

Gender and Collective Bargaining

Discussion notes for the Cosatu Gender Conference

27 – 29 March 2012

Towards a clear Cosatu position on gender and collective bargaining

Resolutions adopted at the past three Cosatu Congresses (8th, 9th and 10th) have made limited reference to gender and collective bargaining. The references are as follows:-

- The Gender resolution adopted in the 8th Congress stated that “Affiliates should define gender issues for collective bargaining and strategies to achieve them.” (clause 5)
- In the 9th Congress, the Federation reaffirmed and elaborated on the 2003 resolution on a quota for women’s representation. The new resolution included a statement that “Resources should be allocated to build capacity of women and enable gender structures to carry out their work” (clause 8), but there was no specific reference to women and trade union organising or collective bargaining.
- The opening statement of the gender resolution adopted in the 10th Congress reaffirmed the previous resolutions and went on to resolve to “Encourage affiliates to elect women to leadership levels in office bearer and national structural positions. This should include women representation in bargaining forums.” (clause a, first bullet point).
- A later bullet point in the same clause stated that “Affiliates’ national structures should set policy guidelines around recruitment of women organisers, aiming to increase the number of women organisers to at least one third.” The important link between collective bargaining and organising was therefore made in this resolution. The resolution continued in clause g) to state that “Collective bargaining and employment equity promotion should be used to ensure gender equality in the workplace.”

While these statements of intent were important, they have been insufficient to provide clear guidelines to ensure that the collective bargaining content and processes of affiliates are gender sensitive and empower women.

The purpose of this Commission then, is to develop guidelines which will be taken to the 11th Cosatu Congress in the form of a resolution.

The discussion will focus on three areas:-

- Identifying gender issues for collective bargaining
- The organising efforts required to win the issues at the bargaining table
- Women’s empowerment in the collective bargaining process itself

Identifying gender issues for collective bargaining

What gives collective bargaining issue gender content? The gender content can be found in the issue of workplace equity OR in reproductive (societal) equity and rights. The categories do overlap with each other.

Examples of workplace gender equity issues are:-

- Equal pay for work of equal value, and grading policies
- Training and promotion policies
- Sexual harassment policies and procedures
- Health and safety rights, with special reference to women workers

Examples of reproductive equity and rights that can be bargained are:-

- Maternity Protection and the right to full pay
- Breast-feeding policy
- Paternal leave and family responsibility leave
- Child care subsidies and/or provision
- Reproductive health and wellness (women and men)
- HIV & AIDS policies
- Safe, subsidised transport to and from work

The organising effort to ensure we win our demand

No collective bargaining demand can be won if the constituency does not own the demand. First and foremost it must be a demand that the membership, or at least a section of membership, has expressed as something that they want. But this is not nearly enough. If the demand is simply put on the bargaining table, without a process of membership discussion and education, it is most likely to be lost.

There is a good chance it will simply drop off the table, as the negotiations hot up, and pressure is put on the union negotiating team to narrow down the demands. Demands that appear to benefit women only, especially where they are a minority of the membership, are most vulnerable to being dropped. That is, unless the constituency is strongly organised to defend and advance the demand.

Organising to defend and advance a gender demand, or set of gender demands, requires membership education and agitation. The importance of the demand/s may not be well understood, so verbal explanations in general meetings and written explanations through pamphlets or reports, are important tools. Printed or hand written posters can also be useful in popularising the demand/s. These of course are general organising tools, and they apply to all demands. But they are especially needed to keep gender demands alive.

As part of organising around gender demands, having at least one leadership figure as a champion of the demands is helpful. **Motivation** and **leadership** on the issue from a male comrade is often particularly effective. On the other hand, if a woman takes on the role of champion, it can also be an effective learning and empowerment experience for her.

The presence of women organisers in the process is also important. Women organisers can be the educators and communicators, and role models to the shop stewards. This is not to say that male organisers cannot play this role. But an all-male choir of union officials will not get very far in taking the women membership along with demands which are seen to be of special interest to women!

The organising process remains important throughout the negotiations. It is especially important at the point of having to seek new mandates or revise demands. Organising, through general meetings, deep discussion, and honest collective assessments of strengths and power, is critical at the point of declaring a dispute and also at the point of seeking a mandate on whether to go on strike in support of the demand/s.

Women's empowerment in the collective bargaining process

Having a clear set of demands, and organising around these demands, is the first step towards winning the demands. But it is not enough. There needs to be a plan for how to negotiate the issue at the negotiating table.

If the demand is particularly complicated, then it is helpful for the shop stewards committee and the negotiators in particular, to meet to discuss their understanding of the issues, and to decide on how the demand should be motivated in the negotiations.

Because the issues are sometimes quite new to the negotiators, motivations can get very mixed up e.g. a (male) negotiator confusing access to free pap smears with maternity leave! If the matter is going to be taken seriously by the union negotiating team as well as by management, then there must be no room for such comical errors.

Being part of a negotiating team can be a very empowering process. But it can also be very disempowering; especially if the team practice is that there is only one spokesperson. At the start of the negotiations, the best practice is for items to be divided up amongst the team, with each item being motivated by a different team member. This is a perfect opportunity for women members of the team to practice putting an argument across. And if there are no women members of the team, then in line with Cosatu's resolutions on women quotas at all levels, steps should be taken to correct this!

The participation of women in negotiations often breaks down at the point of a strike, and intense settlement negotiations. This is also often the point at which gender related demands are dropped. Democratic mandating and decision making often gets sacrificed during a strike, in favour of semi-secret plotting, in places and at times that are often excluding of women (e.g. late night pub talk).

The negotiating process itself is often excluding too. How often have you heard of final negotiating sessions that run for 20 hours, around the clock, and where the women negotiators have had to excuse themselves mid-stream in order to go home to attend to their children? These are union cultural practices that we have to guard against. Women comrades have an important role to play in ensuring that principles of full membership

involvement, mandating, and accountability, are retained no matter what the pressures are.

Summary

In sum, if we are to make gains for women at the bargaining table, then we need:-

- Clear demands
- Good organising strategies to support the demand/s, preferably with the involvement of women organisers and leaders
- Good preparation and planning on how to present and negotiate the demand/s, with women as active participants in the negotiating team