

WOMEN IN NON TRADITIONAL JOBS & REPRODUCTIVE HAZARDS

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Introduction

The construction industry has been overwhelmingly male dominated for years, and on many jobsites women construction workers are not welcome. Sex discrimination and anti-women attitudes are still prevalent on worksites, despite the fact that sex discrimination is illegal. Several studies have shown that female construction workers suffer from gender and sexual harassment, a factor associated with low job satisfaction as well as psychological and physiological health symptoms and workplace injuries. NIOSH found that, in a one year period, 41% of female construction workers suffered from gender harassment. In the CWIT study, 88% of the respondents reported sexual harassment.

Isolation-working as the only female on a job site or being ostracized by co-workers-evokes both fear of assault and stress. Many tradeswomen report that they are reluctant to report workplace safety and health problems lest they be tagged as complainers or whiners, straining further their workplace relationships and jeopardizing their employment situation.

Women in Non Traditional Jobs

Many women in nontraditional jobs, such as the construction trades, complain of ill-fitting personal protective clothing (PPC) and equipment (PPE). Clothing or equipment that is not sized, or does not fit, properly can compromise personal safety. It also may not function effectively in the manner for which it was designed.

Poor fit compromises the protection offered by the garment or equipment. The lack of appropriate PPC and PPE can cause serious safety and health risks for women, and men of smaller sizes, who rely on protective clothing and equipment to help them keep safe. Having inadequate or ill-fitting clothing, boots, gloves, or safety equipment presents a safety hazard for any worker.

Studies by NIOSH and the U.S. Department of the Army found that most tools, equipment, and clothing are not designed for a women's physique. When asked if they could easily find protective clothing to fit, 46% of women in the second NIOSH said "no" with respect to work shoes and 41% with respect to finding work gloves. One survey of manufacturers of protective equipment, taken at a National Safety Council Annual meeting,

found that only 14 percent offered ear, head, and face protection in women's sizes. The highest percentage, 59 percent, were manufacturers who offered foot protection in women's sizes.

Reproductive Hazards

There is inadequate information on the extent to which female construction workers are exposed to reproductive hazards in the workplace. Reproductive hazards are defined as chemical, physical, or biological agents that can cause either reproductive impairment or adverse developmental effects on fetuses. Epidemiologic studies involving reproductive hazards are difficult to perform due to such factors as small sample sizes, confounding factors, and measurement difficulties.

Only a few agents or conditions have been identified as being capable of producing structural abnormalities or birth defects, with a fraction of those being common to construction sites (PCBs, hypothermia, and, for hazardous waste workers, ionizing radiation.) However, several agents such as lead, solvents, and pesticides have been recognized to affect sperm development. The vast majority of both male and female construction workers are of reproductive age and, thus, are at risk of potential harm if exposed to chemicals and conditions which have not been fully studied with respect to their reproductive hazards in humans.

Organizing and Supporting Women Construction Workers:

The Self-Employed Women's Association (SEWA)

The Self-Employed Women's Association (SEWA) of India is the largest trade union in India: its members are all working poor women in the informal economy. SEWA has been working to secure the following benefits for women who work in the construction industry:

- identification cards
- state-level implementation of Construction Workers Protection and Welfare Act (1996)
- accident insurance scheme
- child care creches at construction sites
- skills training and job placement

Migrant Workers

Among international migrants, the proportion who are women has increased significantly in recent decades. Women (and girls) now make up approximately half of the estimated 200 million migrants worldwide. Domestic workers are an important part of this trend (Human Rights Watch 2006). Asia is a large source of international migrants working as domestics both within Asia and beyond. As of the mid-2000s, around 6.3 million Asian migrants were legally working and residing in the more developed countries of Asia. Most come from Indonesia, the Philippines and Sri Lanka where women, mostly domestic workers, make up 60-80 per cent of registered migrants. Perhaps another 1.2 million undocumented migrants are in the region, many working as domestic workers (United Nations Population Fund 2006).

Working Conditions

Most domestic work, especially by women, is informal - that is, it is performed outside the realm of labour regulations and social protections. As a result, domestic workers suffer significant “decent work deficits” as defined by the ILO, which coined the term, including deficits in employment opportunities, legal rights, social protections, as well as organization and representation. In sum, to cite the title of a May 2010 conference in South Africa, domestic workers are “exploited, undervalued - and essential.”

Policies & Programmes

Regulatory Challenges

Sixty years ago, in 1948, the International Labour Conference (ILC) recognized the need for a special international instrument for domestic workers. For decades, however, no such instrument - convention or recommendation - was introduced. Meanwhile, the ILO took the position that domestic workers are supposed to be covered in the scope of the Declaration of Fundamental Principles and Rights and the scope of all existing international ILO instruments unless a specific convention or recommendation expressly excludes domestic workers (ILO 2010). There are flexibility or exclusion clauses in some ILO instruments that have been, or can be, used to exclude domestic workers (ILO 2010).

In many countries, domestic workers are *de jure* covered - or at least partly covered - under labour laws and social protection policies/schemes. For instance, of the 40 ILO member states that responded to a 2009 ILO survey, the following percentages of countries by region reported that

domestic workers were covered by minimum wage legislation: 18 per cent of the countries in Asia; 70 per cent in Africa; 70 per cent in Latin America; and 50 per cent of the developed countries (ILO 2009). In those countries that have universal health insurance, public health systems, or universal old-age pension schemes, domestic workers are *de jure* covered. However, domestic workers are seldom covered by occupational health and safety schemes or unemployment insurance.

Even in countries where domestic workers are covered *de jure* by minimum wage legislation or social protection schemes, they are often not covered *de facto* - or in practice - due to problems of implementation and enforcement.

Addressing the Challenges

Domestic work has begun to receive the attention it deserves. Several countries have introduced new laws, policies, or schemes to protect domestic workers and regulate the sector.

In a number of countries, these recent policies, laws, or schemes have been designed to recognize and protect domestic workers. They include:

- a subsidized state “service ticket” scheme with collective bargaining in France, Belgium, and part of Switzerland;
- a right to organize, coverage under the Employment Ordinance, and contracts with minimum standards required by the Immigration Department in Hong Kong;
- a Collective Agreement on the Employment Conditions of Household Employees in Mali;
- a Magna Carta for Household Helpers in the Philippines;
- a Basic Conditions of Employment Act, 1997, with a Sectoral Determination specific to Domestic Workers and a binding mandate to protect domestic workers in South Africa (Bonner 2010);

Decent Work for Domestic Workers: The ILO Convention

Until recently, domestic workers’ rights as workers in international and national law have received little attention. However, more countries have been putting in place laws to protect domestic workers, or signaling their intention to do so. As well, for many years trade unions would occasionally voice the need for a special ILO instrument (convention), but employers and governments did not see the need for an international labour standard for

domestic workers, and for decades it was not strongly pursued.

Organization & Voice

Most domestic workers are not organized into trade unions and have no representative voice. In some countries they are not allowed to join trade unions (ILO 1994). Even where they have the legal right to organize, because they are isolated and vulnerable, it is not easy for them to do so. Where they do organize into unions these organizations struggle to grow and sustain themselves.

Generally, established unions and national centers have not prioritized organizing domestic workers precisely because they are invisible, are women in “low status” jobs, are seemingly without collective power, difficult to organize using traditional approaches and a challenge for financial sustainability. Fortunately there are exceptions. One example is in Italy, where the Federazione Italiana Lavoratori Commercial Alberghi Mense Servizi-Confederazione Generale Italiana (FILCAMSCGIL), a union in the commerce, tourism and services sector, has negotiated a national collective agreement for privately employed domestic workers. There has been such an agreement since 1974 (ETUC 2005).

Home-Based Workers

Home-based work is a growing global phenomenon, with over 100 million people working from their homes (Sinha 2006), in countries both rich and poor. With the rise of complex global chains of production over the past half-century, home-based work has grown exponentially.

The term “home-based worker” is used to refer to the general category of workers who carry out remunerative work within their homes or in the surrounding grounds. It does not refer to either unpaid housework or paid domestic work.

Home-based work encompasses a wide diversity, ranging from traditional embroidery and weaving to tele-work. Home-based workers may work in the new economy (assembling micro-electronics) or the old (weaving carpets).

Gender

Wherever they are found and regardless of the industry, the vast majority of home-based workers are women. The compilation of data from 14 countries cited earlier found that the share of women in home-based work was over 75 per cent

in seven of the countries, over 50 per cent in another one country, and over 30 per cent in the remaining six countries. In the three countries that only counted home workers, the share of women was about 80 per cent.

Challenges to Measuring Home-Based Work

Despite their numbers, and despite the growing interest in their situation, there are few good estimates of home-based workers in general and fewer still of home workers in particular. This is due, in part, to problems of enumerating work carried out in the home, especially by women. This is also due to the fact that the “place of work” variable, used to identify persons working at or near their home, is not included in many labour force and population surveys and, even when it is, the results have often not been tabulated in official statistical analyses (International Labour Organization 2002).

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