalempowerment.undp.org/>. "Making the Law Work for Everyone, Report of the Commission on the Legal Empowerment of the Poor, 2008. http://www.undp.org/legalempowerment/report/Making_the_Law_Work_for_Everyone.pdf

ANNEX ``A``

SOME PROMISING PRACTICES AND MECHANISMS

EOHSBI Brazil Project

EOHSBI is a project developed by a Brazilian-Canadian partnership, funded by the CIDA-ABC Transfer of Technology Fund for Brazil. As part of the goal of strengthening the capacity of small and medium-sized enterprises (SMEs) in selected sectors in the participating Brazilian state, the Project developed ways to integrate OSH into their organizational culture, goals and systems and thereby reduce illnesses, injuries and fatalities for all employees. This included enhancing their capacity to effectively address challenges in the development, implementation, management and evaluation of OHS services and programs. Working with the ILO and the European Agency for Safety and Health At Work Gender Report materials, the project developed a specific gender focus including a gender resource website and materials and checklists for conducting a gender-based OSH analysis.¹¹⁶

The aims of the EOHSBI Gender Strategy are: a) Gender mainstreaming: to highlight the representation and visibility of women and men; b) Attention to diversity and local context: to emphasize the diversity of women and men, particularly as pertaining to race and regional differences; c) Changing access, resources and benefits: to incorporate in the analysis systemic barriers (supports to participation, education and outreach) aiming at changes in the short and medium term; d) promoting inclusivity: to use processes and methods that promote stakeholder engagement, consultation and participation; e) Evidence based: to place particular attention on collecting data that is disaggregated by sex and race, and on using quantitative and qualitative approaches to building the Project gender arguments and interventions; and f) Education and empowerment around gender issues: to focus on central issues such as sexual harassment, balance between work and home life, equal remuneration for work of equal value, and role of men and boys.¹¹⁷

The project includes a very useful Gender Sensitive Occupational Health and Safety Checklist which sets out a series of questions designed to help users start thinking about the ways in which gender and other social factors that structure life may affect the experiences and opportunities of workers, and about the gender-specific hazards workers may face. The topics include pay discrimination/pay equity; gender segregation and job access/job security.¹¹⁸

Gender Sensitive Codes of Conduct

Calvert's Women's Principles, a global corporate code of conduct prepared in partnership with the United Nations Global Fund for Women (UNIFEM) focuses exclusively on empowering, advancing, and investing in women worldwide.¹¹⁹ It requires that "corporations promote and strive to attain

116 See <http://www.ohsbrazil.ca> for more detailed information concerning the project.

117 See http://www.ohsbrazil.ca/gender/3_integrate/index.html

118 Checklist adapted from: Gender issues in safety and health at work - a review, Women and Health at Work. European Agency for Health and Safety at Work, 2003 http://europe.osha.eu.int/good_practice/person/gender/links.php and International Labor Organization (ILO) - Gender Site <http://www.ilo.org/dyn/gender/>

119 See <http://www.calvert.com/womensPrinciples.html> for further information and full text of the Principles.

gender equality by adopting and implementing policies to secure the health and safety and well being of women workers.” This includes their reproductive health, prohibiting and preventing violence and sexual or verbal harassment, eliminating and providing protection from hazards and chemicals known to be toxic to women and providing time from work for various care responsibilities.

European Agency for Safety and Health At Work Model for Gendered Risk Assessment

The engendered Model for Risk Assessment prepared by the EASHW suggests ways to engender each of the OSH steps: 1) Hazard identification, for example: ask both women and men what problems they have in their work in a structured way and avoid making assumptions; 2) Risk Assessment: for example, make sure instruments and indicators used are developed and reviewed to ensure they raise issues relevant to men and women workers and don't make assumptions based on the job title; 3) Implementation of solutions: for example, provide protective equipment which addresses needs of women workers and ensure part-time and agency workers are included in the analysis and training; and 4) and 5) Monitoring and Review: for example, remaining up-to-date with gender-related OSH research and practices and include women in process.¹²⁰ Other recommendations include targeting specific types of women's work at both the enterprise and individual levels, planning for human variability, further research and data collection, and participation by women in the decision-making process.¹²¹

Work Violence and Harassment

Research has shown that multiple interventions are usually necessary to address workplace violence effectively.¹²² The Assaulted Staff Action Program (ASAP) team provides first line service on individual or group basis in form of counselling and regular follow up. This can include the family of the victim and includes efforts to assure victim workplace is safe and monitoring for symptoms of Post Traumatic Stress Disorder. In US hospitals where the ASAP protocol was used, there was a 40% drop in assaults within 6 months of the Program starting and an estimated savings of \$US 268,000 in no turnover after cost of program was deducted, with morale improved and productivity maintained.¹²³

In the limited studies which have taken place today concerning domestic violence interventions, the following factors appear to be central: widespread distribution of workplace information aimed at employees in general and victims of domestic abuse in particular, including resources available locally; introduction of a safe workplace/zero toleration of abuse policy and initiatives to confuse and deter the abuser such as relocation of the workstation, changes to the work schedule, use of silent alarms, off directory telephone number and escort to/from the car park.¹²⁴

While 44 countries now have domestic violence laws, of which 12 are in Latin America, there is still a widespread fear of such victims that they will be met with a wall of disbelief and judgment.

120 See EASHW Report, *op.cit.*, Fact Sheet 43

121 See Forastieri, V. Information Note, ILO, *op.cit.* at 6

122 Hoel, et. al, *op.cit.* at. 58

123 Flannery, R.B. (2000) Post-incident crisis intervention: a risk management strategy for preventing workplace violence. *Stress Medicine*, 16, 229-232.

124 Hoel, et.al, *op.cit.* At 61.

To address this in part, Brazil opened an women's police station in 1985 with multi-disciplinary female teams to meet the needs of women.¹²⁵

South Africa's Code of Practice on Workplace Violence includes bullying and builds on the country's Sexual Harassment Code which was negotiated by enterprises and organized labour. The Code is used by the Council for Mediation and Equity and by the courts.¹²⁶ The UN's Department of Safety and Security has established security guidelines for women which give very specific and helpful advice for many different types of situations including sexual harassment in street, assaults and rape.¹²⁷

In 2000, the EU adopted a Resolution on moral harassment at work. In 2002, it amended its Directive on equal treatment for men and women as regards access to employment, vocational training and promotion and working conditions (1976) to include a clause on harassment and sexual harassment in the work place. In 2002, a joint programme of the ILO, the International Council of Nurses, the WHO, and Public Services International (PSI) established a set of Framework Guidelines for Addressing Workplace Violence in the Health Sector.¹²⁸ Olsen also cites guidelines established by the International Transport Workers' Federation (ITF) entitled *Air Rage: the prevention and management of unruly passenger behaviour*. The ILO published in November 2003 its Code of Practice on workplace violence in services sectors and measures to combat this phenomenon. The Code provides guidance in dealing with violence at work including developing national laws and the promotion of dialogue, consultation and negotiation amongst stakeholders. It also calls upon employers to create risk reduction measures at their workplaces which are to include the greater documentation of workplace violence.¹²⁹

Use of Incentives

In UK, the Department of Transport awarded money for innovative projects to "stamp out workplace harassment" This is good example of public initiative which follows the ILO approach of combining justice with good economic sense.¹³⁰ Public funding of business initiatives appears to stimulate action.¹³¹

Street vendors

The 1995 Bellagio International Declaration of Street Vendors, calls on governments to develop national policies to improve vendors' conditions, including improving licensing, involving vendors in urban development plans and providing access to child care.¹³²

125 Hayward, Ruth Finney, *Breaking the Earthenware Jar: Lessons from South Asia to End Violence against Women and Girls*, UNICEF Regional Office for South Asia, 2000

126 Steinman, S. (2000) *Internet Survey of Experience of Workplace Bullying in South Africa*. Personal Correspondence.

127 United Nations Department of Safety and Security, "Be Safe. Be Secure": Security Guidelines for Women, 2006.

128 International Labour Organization, International Council of Nurses, World Health Organisation, Public Services International *Framework guidelines for addressing workplace violence in the health sector*, (ILO Joint Programme on Workplace Violence in the Health Sector: Geneva, 2002)

129 See Lene Olsen, *Service Sectors: ILO code of Practice Combats Workplace Violence* pg 61-64

130 Hoe et.al, *op.cit* at 63.

131 Hoel et.al *op.cit*. at 65.

132 Cohen, M. "Women Street Vendors: The Road to Recognition", SEEDS Pamphlet No. 20 (New York: Population Council, 2000) at 18.

Steps in Gender-Based Analysis

The Canadian Government prepared for the 1995 Beijing World Conference on Women a document detailing how to engender public policy through gender-based analysis. This also includes a very useful checklist relating to the steps of the policy analysis:¹³³ 1) identifying the issue; 2) defining desired/anticipated outcomes; 3) gathering information; 4) conducting research; 5) developing and analysing options; 6) making recommendations; 7: communicating the policy; and 8) evaluating the analysis. ¹³⁴ The questions in the above analysis have been adapted for application to OHS issues as follows:

- Identifying the Issue: Are both women's and men's experiences reflected in the way OSH issues are identified?
- Defining Desired/Anticipated Outcomes: What do you want to achieve with the OHS policy, and how does this objective fit into stated commitments to social and economic equality? Who will be affected? How will the effects of the policy be different for women and men, girls and boys?
- Gathering Information: What types of gender-specific data are available and/or needed?
- Conducting Research: How will the research you consult or conduct address the different experiences of men and women?
- Developing and Analysing Options: How will each option have a different effect on women's or men's social and/or economic situation and OHS risks, hazards and outcomes? How will innovative solutions be developed to address the gender issues you have identified?
- Making Recommendations: In what ways is gender equality a significant element in weighting and recommending options? How can the policy programming be implemented in an equitable manner?
- Communicating the Policy: How will the communications strategy ensure that information is accessible to both women and men?
- Evaluating the Analysis: How will gender equality concerns be incorporated into the evaluation criteria? How can this be demonstrated? What indicators will you use to measure the effects of the policy/programme on women and men?

133 See Government of Canada, http://www.international.gc.ca/foreign_policy/human-rights/lwe5-steps-en.asp

134 See Government of Canada, http://www.international.gc.ca/foreign_policy/human-rights/lwe5-steps-en.asp

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