



International
Labour
Organization



DECENT WORK AND GENDER RESPONSIVE LABOUR INSPECTION



Canadian International Development Agency

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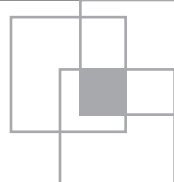
Every effort has been made to ensure the accuracy of the contents of this report. This publication is developed under Gender Equality for Decent Employment an ILO project funded by Canadian International Development Agency.

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FOREWORD

Over the last few years Pakistan has made significant advancements in promoting women's rights and gender equality for women and men. Much of this improvement comes from the concerted efforts of governments, employers and workers to put in place structures and systems that promote women's employment with the aim to achieving gender equality. Testament to this is the fact that Pakistan has ratified all eight fundamental ILO conventions including those that directly contribute to gender equality; C100 Equal Remuneration Convention, 1951 on 11 Oct 2001 and C111 Discrimination (Employment and Occupation) Convention, 1958 on 24 Jan 1961.

We have seen women's labour force participation rates increasing, and affirmative action policies to promote women's recruitment in the government and legislature. Recent legislative reforms are aimed at protecting women in the workplace, and women are generally more visible in media and public spaces as confident, intelligent, successful contributors to the country's economic and social development.

But challenges remain. Despite advances in educational levels, women are over-represented in low paying jobs and under-represented in executive, management and technical positions. The gender pay gap persists, as does discrimination related to maternity and horizontal and vertical segregation in the labour market. More women than men work in the informal economy where decent work deficits are the most serious. In the formal economy, women are under-represented in decision making structures, for example, in employers' and workers' organisations, and have ineffective or no voice.

And since we know what the gender based challenges of employment are, and now that more and more women are entering the workforce, it is our duty to ensure that women and men are enabled to participate in and benefit from their work, without discrimination. One of the best ways to do this is through an efficient and effective labour administration system, with a robust inspection programme.

Labour inspection plays a key role in monitoring and evaluating gender equality outcomes for women and men. Pakistan ratified the ILO Labour Inspection Convention (C81) on 10 Oct 1953, which outlines the functions of labour inspectors and the scope of their work. After the 18th Constitutional

Amendment in 2010, labour administration, with its inspection mandate, is now a provincial responsibility, for which the National Labour Protection Policy 2006 provides progressive, gender mainstreamed guidelines upon which Labour Departments can build.

Given the central role of labour inspection in the Departments of Labour mandates and the fundamental importance it has in ensuring that the rights of women and men in the workplace are respected and addressed, the ILO, in collaboration with the four provincial Departments of Labour, is pleased to present this publication on “Gender Responsive Labour Inspection”. This toolkit provides reference material, background reading and an easy to use, comprehensive, gender mainstreamed checklist to help inspectors conduct their inspection duties in a systematic way and analyse information to capture gender disparities. The reporting that ensues from gender responsive labour inspections will help Labour Departments better capture information on gender and the world of work and improve their reporting on compliance and progress on the application of international labour standards.

The ILO is confident that this publication will provide useful, practical information on gender responsive labour inspection and the checklist will facilitate its use across the country.

Signed on behalf of the Department of
Labour and Manpower,
Government of Balochistan



Mr. Abdul Qayyum Kakar
11 October 2012

Signed on behalf of the Department of
Minerals, Industries, Commerce and Labour,
Government of Gilgit-Baltistan



Mr. Abdul Hameed Khan
11 October 2012

Signed on behalf of the
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Mr. Aizaz Ur Rehman
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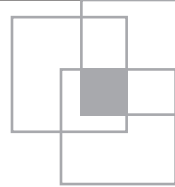
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Mr. Arif Elahi
11 October 2012



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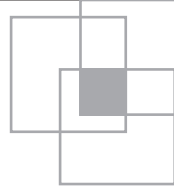
We would like to extend our thanks and special acknowledgements to Mr. Tahir Manzoor, Director, Department of Labour Punjab and Gender Focal Point (GE4DE) in taking this initiative and for bringing his great experience covering many years to the project and the writing of much of the material in this publication. His professionalism and dedication to furthering the cause of modern labour inspection in Pakistan is to be commended.

Our appreciation also goes to all the Gender Focal Points; Mr Irfan Ullah Khan, Director, Department of Labour, Khyber PukhtunKhwa, Mr. Gulfam Memon, Deputy Director, Department of Labour Sindh, Mr. Shahid Ali, Assistant Director, Department of Labour Gilgit Baltistan and Mr. Muhammad Zahir, Research Officer, Department of Labour Balochistan, for their specific inputs to the checklist.

Our grateful acknowledgements are also extended to the Secretaries and Directors of the Provincial Labour Departments for releasing their staff to work on this important knowledge and practice product.

We would also like to thank Ms. Saadya Hamdani, Gender Specialist, ILO Decent Work Technical Support Team for South Asia, New Delhi for her technical feedback and helping make this a stronger, more gender responsive tool.

Finally our thanks to Ms. Rabia Razzaque, Programme Officer, Gender Equality for Decent Employment (GE4DE) for her part in bringing together this important tool in order to make it available to a wider audience, to the benefit of labour inspectorates, employers and workers throughout Pakistan and Ms Frida Khan, National Project Coordinator, (GE4DE) for overall supervision and her commitment to ILO's mandate on Gender Equality.



EXECUTIVE SUMMARY ■

Globalization has brought about major changes, which has had an impact on the lives of all men and women, ushering in rapid growth, transformation in the supply chain, new opportunities in employment and also new technologies. On the one hand, this progress has reduced barriers for women, creating more employment opportunities and increasing the number of women in employment. On the other hand, job quantity for women is not matched with job quality- many of the new jobs are often in precarious and informal employment which cannot be categorized as decent work, and are characterized by low pay, few opportunities for growth and development at work, little or no access to social security, social protection, social dialogue, as well as an absence of the full enjoyment of workers' rights.

International labour standards provide the framework and guidance for national legislation that can ensure decent work for women and men. The implementation of labour standards is monitored through the labour inspection system which provides the data for countries to report progress on the application of labour standards.

An important role of labour inspection in any country is the promotion of compliance with national labour legislation as well as good labour practices, to achieve basic workers' rights, balanced socio-economic development, and sound and effective industrial relations as a basis for constructive social dialogue and thus fair economic growth. Labour inspectorates are expected to assist management and workers in developing good labour practices and achieving social justice and decent work for all.

In order to ensure decent work for all, it is imperative that labour inspection is made more inclusive and responsive to gender needs and realities, which also means looking at vulnerable groups (including women) in a disadvantaged situation such as maternity protection, harassment at work, or child labour, home workers, work in the form of bondage etc. The modern approach of labour inspection is in accordance with the spirit of International Labour Standards and if followed properly can facilitate ratifying countries in reporting on their international and national obligations vis-à-vis gender equality.

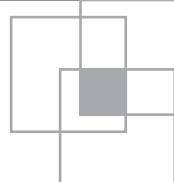
The Government of Pakistan has ratified all eight of the fundamental ILO Conventions as articulated in the 1998 Declaration on the Fundamental

Principles and Rights at Work¹ including the two main pillars for promoting gender equality which are C100 Equal Remuneration Convention, 1951 ratified on 11 Oct 2001 and C111 Discrimination (Employment and Occupation) Convention, 1958 ratified on 24 Jan 1961.

To help government, workers and employers promote international labour standards in their work, the ILO Office for Pakistan has, in collaboration with the constituents, developed the second Decent Work Country Programme. Strengthening labour administration and the government's capacity to report on progress on labour standards implementation have emerged as priority areas of work. To ensure that this work promotes equity and non-discrimination in its application, Promoting Gender Equality for Decent Employment (GE4DE), an ILO project funded by the Canadian government, has taken the lead in mainstreaming gender in labour inspection through the development and it is hoped, eventual application, of this toolkit for gender responsive labour inspection.

This toolkit provides reference material and guidelines to make labour inspection gender responsive, by examining issues in respect to the needs, expectations and experiences of women, men, girls and boys.

1. http://www.ilo.org/dyn/normlex/en/f?p=1000:11110:0::NO:11110:P11110_COUNTRY_ID:103166
C29 Forced Labour Convention, 1930 (ratified by Pakistan on 23 Dec 1957)
C87 Freedom of Association and Protection of the Right to Organise Convention, 1948 (ratified by Pakistan on 14 Feb 1951)
C98 Right to Organise and Collective Bargaining Convention, 1949 (ratified by Pakistan on 26 May 1952)
C100 Equal Remuneration Convention, 1951 (ratified by Pakistan on 11 Oct 2001)
C105 Abolition of Forced Labour Convention, 1957 (ratified by Pakistan on 15 Feb 1960)
C111 Discrimination (Employment and Occupation) Convention, 1958 (ratified by Pakistan on 24 Jan 1961)
C138 Minimum Age Convention, 1973 (ratified by Pakistan on 6 July 2006)
C182 Worst Forms of Child Labour Convention, 1999 (ratified by Pakistan on 11 Oct 2001)



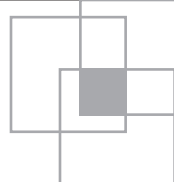
ACRONYMS

CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CIDA	Canadian International Development Agency
DOL	Department of Labour
DVCs	District Vigilance Committees
DWA	Decent Work Agenda
ECA	Employment of Children Act
ECOSOC	Economic and Social Council
GE4DE	Gender Equality for Decent Employment
GM	Gender Mainstreaming
GRLI	Gender Responsive Labour Inspection
HRD	Human Resource Development
ILO	International Labour Organization
ILS	International Labour Standards
IRA	Industrial Relations Act
OS&H	Occupational Safety and Health
TU	Trade Union



DECENT WORK AND GENDER RESPONSIVE LABOUR INSPECTION

The International Labour Organization ■
Labour Inspection ■
Modern Labour Inspection ■
Gender Mainstreaming in Labour
Administration and Inspection ■
The Gender Responsive
Labour Inspection Toolkit ■



THE INTERNATIONAL LABOUR ORGANIZATION

Background

The International Labour Organization (ILO) is the United Nations agency devoted to advancing opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity. Its main aims are to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue in handling work-related issues.

The ILO is the only tripartite United Nations agency in that it brings together representatives of governments, employers and workers to jointly shape policies and programmes.

The ILO is the global body responsible for drawing up and overseeing international labour standards. Working with its 185 member States, the ILO seeks to ensure that labour standards are respected in practice as well as principle.

Decent Work

Decent work is productive work performed in conditions of freedom, equity, security and human dignity to which women and men have access on equal

terms. It includes safe work and social protection for families, better prospects for personal development and social integration, freedom to express concerns, organize and participate in decision making, as well as non-discrimination and equality of opportunity and treatment for women and men.

Decent work is about:

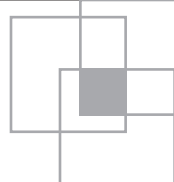
- Respecting the rights at work laid down in international labour standards
- Accessing decent employment, income and working conditions
- Providing social protection: safe work and social security
- Representing voice in decision making through social dialogue
- Addressing both women's and men's needs, perspectives and priorities

Economic growth on its own is not enough to end poverty. Achieving this requires development that is equitable, inclusive and sustainable. Decent work provides a path to this and is therefore crucial in reducing poverty. As of 2011, 189 ILO Conventions and 201 Recommendations covering all aspects of the world of work have been developed. A supervisory process helps to ensure that standards ratified by individual member States are applied and the ILO provides advice in the drafting of national labour laws. With the adoption of the Declaration on Fundamental Principles and Rights at Work in 1998, ILO member States decided to uphold a set of core labour standards regardless of whether they had ratified the relevant conventions. These are basic human rights and a central plank of decent work.

Decent Work and Gender Equality

ILO's Decent Work platform covers all workers without exception and gender equality is integral to it. But let's take a closer look at what it means in terms of gender equality promotion. In particular it means:

- Non-discrimination and equality of opportunity and treatment for men and women for obtaining meaningful career development
- Equal remuneration for work of equal value
- Equal participation in governance & decision-making
- Equal freedom of association and right to organize
- Work life balance that is fair to men and women
- Equal access to safe work, including freedom from all forms of Gender-Based Violence such as sexual harassment at the workplace, social security & maternity protection



LABOUR INSPECTION

Labour Inspection

Labour Inspection is a part of labour administration that deals with the issues of promotion, supervision and enforcement of the labour legislation and the principles of labour policy at the workplace.

The primary mission of any system of labour inspection is to ensure compliance with labour laws. Labour laws are the set of national regulations and standards designed to protect all workers while at work, and in modern systems also the self-employed and the general public, from any negative effects of work in progress. How best to ensure full compliance with the law is a matter of much discussion, and the more high-performance labour inspection systems the world over have developed different approaches, usually in the form of comprehensive, coherent and consistent national enforcement policies.

Why Labour Inspection?

An effective system of labour inspection at the national level, carried out by professionally trained and adequately resourced inspectors, who are suitably qualified and independent of inappropriate external influence, benefits both employers and workers.

Studies show that the costs resulting from occupational accidents and illnesses, absenteeism, abuse of workers and labour conflict can be very high. Labour inspection can help prevent these problems and thereby enhance productivity and economic development². The labour inspection system has the potential to play an even greater role than it has hitherto, in ensuring the protection of both

2. W. v. Richthofen: Labour Inspection: A guide to the profession (Geneva, ILO, 2002), pp. 121-133 and 146.

men and women workers in all sectors and at all levels; in ensuring compliance at national level with national labour laws; and, ultimately, in assisting and strengthening the international supervisory system. A strong and effective labour inspectorate provides not only better protection, but also better prevention and productivity at work, to the benefit of everyone.

International Labour Standards

Labour administration and inspection are described in specific labour standards. C150- Labour Administration Convention, 1978, and R158 - Labour Administration Recommendation, 1978, contain a set of general provisions defining the role, functions and organization of national systems of labour administration. The C081 - Labour Inspection Convention, 1947, serves as the basic international instrument on labour inspection, targets the enforcement of laws relating to conditions of work and the protection of workers in industrial and commercial workplaces. C129, Labour Inspection (Agriculture) apply to agricultural undertakings with salaried employees or apprentices, and, subject to a declaration by the ratifying member State, to tenants, sharecroppers, members of cooperatives or even the family of the operator, thus in effect to what is known as the rural "informal sector". A Protocol of 1995 to C081 reaffirms that Convention's principles and promotes its application to "non-commercial services" (essentially public administration, public utilities, local authorities, but also the armed services, police, prison, etc.), while at the same time providing sufficient flexibility to ensure that legitimate concerns (such as national security and the proper functioning of the executive) do not stand in the way of applying the Convention to the public sector.

The ILO Labour Inspection Convention (C081), 1947³

The ILO Labour Inspection Convention C081, ratified by 143⁴ member states including Pakistan on 10 Oct 1953, provides benchmarks for effective labour inspection.

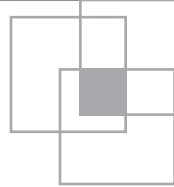
Article 2. The system of labour inspection in industrial workplaces shall apply to all workplaces in respect of which legal provisions relating to conditions of work and the protection of workers while engaged in their work are enforceable by labour inspectors.

Article 3. The functions of the system of labour inspection shall be:

- (a) to secure the enforcement of the legal provisions relating to conditions

3. http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C081

4. http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312226



- of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, safety, health and welfare, the employment of children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors;
- b) to supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions;
 - c) to bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions.

Article 5. The competent authority shall make appropriate arrangements to promote:

- a) effective co-operation between the inspection services and other government services and public or private institutions engaged in similar activities; and
- b) collaboration between officials of the labour inspectorate and employers and workers or their organisations.

Article 8. Both men and women shall be eligible for appointment to the inspection staff; where necessary, special duties may be assigned to men and women inspectors.

Article 10. The number of labour inspectors shall be sufficient to secure the effective discharge of the duties of the inspectorate and shall be determined with due regard for:

- a) the importance of the duties which inspectors have to perform, in particular–
 - (i) the number, nature, size and situation of the workplaces liable to inspection;
 - (ii) the number and classes of workers employed in such workplaces; and
 - (iii) the number and complexity of the legal provisions to be enforced;

Article 11. The competent authority shall make the necessary arrangements to furnish labour inspectors with--

- a) local offices, suitably equipped in accordance with the requirements of the service, and accessible to all persons concerned;
 - b) the transport facilities necessary for the performance of their duties in cases where suitable public facilities do not exist.
2. The competent authority shall make the necessary arrangements to reimburse to labour inspectors any travelling and incidental expenses which may be necessary for the performance of their duties.

Article 12. Labour inspectors provided with proper credentials shall be empowered:

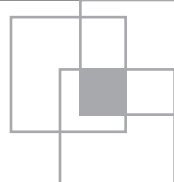
- a) to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection;
- b) to enter by day any premises which they may have reasonable cause to believe to be liable to inspection; and
- c) to carry out any examination, test or enquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed, and in particular—
 - (i) to interrogate, alone or in the presence of witnesses, the employer or the staff of the undertaking on any matters concerning the application of the legal provisions;
 - (ii) to require the production of any books, registers or other documents the keeping of which is prescribed by national laws or regulations relating to conditions of work, in order to see that they are in conformity with the legal provisions, and to copy such documents or make extracts from them;
 - (iii) to enforce the posting of notices required by the legal provisions;
 - (iv) to take or remove for purposes of analysis samples of materials and substances used or handled, subject to the employer or his representative being notified of any samples or substances taken or removed for such purpose.

Article 13. Labour inspectors shall be empowered to take steps with a view to remedying defects observed in plant, layout or working methods which they may have reasonable cause to believe constitute a threat to the health or safety of the workers.

2. In order to enable inspectors to take such steps they shall be empowered, subject to any right of appeal to a judicial or administrative authority which may be provided by law, to make or to have made orders requiring—

- (a) such alterations to the installation or plant, to be carried out within a specified time limit, as may be necessary to secure compliance with the legal provisions relating to the health or safety of the workers; or
- (b) measures with immediate executory force in the event of imminent danger to the health or safety of the workers.

Article 14. The labour inspectorate shall be notified of industrial accidents and cases of occupational disease in such cases and in such manner as may be prescribed by national laws or regulations.



Article 21. The annual report published by the central inspection authority shall deal with the following and other relevant subjects in so far as they are under the control of the said authority:

- a) laws and regulations relevant to the work of the inspection service;
- b) staff of the labour inspection service;
- c) statistics of workplaces liable to inspection and the number of workers employed therein;
- d) statistics of inspection visits;
- e) statistics of violations and penalties imposed;
- f) statistics of industrial accidents;
- g) statistics of occupational diseases.

Functions of Labour Inspectors

Labour inspectors are part of the government administrative system, and their essential purpose is to ensure compliance with all labour protection standards, as well as develop labour relations in an orderly and constructive way. Their primary functions are to

- enforce the labour laws, related regulations, and applicable national standards;
- advise employers and workers on how to best comply with the legal framework;
- report to superiors on problems and defects not covered by regulations; and
- may, if national law so provides, also enforce or monitor collective agreements.

a) Enforcement of Laws. Inspectors must enforce laws concerning:

- terms and conditions of employment, including wages, hours, leave, and overtime payment;
- workplace safety, health and hygiene;
- the employment of children, young persons, and women;
- anti-discrimination legislation.

b) Provide information and advice. Inspectors' duties of providing information and advice to employers and workers include:

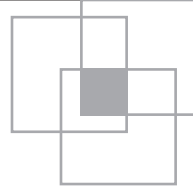
- explaining what the law says;
- indicating whether legal requirements in an establishment are met or not; and
- explaining what needs to be done to comply fully with the law.

Non Payment of Wages: A practice in Pakistan

In case of non-payment of wages (delayed and deducted), the labour inspector can lodge a case in the court of payment of wages of authority established under payment of wages Act 1936. In case of delayed payment of wages the actual amount will be paid to the worker and in the case of deducted wages the employer may be penalized up to 10 times as compensation to the worker.

In giving advice and information inspectors concentrate on what is required to be done according to the regulations and standards in force, rather than how to do it technically. In advising on how to comply with the law, inspectors have to take decisions to the best of their judgment.

- c) Problems not covered by the law.** In the course of their duties inspectors may come across problems not covered by existing laws and regulations which create obvious social injustice. These should be identified, described, explained and reported to senior labour inspection staff at headquarters.
- Problems encountered but not covered by law would normally be included in the inspection visit report. Reported defects can be used as a basis for amending the law.
 - Inspectors have an important, ongoing role in improving social and labour protection standards.
- d) Monitor collective agreements.** In many countries, inspectors perform additional functions, including:
- promoting harmonious relations and social dialogue between employers and workers;
 - investigating complaints and conciliating in disputes between employers and workers;



MODERN LABOUR INSPECTION

The main objectives of a modern labour inspection system should be to improve working conditions and the working environment through:

- Flexible, transparent, fair and innovative approaches to labour inspection.
- Extension of inspection activities in both formal & informal sectors.
- Involvement of private sector in provision of labour inspection services.
- Compliance with labour policies and laws.
- Increased harmony and cooperation between workers and managers.

Modern trends in labour inspection move away from heavy handed enforcement and immediate penalties towards an emphasis on prevention, protection and improvement. Enforcement is seen as a last resort rather than the first and only means of gaining compliance. It places considerable emphasis on improving the working environment wherever possible. It is concerned with all workers in all work situations, including those employed in small and medium sized establishments, as well as those engaged in informal economy activities.

Modern labour inspection is concerned with prevention, protection and improvement in three main areas.

- The terms under which workers are employed.
- The conditions under which work takes place with regard to the safety of workers.
- The general environment in which work takes place with regard to heat and ventilation, dust, noise etc.

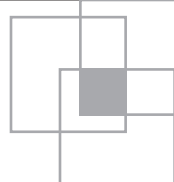
Expanding Scope of Modern Labour Inspection

Many countries are also making labour inspection more comprehensive whereby labour inspectors are empowered to look into and report on issues outside the immediate purview of labour laws but which have a bearing on the world of work such as sexual harassment, which is usually a problem women face more than men, or health and food safety. Comprehensive labour inspection is something employers value in particular as it means they deal with only one inspector rather than several.

Internationally, there is also the growing realization that the purview of labour inspection, and the protection extended as a result, has to expand to respond to the changing landscape of the world of work. Some countries have large informal, undocumented economies where workers are at the risk of exploitation; in other countries home based work forms a considerable part of the economy, which presents challenges around entry to workplaces and in some countries significant sectors that contribute to the economy in terms of revenue and employment, such as agriculture, are not covered by labour laws. In developing countries especially, it is fairly common to find women in significant numbers in the sectors described above where the application of labour laws is absent or limited.

Responsiveness to Gender Issues in the World of Work

Labour inspection and administration is also becoming more gender sensitive in response to the increasing number of women in the workforce and the increasing awareness that women and men have different needs, expectations and experiences in the world of work. Modern systems actively promote the recruitment of women in labour inspection systems and the focus on understanding the gender dimensions of how labour laws are applied, regulated and reported on with reference to women, men and work.



GENDER MAINSTREAMING IN LABOUR ADMINISTRATION AND INSPECTION

Gender Mainstreaming

Gender mainstreaming was adopted as the main strategy for promoting gender equality at the global and national levels at the Fourth World Conference on Women in Beijing in 1995. The United Nations Economic and Social Council (ECOSOC) define gender mainstreaming as:

- The process of assessing the implications for women and men on any planned action, including legislation, policies or programmes, in any area and at all levels.
- A strategy for making the concerns and experiences of women as well as of men an integral part of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres, so that women and men benefit equally, and inequality is not perpetuated.

International Labour Standards and Gender Equality

The principles of gender equality and decent work are firmly grounded in International Labour Standards. The two main pillars in promoting gender equality are the C100 Equal Remuneration Convention, 1951 and C111 Discrimination (Employment and Occupation) Convention, 1958. All ILO standards apply equally to men and women namely; Night Work Convention, 1990, No. 171, Home Work Convention, 1996, No. 177, Part-time Work Convention, 1994, No. 175, and Workers with Family Responsibilities Convention, 1981, No. 156. The Maternity Protection Convention, 2000, No. 183, however, particularly addresses women's reproductive roles.

Labour Inspection and Gender Mainstreaming

Labour administration, with its inspection function, plays a vital role in implementing and enforcing the legal provisions that can promote gender equality. Inspectors, must therefore, have the knowledge, attitudes and tools by which they can recognize and address the issues and differing needs, expectations and experiences of women and men.

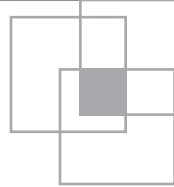
The full inclusion of females in the labour inspectorate has been an important principle since the founding of the ILO. Article 8 of Labour Inspection Convention 81, (1947) and Article 10 of Labour Inspection (Agriculture) Convention 129, (1969) require that both men and women are made eligible to appointment to inspection staff. In the words of the Labour Inspection Recommendation, 1923 (No. 20), “while it is evident that with regard to certain matters and certain classes of work, inspection can be more suitably carried out by men, as in the case of other matters and other classes of work inspection can be more suitably carried out by women, the women inspectors should in general have the same powers and duties and exercise the same authority as the men inspectors, subject to their having had the necessary training and experience, and should have equal opportunity of promotion to the higher ranks”.

In view of the important role for women in the modern labour inspection system, more steps should be taken to encourage the recruitment, training and promotion of women inspectors and to ensure that there is greater gender awareness throughout the inspection system.

Under the terms of Article 8 of C081 and Article 10 of C129, “both men and women must be eligible for appointment to the inspection staff” and “special duties may be assigned to men and women inspectors, respectively”. Labour administration can contribute to the promotion of gender equality through a number of practical steps. These include the development of gender equality indicators for inspection; and by creation of systems for measuring and monitoring progress of agreed objectives.

Labour inspectors can also use their position, not only as enforcement agents, but also to raise awareness about women workers' rights under labour law. The policy to assign women inspectors, suitably trained, to deal with special issues of women workers is an important aspect. It can be useful to have some labour inspectors who specialize in sectoral labour protection issues, e.g. textiles, domestic services, etc.

Labour inspectors thus have a crucial role in identifying gender gaps, collecting and analyzing information on gender disparities, taking remedial action where



it falls in his/her purview, providing this information to different actors as evidence for their interventions, and eventually promoting gender equality for decent employment.

Gender Issues at the Workplace

There are a number of gendered aspects within the workplace that must be looked into, to assess the situation of discrimination in the world of work. Issues such as access to employment, health and safety benefits, work-life balance, career development and training, and the terms of contractual employment affect men and women differently if they are gender blind or gender biased.

One example is that of gender issues in Occupational Safety and Health (OS&H); if health promotion policies are to be effective for women or for men, they must be based on more accurate information about the relationship between health and gender roles. Women workers are particularly disadvantaged by out of date workforce structures, workplace arrangements and attitudes. Health promotion policies for working women need to take into account all their three roles: as home-carers, as mothers and as workers. The effects on health of each role have to be looked at separately and the potential conflicts and contradictions between them need to be examined. For example, a pregnant worker might have to take additional caution or measures regarding her posture in which she works or exposure to chemicals she might be working with, precautions that might not apply to non-pregnant women or men.

In many organizations the traditional concept of a career with its hierarchical model of continuous service and regular promotion progress is gender blind, making women's careers, which are generally 'broken' or 'interrupted' in order to have or care for children, incompatible. Evidence suggests that even in those professions where women have been able to take advantage of career breaks and flexible working hours, they have still effectively been blocked from the most senior positions. Many women have adapted to the predominant male model of success, making conscious choices either not to have children, to defer having them, or (where able) to organize their domestic life so as to be able to commit to their careers.

Gender discrimination in the workplace, whether it is blindness or bias, holds the labour force back from achieving optimal productivity, and it is also a hurdle in the way to achieving gender equality. Thus, gender mainstreaming – the concept that men and women's equality should be an institutionalized basis – is of prime importance.

Occupational Classification

Though technological advancements have made it possible for women to participate more freely in the world of work, by reducing the time burden of domestic chores, women still retain a gender-based association to work roles that are tied in with the domestic sexual division of labour. Women thus often end up working in low-paying and low-status jobs that in turn, reinforces the patriarchal systems in place⁵.

Invisible Work

In the informal economy women workers' contributions are completely invisible for two main reasons, one that much of the informal economy does not form a part of the official economic productivity measures and two that the problem is that much of the work they do is not valued and remunerated since it is considered an extension of their reproductive work. For example looking after livestock, collecting milk etc, all have a productive value. However since it is done as part of 'household' work, it is not remunerated and therefore not captured in labour statistics and productive work. In urban value chains, where part of the work can be outsourced to home based workers, women are often seen to incorporate such work into their household chores sometimes including other unpaid family members, even young children, to help. Such work is also often rendered invisible, as even though it is remunerated, might never be captured as productive work, conflated instead with reproductive work.

Gender Wage Gap

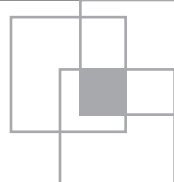
Due to stereotypes such as women being less able than men, or that their work provides only a secondary income, and the triple burden on women to perform at work and attend to their family and community roles, they are underpaid because their actual contribution to work is not properly measured. Statistics show that gender parity in income with respect to sex (women: men) is 40:60. According to Farooq and Suleman⁶, men earned 82 percent more than women workers with the same characteristics for the same nature of work. Further, 75 to 85 percent of the wage differential found in this study was based on gender discrimination in the market.

Equal Benefits

The distribution of employment benefits between men and women also tends to be unequal. Sometimes, while the benefits provided may be the same, their utility is not the same for men and women alike. For example, in organizations

5. Chen, D. H. (2004, April). Gender Equality and Economic Development: The Role for Information and communication Technologies. Retrieved June 25, 2012, from info.worldbank.org: http://info.worldbank.org/etools/docs/library/117321/35079_wps3285.pdf

6. Farooq and Suleman, 2004-2005 Pakistan Social and Living Standard Measurement (PSLM)



where employees are provided with a personal vehicle for transport, women may not be able to capitalize on the means to mobility because the socio-cultural environment makes it unsafe or inappropriate for them to drive alone. As far as other benefits are concerned, such as medical insurance, there are some reported cases of single women's parents being considered as 'dependents' but not married women's, while for men, coverage of medical benefits for dependent parents does not change with the change in their son's marital status. Women are usually given the benefit of maternity leave, but not all organisations allow men to take paternity leave deeming it perhaps, irrelevant or unnecessary.

Glass Ceiling

A Glass Ceiling is an invisible barrier preventing the career growth and upward mobility of women (or indeed other marginalized groups). There are several reasons why in countries like Pakistan, women tend to remain employed in lower-status and lower-paying positions than men. It could be that women have lower levels of education than men and do not meet the educational requirements for career progression; it could be that they have less access to opportunities for professional development due to bias in favour of men or lack of information; it could be that career breaks women often take to negotiate their reproductive roles, lead to a loss of seniority and male counterparts are promoted over them; it could be their more sheltered work experience makes it difficult for them to negotiate with employers, but it is also due to patriarchal norms and preconceived notions of women's work and men's work.

The problem of glass ceilings is not confined to developing countries like Pakistan. For instance, the Conference Board of Canada reported in 2011 that in 2009, while 911,000 men were working in middle management positions, only 543,000 women were similarly employed. According to the Board, at the current 4 percent rate of increasing the number of women in top management, it will take approximately 151 years before the proportion of men and women at the management level becomes equal⁷.

Sticky Floor

According to many economists and sociologists, the problem of unequal opportunities for promotion and increases in pay scale is due, in part to the barrier on top, or the glass ceiling, as mentioned earlier. However, there is also the concept of the 'sticky floor' that is used to describe the lack of opportunities for advancement and the income differential present for workers engaged in the

7. CBC News (2011). Women's Glass Ceiling Remains. Accessed 24 Jun 2012 from: <http://www.cbc.ca/news/business/story/2011/08/31/women-executive-conference-board.html>

lowest tiers of the workforce, such as janitorial staff. Pakistan's case in this regard, is similar to that of China. According to the McKinsey⁸ Global Institute, “China's enormous pool of surplus rural labor contributes heavily to gender discrimination among low-skill workers. For employers in China, the pool of inexpensive labor seems almost limitless. Companies can afford to be very picky about whom they hire and what they pay.”

In developed countries, discrimination tends to be more of an issue for high-end job holders, the so-called glass-ceiling phenomenon. In China, discrimination is more prevalent among low-end job holders.”

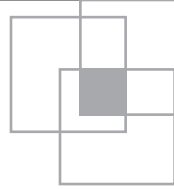
Working Hours

Owing to the popularity of e-commerce, online entrepreneurship, and internet connectivity the concept of working from home is slowly growing in Pakistan. However, many organizations still require the traditional on-site work approach. In this regard, men, due to cultural and societal expectations, usually end up working far longer hours than women. More travel is also required of men workers. Men are seen as being tougher, having far fewer domestic responsibilities – in their primary role as breadwinner, not caregiver – and there are in reality, minimal hurdles to men's physical mobility. Women workers, on the other hand, tend to work shorter hours than men. This is because they are more likely to require time off from work due to the gendered expectations of their family work, and there are far greater hurdles in terms of cultural constraints on their physical mobility. For women workers, working overtime, traveling for work, or staying until late at the workplace is a threat not just to her safety, but also tends to affect her reputation. Furthermore the fall out can be major stress due to work-family tension, given household care work is almost exclusively assigned to women in Pakistan.

Supporting Environment

Given that there are few high quality support mechanisms in Pakistan for care responsibilities that usually fall to women, such as caring for children and elders. Generally this requires sacrifices and compromises from women in relation to their work. For example women tend to move in and out of the labour market or accept more precarious work. Workers do not have access to day care centers, flexible hours or other such facilities for working parents and this effects women more adversely than men. This means that following delivery of the baby, many mothers drop out of the work force entirely, or take a long-term

8. McKinsey Global Institute (2009). China's sticky floor. McKinsey Quarterly, Visitor's Edition. Accessed 25 Jun 2012 from: http://www.mckinseyquarterly.com/Chinas_sticky_floor_2354



break from the world of work. This departure from the labour force is also partially due to the strong gender roles prevalent in Pakistan that assign women the job of the home-based caretaker, and men the role of the family's primary breadwinner. However, the departure does translate into an obvious loss for the employer in terms of new hiring and training costs, and more importantly, it reinforces employer's perception of women as not being strong candidates to hire in the first place. Should a woman choose to continue with her career uninterrupted the fall out can be major stress due to work-family tension. As a result, many employers are reluctant to hire women, particularly mothers, perceiving them to be less efficient at work than men.

Workplace Harassment

Harassment at the workplace is a problem in Pakistan owing to pervasive gender inequality and the sexualized and powerless way in which women are viewed. Moreover, it is underreported due to the taboo nature of the subject itself. In 2008, 808 cases of sexual harassment of grave nature were reported and the number of unreported cases is another debate altogether. In their report, Situational Analysis on Sexual Harassment, the Alliance Against Sexual Harassment (AASHA) says, "Most working women in Pakistan at one time or another face this kind of violation of their rights from their colleagues, bosses or employers. These attitudes hamper not only women's efficiency at work but make their personal and professional life extremely stressful. Men, in our existing social setup, need to accept working women rather than exploiting their vulnerability. Men's perception that a working woman is an antithesis to the traditional roles of woman, catered by our society, needs to be dispelled⁹.

To curb sexual harassment at the workplace, the Government of Pakistan introduced a historic piece of legislation in 2010¹⁰: The Protection Against Harassment at the Workplace Act, 9 March 2010 and the proposed amendments to the Pakistan Penal Code. The Act defines harassment as "any unwelcome sexual advance, request for sexual favors or other verbal and written communication or physical conduct of a sexual nature or sexually demeaning attitudes, causing interference with the work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made condition for employment¹¹." According to Abbas (2009), sexual harassment in the workplace is rampant.¹²

9. <http://whiteribbon.org.pk/new/violence-against-women/rationale/workplace-harassment/>

10. <http://na.gov.pk/en/acts.php>

11. <http://southasia.oneworld.net/todaysheadlines/pakistan-clears-landmark-bill-against-workplace-harassment/>

12. Abbas, N. (2009) Sexual Harassment in Pakistan. Accessed 24 Jun 2012 from: http://www.huffingtonpost.com/nosheen-abbas/sexual-harassment-in-paki_b_391904.html

Decision Making and Freedom of Association

Tripartism and social dialogue are essential if real progress is to be made in attaining gender equality. In conditions of eroding employment relations and increasingly precarious jobs in both developed and developing countries, the right to freedom of association and collective bargaining in law and practice becomes all the more important. Yet, generally women are not adequately represented in trade unions, employers' organizations and social dialogue forums, which in turn contribute to a lack of priority given to their needs and concerns. At present globally, women account for approximately 15 per cent of total members of social dialogue institutions. Governments show the highest rates of female participation in these bodies, 19 per cent, followed by workers' representatives with about 13 per cent, and employers' representatives with 10 per cent¹³.

In Pakistan, it is no different. Women lack authority in the workplace. This is not just because they are not part of the top tier management. It is also because most of the support organizations available to women, such as trade unions, community-based organizations, or employee groups, are more often than not, headed by men. Trade Union meetings are often held after working hours making it difficult for women with family responsibilities to attend. Not only does this curb women worker's right to freedom of association but it also renders them ineffectual in decision-making. Most decision making is with men and women have little information on the benefits of being part of such groups. Examples¹⁴ can be found of factories where more than 80 percent of the workforce is women, but representation on trade unions or shop committees is zero.

How to Mainstream Gender in Labour Inspection?

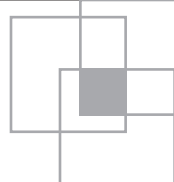
There are two approaches to mainstreaming gender in labour inspection:

- i) Recruiting women in the labour inspection staff and training all inspection staff on gender responsive labour inspection.
- ii) Ensuring that the process of labour inspection is gender mainstreamed in the way information is collected, analyzed and reported.

This toolkit aims to contribute to gender mainstreaming in labour inspection by improving the process.

13. T. Breneman-Pennas and M. Rueda Catry: Women's participation in social dialogue institutions at the national level, Social Dialogue, Labour Law and Labour Administration Branch Paper No. 16(Geneva, ILO, 2008).

14. Examples identified from model inspections under the project Gender Equality for Decent Employment (GE4DE)



THE GENDER RESPONSIVE LABOUR INSPECTION TOOLKIT

This toolkit gives an overview of national labour laws and international labour standards which are key to achieving gender equality. It further provides practical checklists and tips to make labour inspection gender-responsive in accordance with the provisions in these laws that apply to both women and men in the world of work. From the checklists in each chapter users can be sure that the procedure they are following will capture concerns of gender equality as they relate to labour inspection. The sections on objective evidence provide pointers on how to identify a gap and carry out remedial action.

This toolkit consists of the following parts:

- Local labour laws
- Inspection parameters related to each law
- Reference to International Labour Conventions
- Inspection checklists
- Glossary with definitions of important terminologies and concepts related to gender mainstreaming
- Appendices to the toolkit including references and links to ILO resources, publications and websites.

Who can use it?

The primary users of this toolkit are Labour Inspectors.

The secondary users of the toolkit include:

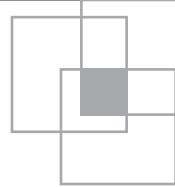
- Labour policy legislators, administrators and development practitioners
- Non-governmental organizations and advocacy groups
- Supervisors of policy makers
- Project staff, gender specialists, and students
- Workers
- Employers

How to use it?

This toolkit provides the basic framework to collect information on and analyze gender disparities related to work inspection and it all begins with the basic principle – **include women**.

Labour inspectors. Whatever area of inspection for which evidence is being gathered, make sure women are represented in the data collection process, ideally in proportion to the number of women in the establishment under inspection. Ensure any data that is collected, is sex disaggregated. Most simply, when recording the total number of employees, list women and men, at all levels, separately. If the number of complaints lodged is being recorded, try to register the number of complaints lodged by women and men separately. Such information is crucial in understanding the gendered dimensions of work and the labour force and can provide important evidence for policy and programme interventions.

In interviews, whether they are being conducted with workers, managers or trade unions include women and record their perspective. If records are being checked, be they wage slips, registration of accidents or complaints filed, ensure a sample of women's records are checked and note if there is any gender based discrepancy. For example, if there is a pattern of women being paid less than men for similar work, this should be recorded as a violation. If there is a pattern of workplace related accidents amongst women, especially if women and men are doing the same work, check that the safety equipment provided is correct for women – it has been found that protective masks for instance, are made to standard size specifications which are often based on men bone structures rather than women's – and suggest remedial action accordingly. If



training and promotion records are being checked, and it appears that women are not getting the same opportunities as men, ask management and workers, women and men, why that might be so. There might be a perfectly straightforward explanation, for instance new machinery is only being operated at night during the men's shift and that is why men are offered training on its use, or there might be a gender bias at play – it might have been perceived that women would not be interested in training or that training was offered during after work hours, which made it difficult for them to attend, and that is something that the inspector can point out for record. If it is observed that women are not represented in trade unions or management, make note of it.

Workers. The toolkit will answer any questions workers or their representatives may have related to working conditions, occupational safety and health, social security, and labour rights and obligations. It will also ensure that workers' rights as explained in the legislation are better understood accepted and, therefore, better applied.

Employers. The gender responsive labour inspection tool will help employers to assess their level of compliance with national labour legislation and promote innovative legal and/or technical solutions.

How to use the GRLI Toolkit for Training?

Each checklist and corresponding reference material on International Labour Standards and national laws can be used as the basis to develop training modules for each of the workplace issues which fall under the purview of Labour Inspection. The modules taken together would become a comprehensive training package for gender mainstreaming in Labour Inspection.0

Labour inspection is a key element of any labour administration system for ensuring the implementation of labour policies, providing feedback and allowing for a readjustment of these policies as necessary. The importance of labour inspection in promoting decent work has been widely recognized. The principle of Decent Work is derived from the International Labour Standards that ensure social justice for all. All ILO standards apply equally to men and women with the exception of these there are some that particularly address women reproductive roles. The two main pillars in promoting gender equality are the Conventions on equal remuneration for men and women for work of equal value (No 100) and Convention on discrimination in employment and occupation (No 111). Other conventions that specifically address gender equality are the Maternity Protection Convention, 2000 and the Workers with Family Responsibilities Convention, 1981 (No. 156) which notably applies to both men and women who have responsibilities with respect to their dependents. Other conventions such as Convention on part time work (No 175), Convention on Home Work (No 177), Convention of Maternity Protection, C 183 and the Convention on domestic workers (No 189) also have particular implications for women.

This toolkit takes a systems approach and is designed to be a practical exercise to assist labour inspectors in assessing and taking actions on gender gaps and discriminatory practices at workplace to strengthen their approaches to inspection. It is also intended to be used as a self-assessment tool for enterprises.

For further information on the project:

Promoting Gender Equality for Decent Employment (GE4DE)

A Project supported by CIDA

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