



Trade Is a Women's Issue

Bama Athreya, International Labor Rights Fund

From coffee to computers, women workers provide the labor that creates the goods that appear in the world's supermarkets and department stores. Women workers are good for trade, but is trade good for women workers? U.S. and global trade rules have a long way to go before they will provide women with the protections needed to ensure even basic and decent workplaces.

Trade liberalization and the rise of export-oriented industries rely on female wage labor, particularly in manufacturing. The World Development Report estimates that women constitute 70-90% of workers in export processing zones (EPZs) worldwide. In agricultural industries, women make up approximately 43% of the formally documented agricultural work force, according to the Food and Agriculture Organization (FAO). FAO studies note that when including informal participation in this sector, particularly in developing countries, women may produce well over half of the world's food. In short, the world's consumers rely on female labor.

convening of women NGOs from throughout Asia declared that "women oppose globalization" in Malaysia in 1999. Workshops on trade and women's rights have become an increasingly integral part of popular convenings around trade fora and meetings of the international financial institutions. Women's organizations worldwide even established an International Gender and Trade Network in late 1999 to educate the public about the adverse effects of trade agreements on women.

The sweatshop issue has been of particular concern to women's movements around the world, and it is no wonder. Scenes of life in sweatshops have provided consumers with a graphic illustration of the problem: a work force that is overwhelmingly young, single, and female is pitted against a management that is overwhelmingly middle-aged and male. It is hard to see how the global trade rules have benefited women, when the vast majority of new jobs available to women are just sweatshop jobs.

What's wrong with these jobs? Women in developing countries generally receive lower pay than men for the same work, according to data from the International Labor Organization (ILO); at best, women average 50-80% of wages earned by their male counterparts. Female workers do not enjoy the same benefits as male workers, since women are more often relegated to contract work without any social welfare benefits, and they are the first to be laid off in times of economic difficulty. Women are also less likely to be given opportunities for training or promotion.

The litany of routine abuses suffered by women workers worldwide in the light manufacturing industries has been well-documented. They are forced to work long hours for wages that often do not even meet the minimum guaranteed by local law. For instance, workweeks of 60 to 80 hours are routine in China and many parts of Southeast Asia, according to reports by the National Labor Committee, Clean Clothes Campaign, and others. The Maquila Health and Safety Support Network reports that women workers worldwide are routinely exposed to extremely unsafe working conditions, resulting in illness, loss of limbs, or even loss of lives.

Yet, far from progressing, the U.S. government seems to be backpedaling on these issues. The Interagency Task Force on Women has been inactive under President Bush, and women's issues are nowhere present in the trade negotiating priorities of the current U.S. administration.

In fifty years of global trade negotiations, some things have changed. At least women's issues have finally made it onto the trade and diplomatic agenda. As a result of the 1995 UN World Conference on Women in Beijing, the Clinton administration established an Interagency Task Force on Women, with a separate high-level working group on Women in the Global Economy.

By the late 1990s, it was not unusual to find trade negotiators sitting down with women's rights organizations to hear their concerns. For example, the regional trade group Asia Pacific Economic

Cooperation (APEC), consisting of 21 member "economies," held ministerial meetings on women's issues in 1997, 1998, and 1999. However, such consultations have not translated into bargaining proposals, and women's rights organizations are increasingly allied with labor and environmental groups in citing the fundamental failure of trade to benefit the world's poor. A

Key Points

- Global trade's profits rely on the labor of women workers worldwide, as women make up more than half the work force in the light manufacturing industries that provide most of the world's household goods.
- Women workers face a host of problems including low wages, long hours, unsafe working conditions, harassment, sexual abuse, and discrimination.
- Trade negotiators have begun to discuss women's issues but are still a long way from developing practical protections for women workers.

Problems with Current U.S. Policy

Beginning in the mid-1980s, Congress passed a series of laws that directly linked U.S. trade benefits to a set of worker rights criteria. The first of these programs, the Caribbean Basin Initiative, contained only a one-line reference to workers' rights, but in 1984 the Generalized System of Preferences (GSP) program, which allows more than 4,000 products from 140 developing countries to enter the U.S. market duty-free, incorporated a definition of workers' rights that has become standard in all subsequent U.S. legislation. The GSP's labor clause included the right to associate and bargain collectively, prohibitions on forced labor and child labor, and the right to "decent" working conditions, including an acceptable minimum wage.

In order to be eligible for GSP benefits, a country must have a per capita Gross National Product (GNP) below \$10,000 per year. The labor clause was intended to ensure that countries given a special trade privilege would be held to basic standards of decency in employment. However, notably absent from the GSP labor clause is the right to a workplace free from discrimination, something the ILO recognizes as a core labor right.

Even if this core right were included in U.S. trade legislation, it would be merely a first step in addressing the most fundamental rights violations suffered by women workers around the globe. Many women in both formal and informal employment find it impossible to gain access to freedom of association and the right to bargain collectively.

Even in formal employment, the right to organize is a remote dream for most women workers. For example, Bangladesh, one of the world's top producers of garments for the U.S. market, has long prohibited organizing in its EPZs, while Kenya, a top U.S. trading partner in sub-Saharan Africa, bans union organizing in practice. In both of these countries, the majority of workers in the EPZs are women. Moreover, in light manufacturing industries, where women dominate the workplace, industrial settings are often so highly regimented that the time and space to organize are virtually nonexistent, and repression of workers' attempts to organize is often brutal.

In addition, male-dominated trade unions in some countries have been slow to organize young female manufacturing workers. Although trade unionists in Central America are beginning to support organizing drives in

the export processing areas, many female workers still rely on women's organizations, not unions, to help them gain labor protections.

Women workers face particular constraints and challenges not covered by these core labor rights. Human Rights Watch reports in 1996 and 1998 documented the systematic use of pregnancy testing in Mexican factories producing clothing, electronic goods, and household appliances for export to the United States. Women who were interviewed reported that they were mistreated and forced to resign if they became pregnant. Some recounted that they had been assigned to strenuous jobs that required heavy lifting, after supervisors learned they were pregnant; rather than risk losing their meager-but-much-needed incomes, these women simply forced themselves to carry out the more strenuous work.

A 2002 report by the International Labor Rights Fund (ILRF) documents violence against women in agricultural industries in Kenya. Many women harvesting coffee and tea for export have kept silent about extreme sexual harassment—even rape—by their supervisors in order to keep their jobs.

Required to live on the plantations, these women have no means of escape, and no laws exist to protect them from being assaulted by supervisors in the fields. The Kenya research also revealed that supervisors frequently withhold, or threaten to withhold, women workers' pay in order to coerce them to submit to sexual advances.

Preliminary data gathered by the ILRF suggests that similar abuses are taking place among major U.S. trading partners in Latin America and Asia, including Thailand, Mexico, and the Dominican Republic, but little documentation exists. Nevertheless, it appears that submission to sexual abuse may be among the untallied costs of retaining one's job in the global economy.

Key Problems

- Trade agreements may contain general language addressing workers' rights, but in many cases these standards do not include specific protections for women.
- Trade unions have found it difficult to organize women workers, and workplace problems specific to women have sometimes remained unresolved.
- The core labor standards do not deal with pervasive forms of discrimination against women, such as sexual harassment.

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Toward a New Foreign Policy

On August 6, 2002, the GSP program was renewed by Congress until December 31, 2006. During the legislative process on GSP renewal and the broader Trade Promotion Authority for the president (TPA, popularly known as Fast Track), an amendment in the Senate added nondiscrimination to the list of required worker rights. Unfortunately, that amendment was removed when reconciling the House and Senate versions of the

bill, leaving the GSP—and all subsequent trade legislation—without antidiscrimination protection. Such a clause would simply bring the GSP into full conformity with core worker rights as defined by the ILO. It would also highlight the problems of vulnerable women workers in developing countries and provide a remediation process through the GSP complaints mechanism. Trade pacts that do not reference the GSP language, such as the Andean Trade Preferences Act and the TPA, would still require a separate

amendment to include nondiscrimination in their definition of worker rights.

Alarming, new agreements currently being considered do not meet even the inadequate standards set by the GSP program, and it appears that despite growing pressure from civil society both in the U.S. and its trading partners, the Bush administration is even less responsive to the needs of women workers than was the Clinton administration. The Office of the U.S. Trade Representative has emphasized that its current negotiating priorities will be the Central America Free Trade Agreement (CAFTA), the Free Trade Area of the Americas (FTAA), and the Southern Africa Free Trade and Development Agreement (SAFTDA). These new agreements will reference not the GSP language but rather the TPA legislation. The TPA language simply requires that trading nations uphold their own labor laws, though these laws are often inadequate and poorly enforced.

The TPA does provide some proactive language regarding U.S. assistance to trading partners to enable them to improve compliance with basic ILO standards, and the proposed South Africa regional agreement intriguingly suggests that development issues will be linked with trade negotiations. U.S. negotiators should: (1) bring labor rights, broadly defined to include necessary protections for women workers, to the table when discussing the new agreements with Latin American and southern African nations, (2) insist on GSP-like conditionality, linking access to U.S. markets with improved labor rights protections and enforcement, and (3) enable governments to meet the labor requirements through generous development assistance.

There is also a need to expand the thinking of policymakers regarding an adequate basket of labor rights protections. In 1998, the ILO, chief arbiter of international worker rights, identified a small handful of core labor rights. These are:

- the right to associate (ILO Convention No. 87);
- the right to organize and bargain collectively (ILO Convention No. 98);
- equal employment opportunity and nondiscrimination (ILO Convention Nos. 100 and 111);
- prohibition of forced labor (ILO Convention Nos. 29 and 105); and
- prohibition of child labor (ILO Convention Nos. 138 and 182).

Although providing minimum labor standards, including an obligation to prohibit employment discrimination, this bundle does not sufficiently address the multitude of problems faced by women in the work force. Advocates should consider the ILO core labor rights a bare minimum and seek acceptance of a much broader set of issues as part of any social clause discussion. If ILO conventions on family responsibilities (156) and on homework (179) were added, many more women would benefit. Moreover, more work is needed to ensure that the ILO sufficiently defines and addresses two of the most common problems faced by women workers worldwide: the inability to earn a wage sufficient to maintain minimally acceptable living standards, and exposure to harassment and violence in the workplace. The ILO has neither defined nor incorporated into its conventions a definition of sexual harassment; this should be an immediate goal of advocates worldwide.

Finally, the U.S. government should ratify and become party to the sole international instrument that *does* offer any sort of guidance related to the rights of working women: the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Fully 170 countries, approximately 90% of the United Nations membership, have ratified this convention, including even Afghanistan and Saudi Arabia. CEDAW is relevant to women's workplace rights insofar as it codifies the obligation of governments to: (1) eliminate discrimination in education, vocational training, and employment, (2) protect workplace rights to health and safety, maternity and family leave, and social security, (3) prohibit sexual harassment, and (4) affirmatively guarantee women's rights to access credit. Signed by President Carter in 1979, CEDAW languishes to this day in Congress, where the Senate has repeatedly refused even to allow a vote on the convention. During 2002, the Democratic leadership of the Senate Foreign Relations Committee moved to bring CEDAW ratification to the full Senate, but a hostile executive branch lobbied hard against the move. Now that Republicans are once again in control of the Senate, there is little immediate prospect for progress on CEDAW ratification. If the rights of working women are to be fully protected globally (including in the U.S.), all branches of the U.S. government need to drop their opposition to CEDAW and, at long last, let the Senate ratify this convention.

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Key Recommendations

- Washington must include antidiscrimination language in its definition of "internationally recognized worker rights."
- The U.S. should take an active role in encouraging further work by the ILO to address discrimination against women.
- The U.S. must acknowledge its responsibility to uphold international standards of particular relevance to women workers.

Sources for More Information

Organizations

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— excerpt from the Statement of Concern

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