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EDITED BY

Mia Rönnmar Susan Hayter

Making and Breaking Gender Inequalities in Work



Making and Breaking Gender Inequalities in Work



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Making and Breaking Gender Inequalities in Work

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ILERA PUBLICATION SERIES



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Foreword

For many years, the Gender and Employment Study Group of ILERA has brought together ILERA members working and researching in the field of advancing gender equality at work. Our aim is to enable members to share policies, practices and research, build international networks of interest, and facilitate a place for the exchange of ideas, theories and methodologies. It was with great pleasure then that the Gender and Employment Study Group supported the development of this volume of work 'Making and Breaking Gender Inequalities in Work', edited by two dedicated feminist scholars, Professor Mia Rönnmar, Past President of ILERA, and Susan Hayter of the ILO.

The chapters were initially presented at the ILERA World Congress in Lund, Sweden, in June 2021, hosted by Mia Rönnmar as President of ILERA. The Congress was held online owing to the COVID-19 pandemic, which severely disrupted the lives of millions of people. The pandemic also highlighted the unequal status of women in work and the gendered impact that many public and employment policies can have. The pandemic and responses to it focused our attention on how gender and employment are not experienced equally by women and men, and how inequities among women are further exacerbated by the intersections of class, race, ethnicity, place, and age. These issues were addressed in the presentations.

In September 2022, the contributors to the book came together again in an online workshop that was facilitated by us as Coordinators of the Gender and Employment Study Group. In that workshop, authors had the opportunity to present their chapters and to receive comment and feedback from participants. The workshop provided a space to further refine ideas and concepts and the result is this inspiring collection.

The chapters in this book demonstrate the quality, depth and breadth of research on gender and industrial relations issues. They span gender and work concerns in the Global South and North, the impact of COVID on women, the measurement of gender (in)equalities and the important role of employment relations institutions in bringing about a better future for working women post COVID-19.

Women's contributions to sustaining societies and economies are more important than ever. As governments grapple with economic and social crises, as populations age and workforces feminise, as care needs for children, the elderly and those with disabilities grow, questions about how best to respond

to these challenges are ever present. This book provides analyses and reflections that are made for the times.

As Coordinators of ILERA's Gender and Employment Study Group, we are proud to see the work of our colleagues presented here and congratulate the editors and all authors on their contributions. Our hope is that these contributions assist unions, employers and governments in building a better world of work and employment for all genders.

Marian Baird, The University of Sydney,
Anne-Marie Greene, The University of York and
Gill Kirton, Queen Mary, University of London

PART I

Introduction

1. Introduction: making and breaking gender inequalities in work

Mia Rönnmar and Susan Hayter

1.1 INTRODUCTION

Gender inequalities persist in work, despite progress in frameworks regulating work and employment relations. The COVID-19 pandemic significantly increased inequalities, including those relating to gender. This volume examines persistent barriers to gender inequality, how these have been exacerbated by the COVID-19 crisis, and how the more inclusive governance of work can advance gender equality.

The volume emerges from the 19th World Congress of the International Labour and Employment Relations Association (ILERA). For more than 50 years, ILERA has been a leading international multi-interdisciplinary scientific association with the purpose of promoting the study of labour and employment relations throughout the world. ILERA also has a strong tradition of bringing together, and promoting dialogue between researchers, social partners, policymakers, and other stakeholders. From the beginning, ILERA has collaborated closely and fruitfully with the ILO. The ILERA Publication Series – in which this volume is published – is a collaboration between ILERA, the ILO, and Edward Elgar Publishing with a focus on comparative labour and employment relations.

The 19th ILERA World Congress was held in Lund in Sweden from 21 to 24 June 2021 in an online format owing to the COVID-19 pandemic. The overall theme of the World Congress was ‘Making and Breaking Boundaries in Work and Employment Relations’. Gender equality was at the core of this ILERA World Congress. A gender mainstreaming approach was adopted and gender equality was an important element of a specific congress track on ‘Equality, Diversity, and Inclusion’.

This volume provides a welcome opportunity to contribute to the international research discourse on gender equality and to publish some of the papers presented at the ILERA World Congress in 2021, including two keynote speeches and papers from the congress track on ‘Equality, Diversity and

Inclusion'. It draws upon the important guidance, commitment, and active participation of the ILERA Study Group on Gender and Employment, for which we are deeply indebted. The ILERA Study Group hosted an online workshop where draft papers for this volume were presented and discussed. As editors we have also benefitted from a continuous and inspiring dialogue with the coordinators of the Study Group, Professors Marian Baird, Anne-Marie Greene, and Gill Kirton.

This volume – and its interdisciplinary approach and multitude of theories, conceptual frameworks, methodologies, and materials – provides a multifaceted analysis of gender inequalities and innovative ways to promote gender equality. The chapters in this volume provide a rich global and comparative outlook on gender equality, and address developments in formal and informal economies, in the Global North and the Global South, and in a variety of industrial relations systems, welfare state models, and labour market sectors.

The outline of this volume is as follows. Part I, encompassing Chapter 1, introduces the aim and content of the volume. Part II explores the theme of 'Gender inequalities in work' in Chapters 2–5. Part III covers the theme of 'Governance of work' in Chapters 6–9.

1.2 GENDER INEQUALITIES IN WORK

Women constitute half of the global population. Yet across the globe, women's participation in labour markets is far lower than that of men. Discriminatory practices continue to exclude women from labour market opportunities. On the other hand, women continue to account for the lion's share of unpaid care work. The jobs gap – which measures all persons who would like to work, but do not have a job – is higher for women than men and has remained relatively constant for nearly two decades (ILO 2023a). Where women do engage in paid work, they are more likely to work in jobs of lower quality. This is evidenced by the fact that women account for a disproportionate share of workers in the informal economy (ILO 2023b). They consistently earn less than men for work of equal value (ILO 2018). Women tend to be over-represented in the paid care work that sustains our societies and economies – work that continues to be undervalued (ILO 2023c). Progress in levels of educational attainment in some countries does not appear to remove seemingly intractable barriers to gender equality. COVID-19 not only brought these inequalities to the fore, it significantly exacerbated these gender gaps, potentially reversing decades of progress toward gender equality (ILO 2021).

The next four chapters of this volume examine these inequalities in work in different and at times contrasting contexts. In Chapter 2, Anne Grönlund and Charlotta Magnusson examine the persistence of gender inequalities in Sweden, a country often held as the frontrunner in respect of the integration

of women into labour markets, supported by family-friendly policies. The authors show that seemingly benign forms of workplace flexibility are not gender neutral in terms of access and the consequences for women. They examine forms of workplace flexibility – including adaptability in work tasks and work schedules, which are widely considered to have the potential to expand family-friendly choices for women. They argue that women's investment in tertiary education is systematically devalued by the subsequent lack of equal access to on-the-job training, thus reducing their ability to benefit from employee-friendly workplace flexibility. On the other hand, men with the same education level are far more likely to access on-the-job-training with important implications for wages, promotional opportunities and higher degrees of job and schedule control. The authors also show that it is women with primary and secondary education who are the most likely to be relegated to jobs with low training requirements, a high degree of dependency on their employer and highly constrained choices in terms of work schedules. The chapter provides important considerations for research and policy in respect of the compounding nature of unrevealed bias in workplace policies – in this case access to workplace flexibility and the preconditions (on-the-job training) for such access to be gender neutral.

In Chapter 3, Ameeta Jaga, Bianca Stumbitz, and Susan Lambert consider constraints on women's choices in countries and contexts where women are not supported by family friendly policies and institutionalized forms of care. They demonstrate that the framing of women's choices, the constraints on their choices and the scope for expanding gender equality are highly contingent on the context in which these assessments are made. This chapter provides an excellent contrast to Chapter 2. Rather than consider how women manage and navigate the boundaries between work and family life – as is typical of studies in high-income countries – the authors consider how low-income women on the margins of the labour market navigate the reality of work–family entanglements which perpetuate gender and other inequalities. The authors examine how choices for work–family management (as opposed to 'boundary management' in high-income countries) are expanded within these constrained contexts. Community support networks and family accommodating workplaces are key to women's labour market participation. The authors demonstrate how the nurturing of these connections in under-resourced communities enabled these women to improve the conditions of their working lives. The authors argue that conceptions of work–family boundaries, trade-offs and the time–money conundrum can both limit our understanding of the barriers women face in these contexts and inhibit the identification of effective strategies to overcome them.

In Chapter 4, Jill Rubery, Isabel Távora, Eva Herman, Abbie Winton, and Alejandro Castillo Larrain examine the effects of the COVID-19 crisis

on key workers by examining comparative developments in social care and food retail. The authors demonstrate the labour dimension of the ‘paradox of value’: despite being considered ‘essential’, these highly feminized sectors and occupations remain those that are the least valued by society. The chapter shows that the frequently contingent nature of jobs in these sectors, systematic undervaluing of this work and low protection afforded to these jobs left key workers, the majority of whom were women, extremely vulnerable and exposed. Widespread public support for these workers resulted in temporary and short-lived gestures rewarding these workers. Despite the critical role they play in sustaining our societies and economies, deficits remain and there has been no structural or systematic revaluing of this essential work. As the authors note, ‘the current cost of living crisis has further pushed the valuation of frontline workers into the long grass’.

The consequences of the undervaluing of feminized work and occupations is a theme that is also addressed in Chapter 5 by Arianna Rossi and Anne Posthuma. The authors examine highly feminized labour-intensive jobs in manufacturing in global value chains in low- and middle-income countries. While these export-oriented activities provided opportunities to millions of young, unskilled female workers, these jobs are frequently characterized by low wages, poor working conditions and more precarious employment contracts. The authors consider the impact that economic shocks, technological upgrading and supply chains disruptions, including those during the COVID-19 crisis, have had on these women. What is clear from their analysis is that the constraints on their educational attainment and skills development and the systematic undervaluing of their work have limited their opportunities for development. External factors, such as inadequate structural transformation and upgrading within the wider economy and purchasing practices in supply chains, left them fully exposed to the risks of fluctuations in trade. The authors stress the importance of education and skills development in overcoming these barriers, so that these opportunities in value chains provide pathways to improve earnings and employment prospects, rather than dead ends.

Chapters 2–5 provide a very rich appreciation of gender inequalities at work, and the policies and strategies – public, private and communal – that attempt to address these. Chapters 2 and 3 provide important insights into the manner in which women navigate work–family boundaries and work–family entanglements in contexts with different institutional resources, always on different terms to men. In Chapter 3, the authors show that in Ghana, where employees have a right to statutory paid maternity leave, the reality is that employers in the informal economy who are not in a financial position to provide paid maternity leave substitute this with informal childcare support and breastfeeding opportunities at work. Chapter 2 demonstrates that even in a policy context with institutional resources supporting dual earners in Sweden, as Rubery et

al. note in Chapter 4 ‘institutional arrangements may themselves be shaped by gender norms and inequalities’. In contexts where it is perceived that women will interrupt their careers owing to childrearing, employers are more reluctant to invest in on-the-job training to the same extent as men. As a result, women have relatively less access to on-the-job-training, leading to less job control and asymmetric dependency relations in favour of employers.

Chapters 4 and 5 demonstrate the systematic undervaluing of female-dominated occupations, from social care in advanced economies to labour-intensive manufacturing in developing ones. What emerges is a very complex picture of intersecting inequalities associated with social norms, education, labour market attachment (perceived and actual) and employment status. Policy interventions, as reflected in and shaped by women’s individual and collective agency, are critical in advancing a transformative agenda for gender equality – one that tackles deeply entrenched structural barriers to gender equality. Part II of this volume addresses some of these measures.

1.3 GOVERNANCE OF WORK

Innovative and effective governance of work is crucial to address gender gaps in employment, pay, care, and pensions, and for the promotion of truly transformative gender equality. Governance relates to key aspects of law, collective bargaining, and policy, to actors, processes, and outcomes of the industrial relations system, and to social and welfare state policies. There is a complex interplay between various modes of regulation, including legislation, collective bargaining, social dialogue, case law, and policy measures, and synergies or conflicts between governance at international, regional, and national level. Although equality law is a dynamic area, its impact on the social reproduction bargain that affects gender segmentation in the labour market is still limited. The last four chapters of this volume examine governance of work in global and national contexts, and with various analytical and methodological approaches.

In Chapter 6, Mia Rönnmar considers the role of equality law in addressing gender inequalities in work and employment relations with specific reference to experiences from the European Union. She explores the complex interplay between EU law and Member State law and the evolution of equality law in the EU. The emphasis is on gender equality law, and its potentials and challenges, including new regulation on equal pay and pay transparency through an EU (2023/970/EU) Directive on Pay Transparency and the risks and legal challenges related to algorithmic discrimination and digitalization. In EU gender equality law, bans on direct and indirect discrimination and harassment are complemented by important regulation on pregnancy, maternity and parental leave, and work–life balance. The chapter demonstrates how EU gender equal-

ity law is shaped by an ongoing process of constitutionalization, the Court of Justice's dynamic case law and interpretation of rights of non-discrimination and equality between women and men in the EU Charter of Fundamental Rights, and an emphasis on effective enforcement of individual rights.

In Chapter 7, Rae Cooper and Talara Lee discuss the interesting case of Australia and argue that a gender lens must be applied to evaluate the recovery from the COVID-19 pandemic in Australia, and beyond. Their compelling analysis of recent developments reveals a gendered impact of the COVID-19 pandemic in terms of the nature of jobs and hours lost, a feminized group of key workers at the frontline in the pandemic, and a growing gender gap in unpaid care. Their discussion focuses on how industrial relations might contribute to a gender equitable recovery and is set against the political realities of a new government and recent promising legislative changes in Australia. Some key areas of governance and reform are highlighted, such as the quality of work in feminized sectors, reforms to industrial relations legislation related to, for example, collective bargaining and equal pay, and 'good' forms of labour market flexibility and work-life balance. The possible impact of such reforms on the progression of gender equality is critically assessed, and new research avenues are outlined.

In Chapter 8, Susan Hayter and Malena Bastida focus on governance by way of collective bargaining and consider recent global and comparative practices in gender equality bargaining. They review existing scholarship and outline a valuable analytical framework for analysis, which identifies three types of intervention: gender accommodating, gender responsive, and transformative gender equality provisions in collective agreements. Their thematic analysis, based on comprehensive empirical collective bargaining materials (provisions in 241 collective agreements across 61 countries), provides rich examples of gender equality bargaining. There is considerable variation in these provisions: some are innovative and strive for transformative gender equality, while the vast majority are either gender accommodating or gender responsive. Their interesting analysis emphasizes that gender equality bargaining may be an important mode of governance for advancing transformative gender equality, but also suggests that there is 'significant scope to improve strategic approaches adopted at the bargaining table'.

In Chapter 9, Jane Parker, Noelle Donnelly, Janet Sayers, Patricia Loga and Selu Paea examine governance by way of gender indices in the context of Aotearoa New Zealand. Gender indices are used to measure gender equality and to inform policy initiatives and regulatory reform. This chapter discusses the design and potential of a number of existing, generic, gender indices, established by international agencies for use at national level. Through an innovative co-designed case-based transdisciplinary study in the public sector, and on the basis of in-depth interviews with sector experts and public service

employees and managers, the authors develop a new institution-specific gender index model. This new model combines ‘conventional’ quantitative and emergent qualitative indicators of equality, taking growing workforce diversity into account and integrating an intersectional perspective. The proposed index is seen as work-in-progress as both conceptions of gender equality and contextual conditions continue to evolve. In conclusion, the authors argue for the importance of future comparative research and outline some research and policy ideas.

Chapters 6–9 provide important insights into current potentials and challenges in achieving gender equality through governance of work in different national and comparative contexts. The analysis emphasizes the importance of exploring synergies between various modes of regulation, including legislation, collective bargaining, and policy frameworks. Furthermore, the discussion highlights the need to promote effective enforcement and access to justice for individuals. Chapters 6 and 8 discuss aspects of collective bargaining and analyse the evolution of gender equality law and gender equality bargaining in similar ways, i.e. as a process from formal to comprehensive and transformative equality and from gender-accommodated to transformative gender equality provisions. In addition, Chapter 7 highlights the potential of industrial relations legislation reform to support multi-employer bargaining, which may help to lift wages in low paid sectors. Thus, collective bargaining and social dialogue have a key role to play in the regulation of the world of work and the striving for gender equality and decent and sustainable work. However, the analysis also reveals that the processes and outcomes of collective bargaining may also be problematic from a gender equality perspective. This is because the position of social partners and existing structures of collective bargaining may reproduce inequalities, put in place paternalistic protections, and unsuccessfully address gender gaps. Chapters 6–9, all with a focus on governance of work, emphasize the complexity of workforce diversity and inequalities and the interconnection of gender and other discrimination grounds. Furthermore, Chapters 6, 8, and 9 in various ways discuss both the vital importance of integrating an intersectional perspective and the legal and regulatory challenges it would entail.

CONCLUDING REMARKS

The chapters in this volume offer topical, multidisciplinary, and thought-provoking perspectives on gender inequalities in work and governance of work. The discussion engages with the profound and multifaceted processes of change that affect the world of work. Innovative research agendas, critical analysis of gender equality and intersectional discrimination, and cross-boundary research approaches can contribute to legal, societal, and eco-

nomic development and gender equality in practice. In this context, international and comparative research collaboration – not least within the framework of ILERA and the ILO – are important and fruitful.

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PART II

Gender inequalities in work

2. Workplace flexibility and the dilemmas of family-friendly choice: a new perspective on the puzzling gender inequality in Sweden

Anne Grönlund and Charlotta Magnusson

2.1 INTRODUCTION

Following its early success in the area of female employment, the Swedish welfare state model has been widely praised as a formula for gender equality. In the 2000s, however, Sweden's image has been challenged by the fact that there are still large gender gaps in wages and careers, even as a majority of women engage in higher education and full-time work. While these puzzles are commonly discussed as unintended effects of family-friendly policies, we will instead focus on the role played by labour market restructuring, specifically flexibilization. Based on our recent research, complemented by a summary of previous research evidence, we argue that in the dual-earner society – exemplified by Sweden – workplace flexibility can provide a mechanism that sustains gender inequalities and creates new divides among women.

Labour market flexibilization can be defined as a deregulation and de-standardization of work, resulting from mega-trends such as globalization, digitalization and service sector growth (Eurofound 2020). The concept of flexibility – which came to dominate the labour market debate starting in the 1990s – pinpointed the need for organizations to adapt swiftly and constantly to volatile markets and global competition. Since then, the notion of flexibility has guided organizational restructuring and influenced national policies and, by now, a substantial research literature has developed around the topic. However, there is reason to further explore the implications of flexibility from the perspective of gender equality.

Flexible organization can take different forms and since the early debates, there has been widespread concern that flexibilization will divide the labour market into a core group with stable jobs entailing autonomy and training – termed functional flexibility – and a peripheral group with contingent jobs,

providing organizations with numerical flexibility. Here, women have often been routinely associated with the latter segment mainly because of the strong focus on women's labour market entry. The de-standardization of working time provides opportunities for mothers to enter the labour force on a part-time contract. At the same time, part-time employment has been associated with a problematic numerical flexibility that will relegate women to low-quality jobs characterized by insecure contracts and limited training and career prospects.¹

This chapter uses the case of Sweden to discuss flexibility and gender inequality beyond the phase of women's labour market entry. Here, Sweden represents a 'social laboratory' because flexibilization first appeared at a time when women were already firmly integrated into the labour market. To better understand how inequalities are sustained and reshaped in this situation, the chapter will focus on what we term workplace flexibility. In contrast to numerical flexibility, which is achieved by varying the number of employees and/or their work hours, workplace flexibility is about varying work tasks and schedules in the core workforce. These forms of flexibility – functional flexibility and flexible scheduling – are generally perceived as employee friendly and have been linked to several aspects of job quality as well as to work–family reconciliation. Yet, as argued below, they could present women, and particularly mothers, with new dilemmas and provide a barrier to equality in the dual-earner society.

2.2 STAGES OF (IN)EQUALITY, FLEXIBILIZATION AND THE SWEDISH CASE

Already in the late 1970s, Sweden boasted female labour force participation rates above 70 per cent (OECD, n.d.-a). This accomplishment is commonly ascribed to Sweden's early adoption of a social policy model that promotes the dual-earner family. The model was based on individualized (rather than family-based) tax systems and welfare state transfers, as well as on extensive family policies that included generous parental leave schemes, a right to part-time work for parents and affordable full-time childcare services from age one (e.g. Korpi 2000). Supported by these policies, Swedish women have gained a firm foothold in the labour market and combine dual roles in work and family throughout the child-rearing years.

Since the 1990s, women have further strengthened their position in the labour market, and as illustrated in Table 2.1, Sweden maintains its position as a forerunner in this regard. Over the period, female labour force participation in the OECD increased from about 58 to 65 per cent, yet in Sweden the rate already exceeded 80 per cent at the beginning of the period. In addition, at 4 percentage points, the gender gap in labour force participation remains

Table 2.1 Changes in labour force participation, part-time employment and education in Sweden and the OECD (percentages)

	Sweden		OECD average	
	1990 (1998)	2021 (2020)	1990 (1998)	2021 (2020)
Labour force participation, women ¹	82.5	80.8	58.1	64.8
Labour force participation, men ¹	86.8	84.9	82.4	80.1
Labour force participation, population ¹	84.7	82.9	70.0	72.4
Share of employed women in part-time work ¹	24.5	14.1	18.7	23.4
Share of employed men in part-time work ¹	5.3	7.2	4.4	8.4
Share of women with tertiary education ²	29.6	52.4	19.1	42.7
Share of men with tertiary education ²	26.5	37.3	21.1	35.3
Share of population with tertiary education ²	28.0	44.6	20.1	39.0

Notes: ¹ Ages 15–64, years 1990 and 2021; ² ages 25–64, years 1998 and 2020. Part-time employment is defined as working 30 hours or less in the main job.

Source: OECD statistics (oecd.stat).

considerably smaller than the current OECD average of 15 percentage points. Another distinction is that in the OECD (and Europe specifically; see Eurofound 2020), the increase in women's employment over the period has occurred largely through an expansion of part-time work. In Sweden, women initially entered the labour market on part-time contracts, but in recent decades the rate of part-time employment has decreased, taking Sweden from a 1.5-earner to a dual-earner society in which almost nine out of 10 women work full time. Finally, and importantly, the period since the 1990s has been characterized by a substantial increase in women's human capital. Here, too, Sweden is at a different stage. In Sweden, women outnumbered men in higher education already in the late 1970s (UKÄ 2022) and since then, their advantage has increased further. In the OECD, the gender gap reversal did not occur until the 2000s. Today, over 52 per cent of women in Sweden, compared with 43 per cent in the OECD, have a tertiary education, and the gender gap to women's advantage is more than twice as large in Sweden.

These different developments point to the need to consider context when discussing the implications of flexibility. The flexibilization trends, evident from the early 1990s, coincide with a period of increasing female labour force participation and part-time work in the OECD while Sweden had already

entered another stage. Currently, the majority of Swedish women invest in higher education and engage in full-time, qualified jobs, yet they continue to fare worse than men in terms of wages and careers, e.g. regarding access to managerial positions. Also, despite extensive family policies, gender gaps are accentuated following parenthood (e.g. Blau and Kahn 2017; Bygren and Gähler 2012). These puzzles – in particular, the large wage gap among the highly educated – spurred comparative researchers to develop the welfare state paradox idea. The main claim was that extensive family policies, as found in Sweden, provide a source of segregation and discrimination, strengthening the ‘glass ceiling’ facing career-minded women (e.g. Mandel and Semyonov 2006; Mandel and Shalev 2009; Mandel 2012).² Since its formulation, the hypothesis has stimulated much scholarly debate, including critical perspectives (e.g. Korpi, Ferrarini and Englund 2013). Nevertheless, these debates and the inequalities that propelled them suggest that policies initially formulated to bring women into the labour market may not be sufficient for the transition from a 1.5-earner to a gender-equal, dual-earner society.

While Sweden has come quite a long way in this transition, the *inequalities* between men and women in the labour market appear ever more puzzling. To further understand the mechanisms sustaining – but potentially also transforming – such inequalities we should consider how flexibility has changed the ‘rules of the game’. Here, we will focus on the issue of workplace flexibility, which has been little discussed from a gender perspective.

As mentioned, our concept of workplace flexibility incorporates functional flexibility and flexible scheduling. In contrast to numerical flexibility, these forms of flexibility are not directly connected to insecure contracts or wages. Instead, these are organizational strategies to increase adaptability by providing workers with autonomy, task discretion and skill development, and by varying the timing of work hours. Furthermore, both these types of flexibility are generally considered benign from an employee perspective. In the OECD framework, autonomy, task discretion and training are central aspects of job quality (OECD, n.d.-b) and have been shown to counteract work-related stress (Karasek and Theorell 1990) and to strengthen employability and employment security (see Section 2.3). Flexible scheduling has been widely promoted – notably by the OECD (2016) – as a tool for parents to balance the demands of paid work and family. In work–family research, it is also discussed as a modern alternative to female part-time work, which often entails worse labour market outcomes and larger burdens of housework (OECD 2010b; Fahlén 2016). Presumably, however, flexible scheduling could allow both mothers and fathers to engage in full-time work while taking turns with housework and childcare (e.g. Chung and van der Horst 2018 – see also Section 2.4).

Arguably, Sweden provides a strong case for exploring the gender dimension of these allegedly employee-friendly forms of workplace flexibility. In

Sweden, employment relationships tend to be long term, backed by employment protection regulation, high unionization rates and a wide coverage of collective agreements. These institutions are conducive to developing negotiated workplace flexibility that take workers' interests into account (Berg, Bosch and Charest 2014; Grönlund 2004). The other reason for studying the Swedish context is of course the strong integration of women and mothers in the labour force (e.g. Korpi, Ferrarini and Englund 2013). In this context, concerns that female employment would provide a source of numerical flexibility seem unwarranted. First, Swedish women remain in employment throughout the child-rearing years and their employer tenure rates do not differ from those of men (Edlund and Grönlund 2008). Second, a majority of women work full time, and although part-time work is more common among women than among men, it cannot be easily equated with numerical flexibility. Part-time workers in Sweden generally have permanent employment contracts – indeed often a full-time contract, as much part-time work reflects parents' usage of the right to temporary work-hour reductions. Also, part-time contracts based on short hours are uncommon.

Below, we will focus on two aspects of workplace flexibility: on-the-job training requirements, regarded as a proxy for functional flexibility, and schedule control, defined as employees' possibilities to vary the timing of their work. As mentioned, these forms are considered employee friendly and both are comparatively widespread in Sweden (Edlund and Grönlund 2008; Eurofound 2017; OECD 2016)³ – at least partly as a result of Swedish trade unions' efforts. Nevertheless, access to, and the implications of, such flexibility may differ between men and women. In fact, both on-the-job training and flexible scheduling have been depicted in research as contemporary mechanisms sustaining gender inequalities in wages and careers (see Sections 2.3 and 2.4). Arguably, then, there is reason to consider their relevance in the Swedish dual-earner context. At the same time, however, a narrow focus on overall gender differences could mask substantial divergencies among women (and men). To better understand how workplace flexibility can sustain – but also challenge – labour market inequality, we will examine empirical patterns with a simultaneous focus on gender and education. According to the literature cited below, workplace flexibility could discriminate against women and such barriers are often presumed to be particularly problematic for highly educated, career-minded women. Meanwhile, women with a lower level of education are more disadvantaged by the traditional division of family responsibilities (e.g. Evertsson 2016; Hook 2010) and a stronger clustering in female-dominated occupations (Magnusson 2009) and such factors could hamper their access to training and schedule control. To better understand these complexities, we will examine gender gaps among individuals with and without a tertiary education

but also compare within-gender differences based on education for women and men.

2.3 FUNCTIONAL FLEXIBILITY – GENDER-BIASED SKILLS INVESTMENT?

Employment protection legislation has been widely discussed as an impediment to labour market flexibility – and conversely, flexibilization is depicted as a threat to job security. However, this view has been challenged by researchers in comparative political economy, who argue that flexibility will take different forms in countries with different institutional frameworks. The basic idea – most clearly developed within the varieties-of-capitalism (VoC) approach – is that organizational strategies are formed by the country's capacity for non-market coordination, or by long-term strategic interaction between important actors of the economy (see e.g. Soskice 1999; Estévez-Abe, Iversen and Soskice 2001; Hall and Soskice 2001). In coordinated market economies, comprising Nordic countries and north-western Europe, firms meet the need for flexibility through production strategies that are based on continuous development and diversification of high-quality products. The focus on quality and frequent product change requires a workforce that can work autonomously, perform a wide range of tasks, and continuously detect and solve production problems. Thus, work organization will be based on functional flexibility that requires long-term employment relations and the accumulation of skills through on-the-job training. In Anglo-Saxon countries, in contrast, the lack of coordination requires – and enables – firms to react promptly to market supply and demand signals and, by deriving advantage from their capacity for fast and radical change, to opt for either standardized, low-wage production or radical product innovation in new industries. In both cases, the Anglo-Saxon model relies on hire-and-fire strategies (i.e. numerical flexibility) and general skills being available on the market (see e.g. Soskice 1999; Estévez-Abe, Iversen and Soskice 2001; Hall and Soskice 2001).

As mentioned above, functional flexibility based on long-term employment and workplace training is generally regarded as employee friendly – arguably, however, such flexibility could also discriminate against women. Following human capital theory (Becker 1991, 1964/1993), several researchers have argued that skills acquisition through workplace training and learning – particularly through employer investments in on-the-job training – presupposes long-term employment relations and, since women are presumed to interrupt their careers as a result of child-rearing, employers are reluctant to provide them with training (Polacheck 1981; Polavieja 2008). Taking the VoC perspective, Estévez-Abe (e.g. 2009) claims that these problems will be particularly prominent in Sweden, where extensive family policies have brought

women and mothers into the labour market at a large scale and institutionalized female work interruptions through parental leave entitlements.⁴ In this context, organizational strategies based on functional flexibility and continuous skill development will provide a mechanism for segregation, discrimination and labour market gender inequality.

In its essence, this argument resembles the influential thesis of the welfare state paradox developed by Mandel and colleagues (see Section 2.2 above). While Mandel and colleagues focus on policies and Estévez-Abe and other VoC scholars on firms and labour market institutions, both sides agree that on-the-job training is a driver of gender inequalities in the Nordic countries and, further, that gender-biased training investments will appear as wage and career gaps mainly among the highly educated. The latter claim is based on the assumption that on-the-job training is particularly important in high-skilled jobs. Arguably, however, labour market flexibilization has increased the importance of continuous skill development also in workers' jobs. Indeed, the blueprints of flexible work organization were developed around industrial work. In the seminal works of Piore and Sabel (1984) and Womack, Jones and Roos (1991), it was argued that the requirements for flexibility, owing to globalization and new information technologies, would turn the logic of the Tayloristic organization upside down, resulting in multi-skilled workers, teamwork and autonomy – a return, in an industrial form, to craft production. While the gender perspective was blatantly missing in these works, it is quite likely that such transformations would primarily benefit male workers. Thus, gender gaps could appear also among individuals with a lower level of education, owing to occupational segregation as well as gender barriers within (industrial) organizations.

Now, we will take a look at empirical patterns, using on-the-job training requirements as a proxy for functional flexibility.

2.3.1 On-the-job Training Requirements

Despite the theoretical justification for the importance of on-the-job training, direct measures of training have not generally been included in comparative studies (but see Edlund and Grönlund 2008). In a Swedish study, Grönlund (2012) found that women had jobs with lower on-the-job training requirements than men. Part of this gender gap was related to occupational gender segregation, but substantial differences remained even within the same occupation.⁵ However, there is reason to consider gaps in on-the-job training from the perspective of both gender and education. Here we explore the distribution of on-the-job training based on nationally representative data from the sixth wave of the Swedish Level of Living Survey, conducted in 2010.⁶ Specifically, we capture the *initial training requirements*, i.e. the basic skill development

inherent in the job, which arguably could be a proxy for functional flexibility and workplace training investments. The indicator is based on the question ‘Apart from the competence necessary to get a job such as yours, how long does it take to learn to do the job reasonably well?’ and we distinguish between jobs requiring a training period of one year or more from those involving less training.⁷

Table 2.2 displays the prevalence of jobs requiring at least one year of training among men and women, both overall and in groups with higher and lower education. Higher education was defined as having at least some education at the tertiary level and in the sample, 50 per cent of the women and 43 per cent of the men belonged to this group. However, while women on average have more formal education, they are much less likely than men to have jobs involving substantial on-the-job training. Furthermore, we note that, although such jobs are more common among individuals with a tertiary education, gender gaps appear in both educational groups. In fact – and slightly surprisingly considering the arguments above – these gender gaps are particularly large among individuals with primary/secondary education. Here, only 17 per cent of the women have a job involving a long training period, compared with 45 per cent of the men. Notably, then, the likelihood of getting a job with substantial training requirements was as high for men with primary/secondary education as for women with tertiary education. Moreover, it should be noted that the difference between individuals with and without tertiary education is twice as large among women as it is among men. Thus, in terms of on-the-job training,

Table 2.2 On-the-job training requirements in current job, by gender and level of education (percentages)

	On-the-job training > 1 year	
	> 1 year	Up to 1 year
Men	52	48
Women	31	69
<i>Tertiary education</i>		
Men	60	40
Women	45	55
<i>Primary/secondary education</i>		
Men	46	54
Women	17	83
All	42	58

Note: $N = 2374$ (women $n = 1122$, 47% of sample).

Source: Swedish Level of Living Survey 2010.

less educated women face a double disadvantage, both vis-à-vis men with similar credentials and vis-à-vis women with tertiary education.

The varying degrees of access to on-the-job training could have several implications for gender inequalities. A positive relationship between initial on-the-job training requirements and wages has been established in studies from different countries (e.g. Gronau 1988; Tåhlin 2007). Also, this measure has been shown to explain part of the gender wage gap (e.g. Gronau 1988; Grönlund and Magnusson 2013; Boye and Grönlund 2018). Over time, these inequalities are likely to be reinforced. As argued by Tåhlin (2011; see Boye and Grönlund 2018), complex jobs requiring independent thinking and autonomous judgement provide good learning environments that further enhance workers' skills. Conversely, the value of formal education may be undermined in routine jobs where skills cannot be fully used or further developed. Thus, as learning improves workers' productivity and therefore their wage and promotion opportunities, an initial sorting of employees by gender could create substantial inequalities over time. Such processes may help explain why gender wage gaps remain despite women's investments in higher education. Meanwhile, the figures above suggest that men with lower levels of education tend to be compensated through on-the-job training. Arguably, differences in initial on-the-job training may also have implications for gender equality in the family. If workplace training sorts men into demanding jobs with higher wages, it could spur a traditional division of paid and unpaid work even between spouses with similar levels of education. Considering the large gaps found among women, such processes could also strengthen differences in unpaid work between more and less educated women.

2.3.2 Employer–Employee Dependence

Another relevant question is how on-the-job training – or the lack thereof – may affect employment security in modern labour markets. In several labour market theories, on-the-job training has been strongly associated with job security. Indeed, researchers from vastly different perspectives agree that workplace training is key to understanding employers' interest in long-term employment contracts. The premise is that on-the-job training conveys mainly firm-specific skills, which are of great value to the organization but less useful on the open market. Thus, employers and employees 'get bonded together' in a long-term relationship based on mutual dependence (Becker 1964/1993: 20).

However, recent empirical research has challenged this logic in at least two respects. First, it has been shown that most training provides skills that are not firm-specific but transferable to several firms (e.g. Leuven 2005). Second, the significance of mutual dependence has been questioned by Tåhlin (2007), who used direct indicators to explore the ties between employer and

employees. The study, based on Swedish data, shows that employer–employee dependence relations – measured as the employer’s possibilities to replace an employee and the employee’s prospects of finding a new job – are commonly asymmetric, meaning that the situation is more advantageous for either one part or the other. Such asymmetric dependence relations are crucially related to social stratification and wages, while symmetric relationships – characterized either by mutual dependence or weak ties between employer and employee – are insignificant.

These insights suggest that workplace training investments affect the employee’s bargaining position both vis-à-vis their current employer and in the labour market at large. This could be particularly relevant in modern labour markets, which are characterized by high volatility owing to globalized competition, technical development and frequent reorganization. In this situation, job security can be undermined, and policymakers have shifted the focus to employment security, emphasizing that individuals must maintain and improve their employability through continuous education and training. Arguably, then, workplace training investments could be an important aspect of gender inequalities in Sweden. Here, mean tenure rates are long for both men and women (Edlund and Grönlund 2008), yet women have jobs with lower on-the-job training requirements than men with the same employer tenure (Grönlund 2012). In particular, a lack of on-the-job training could put women – particularly less educated women – in a vulnerable situation with limited possibility for exit.

To date, employer–employee dependence patterns have not been empirically examined from a gender perspective. As a first step, we provide a descriptive overview of dependence relations in Sweden broken down by gender and education. Again, data come from the Swedish Level of Living Survey 2010 and we apply the same operationalizations as in the original study by Tåhlin (2007). Employer–employee dependence is defined as employees’ ratings of their replaceability in their current job in relation to their employability on the labour market. The employability dimension is captured by the question ‘How difficult do you think it would be for you to get a job as good as your current one if you for some reason had to leave your employer?’ while the replaceability measure is based on the question ‘How difficult do you think it would be for your employer to replace you if you left?’ To include both asymmetric and symmetric dependence relations the two items were combined to form four dependence states. On the symmetric axis – most widely discussed in the literature – dependence relations can be characterized by *mutual dependence* or *independence*. In the first case, employees perceive that they are fairly or very difficult to replace, but also that they themselves would have significant difficulties in finding new employment. In the *independence* state, employees are easy to replace but can easily find a new job. The asymmetric dependence

relations are *worker power*, meaning that employees can find a new job without significant difficulties, while their employer would find it difficult to replace them, and *employer power*, which signifies the opposite situation – that is, employees can be easily replaced but would have a hard time finding new employment.⁸

Table 2.3 shows the percentage of employees in each dependence state, divided by gender and level of education. Our main interest lies in the asymmetric dependence relations, and as shown, these vary vastly between groups, while differences in symmetric dependence are minimal. Worker power is the most prevalent situation among men, while women most commonly report a situation of employer power – that is, they perceive that they are easy to replace but would have difficulty finding a new job. However, education makes a large difference, particularly for women. Gender differences in employer power are minimal among the highly educated, but large among employees with a lower level of education. For worker power, clear gender differences appear in both groups, but again the gaps are particularly large among individuals with a primary or secondary education. In this group, 38 per cent of the women find themselves in a situation of employer power, compared with 24 per cent of the men. Meanwhile, 31 per cent of the men but only 16 per cent of the women with a lower level of education have an employment relationship characterized by worker power. Also, it is notable that the prevalence of the employer power and worker power situations is similar among men with a lower level of education and women with a tertiary education. Finally,

Table 2.3 Employer–employee dependence relations by gender and education (percentages)

	Asymmetric dependence		Symmetric dependence	
	Employer power	Worker power	Mutual dependence	Independence
Men	22	34	23	21
Women	30	23	23	24
<i>Tertiary education</i>				
Men	20	38	21	21
Women	22	30	22	26
<i>Primary/secondary education</i>				
Men	24	31	24	21
Women	38	16	25	22
All	26	29	23	22

Note: $N = 2374$ (women $n = 1122$, 47% of sample).

Source: Swedish Level of Living Survey 2010.

differences between individuals with and without a tertiary education are particularly pronounced among women; for employer power this difference is four times as large as for men.

All in all, the studies and statistics presented above suggest that functional flexibility – proxied here by on-the-job training requirements – could create a mechanism that sustains or reshapes gender inequalities in the dual-earner society. Thus, workplace training investments merit more attention from researchers. In the dominant theoretical frameworks, gender differences in training are attributed to women's family responsibilities, yet organizational sorting of men and women can appear for other reasons.

Here, researchers have pointed to cognitive biases relating to stereotypical gender beliefs (Ridgeway and Correll 2004) as well as social closure processes, by which male employees monopolize skills and authority and exclude women from opportunities for on-the-job training (e.g. Tomaskovic-Devey and Skaggs 2002). Finally – as we will argue in the next section – traditional notions of family-friendly choice are also challenged by trends towards flexibilization.

2.4 FLEXIBLE SCHEDULING AND THE COMPLEXITIES OF FAMILY-FRIENDLINESS

Flexible scheduling features prominently in contemporary discussions of work–family interactions. In particular, individuals' abilities to influence the timing of their work, discussed below as schedule control (see Chung 2019), is regarded as a way for mothers to reconcile care responsibilities with paid work (e.g. Kossek, Lautsch and Eaton 2006). Meanwhile, women's prioritization of flexible, family-friendly work conditions is discussed as an important driver of gender gaps in wages and careers (Glauber 2012; Goldin 2014). As discussed below, however, these assumptions are problematic, and in a dual-earner context like Sweden, flexibility may entail new dilemmas and inequalities that vary both by gender and education.

First, it is not obvious that women choose family-friendly work that provides schedule control. On the contrary, the empirical support for women's work being more flexible and family-friendly is weak. For Sweden, Magnusson (2021) has shown, based on data from the Swedish Level of Living Survey 2010, that women's jobs are less flexible in terms of schedule control than are men's jobs. Moreover, schedule control is less prevalent in female-dominated occupations than in those dominated by men (for similar results with other Swedish data, see Grönlund 2004, and Grönlund and Öun 2018; for other countries see Glauber 2011 and Chung 2019).

A reason for these findings could be that schedule control goes hand in hand with employer-oriented demands for flexibility. Several scholars have pointed

out that schedule control may be introduced as a company strategy to increase employees' motivation, loyalty and performance, rather than to cater to their family concerns (e.g. Chung 2019; Davis and Kalleberg 2006; Lott and Chung 2016; Ortega 2009). The argument is empirically supported in Magnusson's study (2021) showing positive correlations between employees' schedule control and their employers' demands for working time flexibility, such as unpaid overtime, work hours varying with fluctuations in workload, frequent business trips and requirements for constant availability (see also Grönlund 2004; Grönlund and Öun 2018, 2022). As emphasized by several scholars, such demands tend to be difficult to combine with childcare and household responsibilities (Magnusson 2010; Blair-Loy 2003; Grönlund 2004; Williams 2000; Goldin 2014). Arguably, then, this employer-oriented aspect of flexible scheduling – henceforth labelled flexibility requirements – represents work conditions that can be regarded as essentially family *unfriendly*.

These findings raise new questions about the links between flexibility and gendered choices and inequalities in work and family. Arguably, women's lower schedule flexibility may reflect a tendency to avoid the family-*unfriendly* aspects of flexibility requirements. To the extent that such requirements are rewarded with higher wages, such choices could also contribute to the gender wage gap. Exploring these hypotheses, Magnusson (2021) found that schedule control was positively correlated with wages, largely because such control is provided in exchange for productivity-oriented flexibility requirements.⁹ Also, part of the gender wage gap can be ascribed to the fact that women have jobs with lower flexibility requirements (Magnusson 2010, 2021; Magnusson and Neramo 2017). At the same time, women who did acquire jobs with high flexibility requirements were not economically compensated for these job characteristics to the same extent as men (Magnusson 2021).

Taken together, the above studies suggest that the notion of family-friendly choice is insufficient for explaining labour market inequality. Another crucial question is to what extent schedule control helps employees – especially parents – to balance the demands of work and family. Outcomes of such balancing are commonly measured with indicators of work–family conflict. This construct captures subjective experiences of work spilling over into family life, creating a tangible stress with negative consequences, e.g. in terms of depression and anxiety, burnout, absenteeism, less job and life satisfaction and worse parent–child relationships (e.g. Michel et al. 2011). Because of their greater family responsibilities, women are prone to adapt their work to keep work–family conflicts down, and part-time work is one of the main strategies used. However, since female part-time work is associated with a more traditional division of unpaid work as well as gendered labour market outcomes, this strategy is not unproblematic. Here, flexible scheduling could offer a modern alternative that would allow men and women to engage in full-time

work while sharing housework and childcare in a tag-team fashion (e.g. Chung and van der Horst 2018). Arguably, these propositions are particularly relevant in the Swedish context, where parents have a statutory right to part-time work and schedule control is widely available to employees (Eurofound 2017; OECD 2016). Empirically, however, the links between flexible scheduling, gender and work–family conflict have not been convincingly established. In meta-analyses (Byron 2005; Allen et al. 2013; Michel et al. 2011), schedule control tends to be negatively correlated with work–family conflict; however, as Allen et al. (2013) point out, the effects are small, and in some studies, flexibility is associated with greater work–family conflict (e.g. Higgins, Duxbury and Julien 2014). Arguably, a reason for these limited effects could be that employer-oriented flexibility requirements hamper the family-friendliness of schedule control, as well as its gender-equalizing potential.

In a recent study, Grönlund and Öun (2022) included both organizational demands and employee control when exploring the links between flexibility and work–family conflict in the Swedish population. The study was based on a survey of employed parents with preschool children and used cluster analysis to get a comprehensive picture of how flexible work arrangements vary between mothers and fathers. These were captured with measures of flexible scheduling – both schedule control and flexibility requirements – as well as measures of work strain based on the job control/demand model (Karasek and Theorell 1990). The model states that high job demands, defined as psychological stressors related to workload and time pressure, are less likely to cause harmful stress if the employee has a high degree of job control, meaning that they can exert some influence over the pace of work and decide when and how to perform different tasks.¹⁰

The analysis identified three job types, and there were stark contrasts between the two largest types – confined and boundaryless jobs. *Confined jobs* – particularly common among mothers, parents with a primary/secondary education and in workplaces (numerically) dominated by women – resembled the high-strain jobs discussed in research on work and stress with high job demands and low job control (Karasek and Theorell 1990). However, these jobs also entailed low levels of schedule flexibility. In *boundaryless jobs* – more common among fathers, parents with a tertiary education and in gender-mixed and male-dominated workplaces – high job demands were matched with high job control, presumed to provide a buffer against stress (Karasek and Theorell 1990). Notably, these jobs also combined high levels of employee schedule control with high organizational requirements for flexibility. Finally, *malleable jobs* – the third type – combined low job demands and flexibility requirements with medium levels of schedule/job control. In comparison with the other types, these jobs were more evenly distributed among groups but also much less prevalent.

The results regarding work–family conflict provided limited support to the idea that schedule flexibility provides a modern strategy for work–family reconciliation that could replace maternal part-time work. Instead, mothers in boundaryless high-flex jobs report a level of work–family conflict that is considerably higher than for men in the same cluster but also higher than for mothers in the other clusters. The result holds even if only full-time workers are compared. At the same time, part-time work reduces mothers’ work–family conflict in all job types. In sum, flexible scheduling does not appear as an obvious alternative to part-time work. Also, in high-flex jobs, work hours can be difficult to limit. In fact, 37 per cent of the mothers and 52 per cent of the fathers worked long hours (> 41 hours), with negative implications for work–family conflict. Meanwhile, lacking both schedule control and job autonomy, mothers in confined jobs commonly resort to part-time work to manage work–family tensions and stress.

All in all, we note that access to flexible work arrangements differs radically between mothers and fathers as well as between individuals with and without tertiary education. Because family-friendly and family-unfriendly flexibility cannot be easily distinguished, clear-cut choices are difficult and the available options vary both by gender and educational level. Among less educated parents, women’s *lack* of flexibility can sustain gender inequalities in work and family, in terms of both the traditional division of unpaid work and gender pay gaps. Meanwhile, high flexibility requirements from the organization can prevent women from entering jobs with substantial schedule control, and when they do, they receive lower pay than men but experience greater work–family conflict. Also, while flexible schedules can allow parents to share paid and unpaid work more equally (Grönlund and Öun 2020), they are available mainly to parents with a tertiary education. Arguably, however, the case of malleable jobs can underline both the importance and the limitations of schedule flexibility. In these jobs, which are low-strain jobs where employees have a certain schedule control but no flexibility requirements from the organization, both mothers and fathers perceived much lower work–family conflict than in the other two clusters. These findings suggest that *limited* schedule control can help alleviate work–family tensions, but that organizational flexibility requirements must be kept low (for similar results see Grönlund 2004).

2.5 DISCUSSION

The thrust of this chapter was to discuss workplace flexibility as a mechanism for gender inequality in the dual-earner society, using Sweden as a example. While numerical flexibility has been extensively problemized in research and in related debates, we have focused on allegedly benign forms of flexibility and argued that they are not gender neutral in terms of access and consequences. In

comparison with men, Swedish women have jobs entailing lower on-the-job training requirements, regarded here as a proxy for functional flexibility. Furthermore, women more often perceive themselves to be dependent on their employer, i.e. easier to replace and less employable than men. These patterns suggest that even with stable, long-term employment contracts, women may not be 'insiders' to the same extent as men but more often 'locked in', with fewer possibilities in terms of both exit and voice.

At the same time, gender gaps vary considerably by level of education, suggesting that workplace flexibility has different implications for different groups, based on both gender and education. Lack of access to on-the-job training can devalue women's investments in tertiary education and potentially explain part of the gender wage gap among the highly educated. At the same time, the importance of tertiary education is particularly evident among women. Thus, women with only primary/secondary education stand out as a vulnerable group, with jobs entailing little training and a high level of dependence on the employer, compared both with men with a similar level of education and with women with a tertiary education.

The logic of flexibility also reshapes the meaning of family-friendly work arrangements and presents employees with new dilemmas. Because schedule control is provided as a reward for productivity-oriented flexibility entailing constant availability, it is less accessible to women and not necessarily an efficient tool for limiting work–family conflict. Again, however, employment conditions vary substantially between women depending on their level of education. Lacking both schedule and job control, women with primary/secondary education are left with limited room to manoeuvre. In this situation, part-time work remains the main option to balance work and family demands. Meanwhile, women with a tertiary education may compromise their wage prospects by avoiding jobs with productivity-oriented but family-unfriendly flexibility requirements. Presumably, varying access to workplace flexibility could instigate complex feedback processes that also affect the division of unpaid work.

A main aim of this chapter was to discuss gender inequalities in a dual-earner society through the lens of flexibilization. It is notable that the gender and gender-education gaps described above can be found in the context of Sweden, considering that the country has a strong welfare state and labour market institutions. Here, it should be emphasized that, at its core, the idea of flexibilization is about deregulation. In Sweden, the flexibilization process has involved trade unions, but one central outcome of that process is that collective agreements are decentralized, which substantially increases the room for firm-level negotiation (e.g. Berg, Bosch and Charest 2014; Grönlund 2004). To some extent, then, workers' interests have been protected, yet decentralization implies that flexibilization can take very different forms in different

workplaces, depending on factors such as sector, gender composition and workplace size. Within workplaces, flexibility can take gendered forms, e.g. through social closure processes that can limit women's access to training, or because flexible scheduling can involve employer-oriented requirements that are incompatible with care responsibilities. Arguably, then, workplace-level processes may be increasingly important when it comes to explaining inequality, even in countries with encompassing welfare states. Clearly, these are important issues for future research.

Although this chapter has provided merely a broad discussion of these complex relationships, we hope to have shown that issues of workplace flexibility deserve more attention from scholars and others intent on understanding how gender inequalities transform as women strengthen their foothold in the labour market and increasingly aspire to hold qualified jobs. Here, the Swedish example has provided an illustration, but in future, there is a need for more systematic empirical investigations both within and across different contexts. In this endeavour, it is crucial to go beyond the notion of gender as a unitary category and explore the interplay between gender and education. The evidence presented above suggests that flexibilization can help to explain women's lower pay-off on tertiary education. At the same time, women lacking a tertiary education face a double disadvantage in terms of both training and schedule control. Presumably, then, links between flexibilization and equality must be studied through this bifocal lens.

NOTES

1. The terms functional and numerical flexibility were originally coined by Atkinson (1985, 1987) and in his model the two forms of flexibility were inherently linked to a dualization of the labour force in high- and low-quality jobs. According to Atkinson, functional flexibility will be sought from a core group of full-time primary workers who are offered long-term contracts with continuous training and skill development. Meanwhile, a peripheral group of low-skilled and often part-time workers – mainly women – will provide the firm with numerical flexibility. Explicitly or implicitly, this view of female part-time work has continued to shape labour market debates. In statistical overviews, part-time employment is bundled together with, for instance, temporary employment and temporary agency work in the composite construct of 'non-standard work' and the increase in such work is generally associated with flexibilization and problematic work conditions (e.g. Eurofound 2020). In the OECD (2010a), part-timers on average tend to have lower hourly wages, less access to training and promotion and less job security than full-time workers. However, the magnitude of these differences varies between countries. Moreover, part-time employment does not necessarily provide a source of flexibility to employers, for example, permanent contracts are common and regulations of workers' rights have been strengthened.
2. Mandel and colleagues argue that extensive family policies bring mothers into the labour market on a large scale and create family-friendly jobs in the

public sector and while this may benefit women with meagre human capital endowments, it will harm more educated and career-minded women. The institutionalized rights to work interruptions – for example, through parental leave entitlements – will increase statistical discrimination of highly educated women by private employers because ‘for jobs with high training costs, they favor more stable and productive employees’ (Mandel 2012: 243). As a result, the labour market will be segregated and women’s careers will be hindered.

3. Flexibility is a fuzzy concept that can translate into different practices; through our choice of context and measures, we have emphasized employee-friendly forms of workplace flexibility. Arguably, functional flexibility is not always about upskilling and autonomy, but can also entail an intensification of work through employer-directed rotation between unskilled tasks. Also, working time flexibility can represent a mixture of numerical and workplace flexibility as in so-called zero-hours contracts (Eurofound 2020). Although such employee-unfriendly practices are reported also in the Swedish labour market, it is beyond the scope of this chapter to provide a detailed description of flexible arrangements across industries, workplaces and groups.
4. In 1974, Sweden became the first country to introduce parental leave that could be split between two parents of a child. Swedish fathers’ share of used parental leave days has increased from approximately 0.5 per cent of all days in 1974 to approximately 30 per cent in 2022 (Försäkringskassan 2023). The father’s uptake increases with educational level, while the reverse pattern is found among mothers (Försäkringskassan 2013).
5. A close-up study of recently graduated individuals from five university programmes further shows that gender gaps in on-the-job requirements can appear early in the career and regardless of educational and occupational choice (Boye and Grönlund 2018).
6. The Swedish Level of Living Survey is a nationally representative survey of 0.1 per cent of the Swedish population between the ages of 18 and 75. The study sample consists of 2,374 employees (aged 19–65) that were in paid employment at the time of the interview. The survey is repeated every 10 years but owing to the COVID-19 pandemic, data from the seventh wave were delayed and were not yet available at the time of writing.
7. This is a dichotomization of the seven response alternatives in the survey question (1 day or less, 2–5 days, 1–4 weeks, 1–3 months, 3 months–1 year, 1–2 years and more than 2 years).
8. The survey offered five response alternatives to each question: (1) very difficult; (2) fairly difficult; (3) not especially difficult; (4) fairly easy; and (5) very easy. Following Tåhlin (2007), we have dichotomized the responses to capture low (1,2) and high (3–5) replaceability/employability.
9. In Magnusson (2021), employees who worked overtime at least once every week, had at least one overnight business trip a year and were expected to work overtime without extra compensation were regarded as having jobs involving employer-oriented flexibility requirements.
10. Over the past few decades, the job control/demand model has been empirically related to a range of stress-related problems (e.g. Häusser et al. 2010) as well as work–family conflict (e.g. Grönlund 2007).

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3. Work–family entanglement: drawing lessons from the complex lives of low-income women¹

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3.1 INTRODUCTION

Work–family concerns that hinder progress towards gender equality, such as women’s disproportionate care work and masculine workplace norms, mostly centre around white-collar middle-class lives (Jaga and Ollier-Malaterre 2022). Concepts like ‘work–family boundary management’ are helpful in understanding how people combine work and family when they have some choice, for example how they blur boundaries between work and family when working remotely. However, concepts that assume choice and boundaries are insufficient for understanding the lives of the vast majority of low-income women across the world, particularly those who occupy precarious forms of informal or non-standard work and who live in diverse family structures that may cross geographical distances, as in the case of migrant work arrangements. This chapter aims to expand conceptualizations of the work–family nexus with the goal of offering new insights into and from the lived realities of low-income women. From these women’s perspectives, choice – which envisages boundaries between work and family life – is a rare privilege. We address the following questions: how would we conceptualize the relationship between work and family were we to begin with the experiences of marginalized low-income women workers rather than privileged white-collar workers; and what new strategies emerge from such a conceptualization for tackling gender inequality and reducing the challenges of combining work and family?

Low-income workers may be marginalized by societies, but globally they constitute the majority of the working population (Kochhar 2020). Rising neo-liberal policies, leading to reductions in social protection programmes and/or institutionalized care policies, mean that low-income workers across the world are employing a range of strategies to reconcile work and family. To earn, they

are likely to take up irregular informal labour, such as street vending or domestic work in urban centres away from their families. To care, they may rely on a network of supports that may span different households and/or geographies. Their work–family strategies may change regularly. Focused more on surviving than thriving, these strategies are not able to surmount broader structural constraints that perpetuate gender and income inequalities.

To address the lacuna in existing literature, we contribute a novel framing which we term ‘work–family entanglement’. Work–family entanglement shifts the field’s focus to acknowledging the complex web of kinship networks, social infrastructure, migration, cultural norms, social policy and workplace arrangements within which work and family take place for low-income workers. Work–family entanglement extends the ideas of boundary management that work–family boundary strategies are within the control of individuals by highlighting how socially constructed and structurally embedded inequalities reduce control, choice and predictability in managing their work–family nexus.

3.2 DEVELOPMENT OF WORK–FAMILY BOUNDARY DISCOURSES

The conceptualization of work and family as separate spheres of life emerged hand in hand with the initial industrial revolution. For example, with economic and social developments in the Global North, work and family roles became separated and gendered. Life domains were divided into a private sphere – initially associated with women and the home – and a public sphere – associated with men, work, and politics (Davies and Frink 2014). Some of the earliest research on the relationship between spheres of life examined the link between the quality of men’s jobs and the quality of their leisure pursuits, and is the origin of the concepts of work–life segmentation and spill-over (e.g. Dubin 1963). In the 1960s, work–family research became a significant field of study focusing on samples in the Global North. The studies sought to understand the interplay between public and private roles for both men and women, and how these roles structured gender inequality in the workplace and the home (Perry-Jenkins and Wadsworth 2017).

Contemporary considerations of the work–family nexus continue to incorporate notions of boundaries between work and family. Within the work–family field, boundary theory (Ashforth, Kreiner and Fugate 2000) has helped make sense of individuals’ needs to strive for work–family balance (e.g. Bulger, Matthews and Hoffman 2007), reduced work–family conflict (e.g. Chen, Powell and Greenhaus 2009), and improved work–family enrichment (e.g. Daniel and Sonnentag 2016) through managing the ease of transitions between their work and family roles. Both a role’s permeability (aspects of

one role can spill over into another role) and its flexibility (adaptable spatial and temporal boundaries to enact different roles) define boundary strength, shaping individuals' choices in managing their work-family boundaries (Ashforth, Kreiner and Fugate 2000). These choices fall upon a linear continuum from segmentation (strong boundaries – keeping roles distinct) to integration (weak boundaries – overlapping roles) (Kossek et al. 2012). In this framing, the individual is tacitly framed as the central element of the experience rather than within a complex web of people and structures. This focus on individual preference and responsibility implies that individuals can create, maintain and amend role boundaries in various forms, including temporal, spatial and psychological boundaries, to simplify their environment and manage multiple roles more efficiently (Cho 2020). Accordingly, individual strategies suggested for employees to adopt to improve work-family balance include cognitive transitioning (Smit et al. 2016), setting digital boundaries, and negotiating flexible or hybrid working arrangements. These strategies are often not options for low-income workers whose work-family lives overlap in complex ways stemming from intersecting systems of oppressions at the individual, household, organizational and societal levels.

The underlying premise of separate spheres with boundaries has been criticized by some feminist scholars, who argue that work and non-work spheres are in reality enmeshed or blurred and that the gendered assignment of women to the home sphere serves capitalism (e.g. Kanter 2006). The concept of blurred work-family boundaries, however, does not go far enough in problematizing the underlying premise that individuals can create, maintain, and amend role boundaries. For instance, it does not adequately consider the relationships that lock people into responsibilities and obligations in societies valuing collectivism and kinship and where large segments of the working population are low-income with limited control over their resources and time. These are more representative of realities in the Global South (e.g. 54% of workers on the continent of Africa are poor, representing 56% of the world's working poor; ILO 2019). However, the rise in non-standard employment, the deregulation of employment, and austerity leading to reduction of state services may be having a similar effect in higher income countries.

The individual management strategies of role boundaries are also somewhat insufficient in contexts where people seek migrant work across geographies to improve the lives of their families (Choudhary 2020). Feelings of loneliness and helplessness from being unable to provide emotional and care support to family members in another town or country highlight how relations and spatial boundaries that are multifaceted can create complexity in managing the work-family nexus that is rarely reflected in theory. A specific example is contexts where family is understood to be kin, as in many traditional African cultures. Family includes not only household members but also members of

the larger lineage group across generations. While parents are recognized as parents, children are in the care of the broader kinship group who may be geographically dispersed. Every adult in the kin has the responsibilities of a parent and may help, discipline, or advise a child. This contrasts with persisting assumptions that only biological (or adoptive) parents are responsible for their children's wellbeing (van Breda and Pinkerton 2020). This individualistic perspective prevails even though the nuclear family is either not the norm in many nations or has been declining in those where it once was (Popenoe 2020). For example, in 2021, only 17.8% of US households included married parents with children, down from 40% in the 1970s (US Census Bureau 2021), and nearly half (44%) of all UK children now grow up outside a nuclear family compared with 21% in the 1970s (Children's Commissioner 2022).

Prioritizing work–family boundary management theories based on white-collar, middle-class experiences with traditional household views has led to a universalism that silences diverse epistemic and ontological perspectives. These individualistic conceptualizations appear untenable when considering people's material circumstances in contexts of collectivity, poverty, informality, precarity, and inequality that shape their conceptualization of life spheres (see Stumbitz and Jaga 2020). We thus asked, if we were to begin with the experiences of marginalized low-income women workers – whose lives typically reflect multifaceted work and family roles with complex interconnection across people, space, and temporalities (such as the temporariness of work) – could we gain new insights into these relations and build new vocabularies, to more meaningfully address the requirements of women in unstable economic and social conditions through fairer policies and practices?

3.3 STARTING IN A DIFFERENT PLACE: WORK–FAMILY ENTANGLEMENT

The compartmentalization of work and family, and of a singular linear boundary management process controlled by the individual to achieve predictability and order, does not sufficiently account for the multifaceted nature of the work and family nexus revealed in research on low-income workers, especially in low-resourced nations. Unintentionally, this conceptualization, and the policies and practices that emerge from it (e.g. requesting flexible work), can exacerbate inequalities because work–family circumstances are shaped by broader social, economic, historical, and political structures. Concepts of work–family boundaries may create increased conditions of vulnerability for marginalized women because they obscure how so-called work–family choices are determined by broader social, economic, historical, and political structures.

To equip us as scholars, practitioners, and policy makers, to respond more appropriately to work–family complexities in diverse contexts, we develop

new theory based on an alternative paradigm emerging from low-income women's experiences and coping strategies focusing on a multiplicity of spaces and social relations. These insights are grounded in their everyday material and social realities of precarity, inequality, interdependence, and solidarity. This epistemic and ontological paradigm helps address the geopolitics in knowledge production and enables plural ways of understanding the work–family nexus. Rather than framing all women's experiences within a boundary management discourse of individual choice and preference, low-income women's work–family management practices are best understood as depending on and functioning within a complex web of work–family entanglement. The concept of work–family entanglement opens new pathways for understanding work–family management experiences at the intersection of social class realities.

We observe that low-income women's understanding of spaces and relations between the public and private spheres is embedded and entangled within collective communities within which they actively and creatively negotiate their various roles and responsibilities. These negotiations operate on multiple axes that are less linear, individual, and static, and more multidimensional, collective, and dynamic, requiring a range of strategies within conditions of uncertainty. For instance, these axes may include unpredictable time (e.g. in casual labour), temporary spaces (e.g. in makeshift housing), unreliable infrastructure (e.g. no or unstable electricity; unreliable and unsafe transport), and complex collective negotiations of care across borders and networks of carers.

This idea that boundaries are produced relationally and are multi-dimensional, shifting, and contingent is not necessarily new. These phenomena have long histories in Global South contexts (Comaroff and Comaroff 2012), where boundary complexities, uncertainties, and inequalities are more present. Hence, although not unique to the Global South, the South provides a useful and diverse context from which to begin theorizing. In this chapter, we develop work–family entanglement by adopting an approach where we centre the complex realities of low-income women's lives.

Based on research and work with low-income women on work–family concerns, this chapter seeks to expand analysis and theory to incorporate the experiences of women neglected by mainstream perspectives. It offers a framework of work–family entanglement as one possibility for capturing the complicated everydayness of low-income workers managing work and family. It presents three examples drawn from research to show how material realities and contextual specificities inform their experiences: (1) breastfeeding in garment factories in South Africa; (2) maternity protection in Ghana's informal economy; and (3) work schedule precarity in the US. These examples underscore the realities of women in jobs in the lower levels of these diverse economies and present plural discourses that shed light on the creation of informal mechanisms embedded in local communities. Together, these exam-

ples extend work–family knowledge through the framework of work–family entanglement, to reflect the experiences of large populations of workers more accurately across the globe who are marginalized by societies yet central to all economies.

3.4 BREASTFEEDING AT WORK AMONG LOW-INCOME GARMENT WORKERS IN THE SOUTH AFRICAN CONTEXT

Breastfeeding tends to be treated as a matter to be addressed in the health facility, family, and community sphere. The role that workplaces can play in promoting breastfeeding is rarely focused on (Rollins et al. 2016) despite advancements in global and local policy and legislation by the International Labour Organization (ILO), the World Health Organization (WHO) and UNICEF. In South Africa, post-apartheid labour laws and a constitution that provided for gender equality saw a sharp rise in women’s participation in the formal labour market. Pro-feminist legislation in the 1990s facilitated the increased entry of women into employment, now representing just over half the labour force (53%) (Statistics South Africa 2023), with high increases at the unskilled and semi-skilled levels. Maternity protection includes four months of maternity leave (paid at two-thirds of previous earnings through the unemployment insurance fund) and the right of mothers to breastfeed at work via two daily breaks of 30 minutes for the first six months of the child’s life (South African Government 2018). Not only is policy implementation poor owing to ignorance of laws and a weak enforcement structure (Martin-Wiesner 2018), but the policy also has a bias towards women with middle class advantages in formalized employment and resources such as the internet to access information. These maternity protection policies do not adequately support women in informal and precarious types of non-standard employment, and have not been designed with a consideration of low-income mothers’ lived realities.

Combining breastfeeding with employment remains a challenge for women in South Africa and across the globe. The WHO recommends 6 months of exclusive breastfeeding (giving breastmilk only) for optimal infant nutrition. In 2012, South Africa reported the lowest exclusive breastfeeding rates in the world at 8% (UNICEF 2012), despite high breastfeeding initiation rates of up to 97%. With several policy changes on the removal of free formula, Prevention of Mother-to-Child Transmission of HIV programmes, and legislation on the code of marketing of breastmilk substitutes (Jackson et al. 2019), this rate increased in 2016 to 24% for infants aged 4–5 months (SADHS 2016). However, progress is still too slow to reach the WHO goal of 50% by 2025. A major reason for breastfeeding cessation both globally (Rollins et al. 2016)

and in South Africa (Siziba et al. 2015) is a mother's return to work. This occurrence is amplified in the context of low-income women who return to work early out of economic necessity and their low-skilled labour being easily replaceable (Stumbitz and Jaga 2020).

In South Africa, approximately 40% of households are women-headed for a range of reasons, including fathers who have migrated for work or been killed in conflicts, female labour migration (even if transitory) (Nwosu and Ndinda 2018), and the evolving gendered economy (Posel and Casale 2019). These women are mostly black and low-income. There is heterogeneity within these women's household headships, which is associated with employment status, family structures, and the availability of support. These lived realities require a redefinition of traditional conceptions of the breadwinner, family forms, and of the division of labour, and challenge assumed universals in scholarship on work–family boundary management.

We use findings from a study on breastfeeding at work among low-income women and focus on those working in garment factories in the city of Cape Town, South Africa (see Stumbitz and Jaga 2020) to illustrate the work–family entanglement that is at play for women working to meet work and family demands. Garment factories in South Africa provide a specific local context for perceived 'low- and semi-skilled', low-income female labour at mass. The analysis for this project was carried out on fieldwork data collected in 2018 and 2019 in four garment factories in Cape Town from 71 face-to-face semi-structured interviews with mothers working in the factories as well as line supervisors and managers.

The reality of many of the low-income mothers was the various familial or community networks within their daily lives with which they negotiated support for care of their children to be able to earn an income. In the absence of a partner or being a very young mother and breadwinner to an extended family, support was garnered through a combination of parents and siblings, proximal neighbours, geographically distant grandparents, and even the factory line-supervisor when the mother had no other support. One line-supervisor said, 'I'm the mother, I'm the social worker, I'm everything [to the women on my line]' (S7_TCI_L).

This network of support demonstrates how employment, breastfeeding, and care work are embedded in a wider set of contextual constraints and advantages that is unique in specific contexts, yet also widespread. The infant and mother almost always do not exist in a nuclear family setting, which means that the infant's nourishment does not lie exclusively within nuclear networks of care either. For example, an infant may be in the care of a neighbour who embraces the notion of kinship and who will therefore make care decisions independent of the mother who is at work. Or a grandmother may believe that she knows best having raised her own children and that her actions are in the

best interests of her daughter (who wants to return to work) and her grandchild. This young new mother shared:

Some people now tell me that my mother put him on the bottle too early, and I didn't know. She started bottle feeding him at two months. I said to her that I wanted to start working again. She then told me that I must put him on the bottle and in the mornings before I go to work and in the evenings, he could still be breastfed, but he then refused the breast. (C2_ALS_M)

In low-income collective contexts where children are in the care of kin, there is a movement of both the mother and infant between different people who assist with care. While this mother may breastfeed in the morning and night, in the day, someone else determines the rhythm of the care for the infant so that she can earn an income. For this mother, her own childhood was in the care of her grandmother and neighbours, while her mother worked in the city, some distance away, to support her. She adds:

We didn't grow up with my mother. We were brought up by our grandmother. My mother had to work a lot for us. She was working in Cape Town and we were living in Graaff Reinet (a distance of about 700 km) – we are originally from Graaff Reinet. However, she assisted me much and when she didn't know something, she would call our neighbour. The neighbour would help us then. (C2_ALS_M)

It was quite common for women, in preparation for their return to work after maternity leave, to send their young children to rural areas in the Eastern Cape (a neighbouring province over 900 km from the city Cape Town), where they are raised by grandparents and extended family, as the women have often migrated to the city for employment. These women send remittances to the caregivers, keep in contact with their children, and return to visit them about once a year when the factories close for year-end holidays. Only about 34% of South African children live with both their parents (Hall and Sambu 2019). Therefore, this split family arrangement is a strategy to survive the complex socio-economic conditions in which these women find themselves. Parenting children from a distance through a substitute caregiver has become normalized in South Africa, mainly because of migrant labour, which has reconfigured the notions of family and parenting (Seepamore 2016).

The assumption that a mother has individual choice and control over the wellbeing of her child is thus steeped in individualism. The extension of care from neighbours, grandmothers, and other community members was common in the stories of the garment factory workers, not only for childminding during

the day so that a mother could continue paid work, but also for sharing breast-milk. A mother shared:

I told her to bring her baby and I will breastfeed him, don't be shy, come to me and I will breastfeed him. There were also many times when she didn't have money to buy milk for the baby. Then I told her to bring her baby and I would breastfeed him after my baby was full and I still had plenty of milk left.

In this example, collective care with a sensitivity to context of the high cost of infant formula for a low-income working mother disrupts assumptions of individual control over work–family boundary decisions that do not adequately fit the rhythms of these low-income women working in garment factories in a resource-constrained context. These working women create their own pluralistic means of caring for children in the community and seek informed advice from more experienced mothers in the family and community that they trust.

Importantly, the family and community forms of care that we see here are not necessarily unique to black, low-income settings in garment factories in South Africa. They also show that practices and policies formed on ideologies of families being nuclear, of children living with their parents, of mothers having autonomy over their breastfeeding practices, and of having choice over linear boundary management preferences are challenged in this context. Here, mothers are less able to control the boundaries between work and family to ensure employment and the well-being of their children. Their material and economic realities encompass complex interactions between work and family, in and across multiple boundary dimensions, that must be managed between neighbours, extended family, in and across provincial borders, and supervisors. Labour and care policies, programmes, and practices must take these intersecting identities into account at the design and development stages to have meaningful and equitable benefits to diverse women.

3.5 MATERNITY PROTECTION AT WORK IN GHANA'S INFORMAL ECONOMY

Maternity protection² at work is not only an important instrument for helping new mothers to combine work and family, but a fundamental human right and crucial to promoting maternal and child health, as well as preventing discrimination against women at work. However, maternity protection mostly benefits workers in formal and standard³ employment. In lower-income countries, employment can mainly be found in the informal economy. Informal employment is particularly prevalent in Africa (84%), leaving a considerable majority of working women without adequate maternity protection (ILO 2023).

In Ghana, national legislation (Labour Act 2003, Act 651), provides for 12 weeks of maternity leave expected to be paid fully by the employer at 100% of previous earnings. However, 90.1% of total employment and 94% of female employment is in the informal economy (ILO 2018) where this legislation is not enforced. Although informal economy workers tend to be treated as vulnerable workers ‘on the margins’ in the work–family literature, in Ghana they are the vast majority of the economy and thus the norm. Most enterprises here are small or micro-businesses with fewer than 10 employees and scarce resources, whose key focus is on short-term survival and minimizing costs. Informal economy employers mostly cannot afford to pay maternity leave, forcing new mothers to return to work shortly after birth out of economic necessity (Lewis et al. 2014). It is also notable that the majority of informal economy employers are women and mothers themselves and that the levels and nature of maternity support that they provide for their employees are driven by their own vulnerability (Stumbitz et al. 2017, Stumbitz 2020).

An ILO-funded study, led by co-author Bianca Stumbitz (see Stumbitz et al. 2017), explored maternity protection in various forms and sizes of enterprise⁴ in Ghana, a country with high rates of maternal mortality and morbidity. Qualitative interviews were conducted with 29 employers, 34 employees and 37 self-employed (own-account) workers across three geographic regions of Ghana (Accra, Eastern Region, Upper East).

The study only identified a few cases in the informal economy where employers provided paid leave, although at a reduced level, for example, paying 100% of previous earnings for two months or 50% of earnings for three months. The length of employees’ time off from work after childbirth thus depended on their individual circumstances and their ability to draw on savings or financial and in-kind support from their spouse, their family and friends. Particularly in the poverty-stricken Upper Eastern region it was common practice for women to return to work just a few days after the birth. When asked about the reasons for this practice, one of the participants commented ‘out of necessity we close our eyes’.

However, the same study also found that informal economy workplaces develop their own approaches to supporting new mothers at work. These approaches are adapted to the resource-constrained circumstances of these settings. Informal economy employers were struggling to provide legal aspects of maternity protection, such as paid maternity leave, but were much better at providing family-friendly support measures, such as informal childcare support and opportunities for breastfeeding at work. Particularly in rural areas, formal childcare facilities were extremely scarce. In addition, in contrast to professional workers in the formal economy, informal economy workers regarded breastfeeding as the norm, as formula was simply too costly and not widely available outside urban areas. The ability to breastfeed is thus not part

of a Western-born ‘breast is best’ or choice discourse but instead, a potential life and death decision for an infant.

In most informal workplaces it was therefore common practice for employees to bring their babies to work on a regular or even daily basis and to breast-feed when necessary. Here, the boundaries between work and care had been almost entirely dissolved, as illustrated by the following example:

The employer’s main objective is to help single mothers take care of their babies so that is why I came to work here. He does not give us maternity leave so [...] when you give birth you just bring the baby with you to work because if you stay at home you will not be paid. He does not mind when the babies are with us during working hours, so anytime the baby wants breast milk we give them. (Beadmaker, informal, Eastern Region)

In a few cases, informal businesses had also developed their own formalized support structures. For example, one of our fieldwork settings, an informal market in Accra, had a crèche and a pre-school on site which was used by the market traders, catering for children aged 1.5–5 years.⁵ It allowed women to continue their work when their children had reached an age where they were more likely to run around, and the market had become unsafe for them. Mothers carried their younger children in a cloth on their backs, enabling work and care simultaneously. Similarly, in a weaving business, both the employer and her apprentices brought their babies to work and could breastfeed when necessary. Older children were attending school nearby and would come after school to help look after their younger siblings.

A key theme across the data was that workplace culture in smaller firms was characterized by much closer relationships between employers, employees and co-workers than in large businesses, as found in other research (Lewis et al. 2014). Workplaces often became extensions of the culturally highly valued and respected community and family settings, with staff members calling their employer ‘Mama’ and employers regarding their staff as their children:

My organization is like a family business [...] and I see [my workers’] babies as mine, like a grandma. I have a worker who is a breastfeeding mother – she worked very hard during pregnancy. Three more people have been on maternity recently. I allow them to bring their babies to work. I treat them like family and I have decided to help them. (Restaurant owner, informal, 15 staff, Eastern Region)

According to informal economy employers, their employees often showed their appreciation of family-friendly support by being more motivated and loyal to the business (even if they had not received any paid maternity leave). The following example demonstrates how witnessing a mother being sup-

ported could also increase the motivation of colleagues and create a sense of unity rather than rivalry among the team:

by helping that lady, it improves the work in the kitchen, and they will see that madam will stand by them and not sack them. It has changed their mentality to know that they are secure and that, if they are in the same situation, they will not be left alone. (Restaurant owner, informal, five staff, urban Upper East)

These examples demonstrate the entanglement of the work–family nexus in all its messiness. Without wanting to glorify working conditions in the informal economy, there is much that workplaces across the world can learn from the context-sensitive coping strategies that are responsive to a deficient social protection system. Here the need to integrate motherhood with employment is at least regarded as the norm. The notion of choice with respect to the management of work and family, however, is an alien concept for most of the working population. Rather, it is only applicable to a small minority of professional workers in the formal economy where women’s work–family choices are constrained in similar ways as in other parts of the globe.

3.6 PRECARIOUS WORK SCHEDULES IN LOW-WAGE JOBS IN THE UNITED STATES

Recognition of the growing precarity of employment in the US has generated research examining the changing nature of work hours and its ramifications for workers and families. This work started as a reaction to outdated depictions of the ‘standard’ work schedule as 9–5, Monday to Friday. So-called standard forms of employment – defined as work that is full-time, indefinite and constructed around an employer–employee relationship – has decreased in both industrialized and developing countries over the past two decades (ILO 2016). Even in the 1990s, most US workers worked at least 50% of their time outside the ‘standard’, which has long been true among low-income workers, especially women of colour (Presser 2003). Over the past 20 years, researchers have advanced understanding of specific aspects of work schedules that undermine household economic security and worker and family well-being at the lower levels of the US labour market. However, the starting place for inquiry continues to be ‘standard’ hour arrangements. In this section, we explore what might be learned about the work and family nexus if researchers from the Global North investigated work hours from the starting point of employment conditions in the Global South, building on the themes included in our prior examination of work–family entanglement in South Africa and Ghana.

When we use the Global South as a starting point, the usefulness of the juxtaposition of ‘standard’ v. ‘non-standard’ is called into question. As in Ghana,

where over 90% of workers toil in the informal economy and in South Africa, where many workers are excluded from formal social protections, precarity is widespread in the US labour market, especially among workers in jobs paid by the hour. Over half (56%) of workers in the formal US labour market are paid by the hour which means that earnings vary in concert with hours worked (US Bureau of Labor Statistics 2022). In 2016, 80% of hourly paid employees in the US reported week-to-week hour fluctuations that averaged more than a full day of pay (12 hours of work) and 40% reported a week or less of advance notice (Lambert, Henly and Kim 2019). Starting with the perspective that schedule instability and unpredictability are the rule rather than the exception reveals how the term ‘non-standard’ obscures what is actually commonplace for the majority.

The notion of boundary management can serve as a smokescreen by implying both control and boundaries. About half of US workers in hourly jobs report that they have little input into the number of hours they work (47%) or the timing of their hours (65%) (Lambert, Henly and Kim 2019). Without schedule control, the only management that can happen is on the personal/family side but, like low-income women in South Africa, low-income women in the US have restricted access to supports provided through public programmes and private employers (Henly, Lambert and Dresser 2021).

And, like workers in South Africa and Ghana, the boundaries between work and family are elusive for US workers in jobs where working time is constantly shifting at the behest of the employer. Recent research using daily time-diaries of low-income women working in the US retail sector shows that rather than freeing up quality time to spend with children, having a shift cut at the last minute increases stress that undermines mother–child interactions (Ananat and Gassman-Pines 2021).

The limitations of assuming distinct boundaries show up in studies of the relationship between work and family among low-income workers. A common framing is one of work–family conflict, which is adopted with the laudable goal of acknowledging that unpredictable schedules make unpaid care work especially difficult for low-resourced workers (Henly and Lambert 2014; Luhr, Schneider and Harknett 2022). Although not explicitly termed ‘boundary management,’ ‘work–family conflict’ builds on the assumption that work and family are different spheres of life, even if not isolated ones. However, the concept of work–family conflict falls short of offering insight into the unique realities of the interwoven nature of work and family experienced by low-paid workers around the globe.⁶

From the cases of workers in South Africa and Ghana, work–family entanglement is relational and local, even though structured by broader forces. The concept of ‘work–family entanglement’ thus helps in understanding how entangled relationships within the local workplace matter for workers’ ability

to survive and possibly thrive. Here, we provide an example of the usefulness of the concept for capturing the intertwined relationships between frontline supervisors and workers in US retail and food service workplaces during COVID-19 and how work hours can be a central site of work–family entanglement for low-paid workers.⁷

Supervisors' scheduling practices during the pandemic both revealed and expanded space for the consideration of workers' family responsibilities. Rather than viewing workers as cogs in a machine, a common complaint in critical reviews of scheduling algorithms (see Kesavan et al. 2022), supervisors talked about how they took workers' personal and caregiving responsibilities into account when scheduling employees for work during the pandemic:

There's a lot of thought that goes into every schedule based on every individual who is scheduled ... Because they're real people that we work with every day and we know them. On a personal level, we spend 10, 11, 12 hours a day working side by side with these employees. We hear their stories about home life ... children and pets, and it's like family members. (Fast food Supervisor, woman, December 2020)

The multi-level entanglement of work and family for supervisors and workers shows up in how some supervisors considered the diverse financial needs of employees when scheduling workers. When asked whether management laid off or furloughed any employees during the pandemic, a fast-food supervisor replied:

They have to pay their own bills too. So, I don't cut them any hours ... If they want more hours, I give them extra hours, no problem ... Because I hired them, and I told them I'll give them this hour, or they said they need extra money. Because I respect them too, because they have some other bills to pay too, right. (Fast food supervisor, woman, June 2022)

A supervisor in a retail store talked about how showing her own stress during the pandemic strengthened her connections with staff, highlighting how intertwined their lives had become:

I think my employees know that I'm human. And I think I have tried to sort of intentionally show my concern and my stress ... And I think by allowing myself to share a little bit of that with my employees and let them know where I'm coming from, it's made them feel less alone and less isolated ... And then also just kind of being the store mom as it were and making sure that they always know that their safety is my priority. (Specialty retail supervisor, woman, June 2022)

A work–family entanglement perspective thus reveals the complexities of the intertwined nature of work hours and family life and the interwoven lives of frontline supervisors and their staff members. This is just a taste of what can be

learned by starting inquiries on the nexus of work and family from the margins rather than, or in addition to, dominant discourses of white-collar workers in relatively advantaged conditions. In this case, work–family entanglement maps more easily onto the experiences of US workers with precarious work schedules than do concepts that assume boundary control and clarity. Because women are over-represented in US service industries, including supervisory positions, work–family entanglement may also offer new insight into gender dynamics in these settings.

3.7 ADVANCING GENDER EQUALITY AT THE WORK–FAMILY INTERFACE: DRAWING LESSONS FROM AND FOR MARGINALIZED WOMEN

This chapter has tried to show that women’s work–family experiences are not characterized by homogeneous labour relations, family forms, or work practices; rather they are diverse and complex, and vary across the world economy (Mezzadri and Fan 2018). It reviews prevalent narratives on challenges in the work–family interface by shifting the starting point of these perspectives to women working at the ‘margins’ of labour markets in two ways: first, the examples speak to possibilities of tackling gender inequality in low-income, rather than white-collar, women’s work–family experiences by bringing their voices from the margins to the centre in these key discourses. Second, it starts discussion from the South, which has traditionally been positioned at the margins, outside the centre (Connell 2007). Regretfully, knowledge is still predominantly transmitted from the North to the South, and too often knowledge transfer from the South to the North is undervalued (Abimbola et al. 2021). The chapter shows that knowledge can be produced and exchanged in both directions between North and South, to address socially complex issues of managing work and family in diverse contexts.

The chapter offers a framework for work–family entanglement as one example of how theory that is grounded in the specificities of low-income women in the South speaks back to the North – thereby enhancing a reflexive practice on the geopolitical boundaries of knowledge production in general (Milani and Lazar 2017) and low-income women’s work–family experiences in particular. To advance gender equality, plural views are needed of how women in diverse contexts negotiate their multiple work–family demands to inform relevant policy and practice. The chapter demonstrates that the inclusion of women on the margins enables the development of a more comprehensive understanding of the many shapes the work–family nexus can take.

Reframing the conceptualization of boundary management to a more complex work–family entanglement is not meant to glamorize low-income

work or work hour precarity. Rather, this chapter proposes the notion of work–family entanglement as an additional conceptual tool with the goal of honouring the realities of life for many low-paid workers and their supervisors, and a framework that can potentially help to address the challenges these workers are facing. Rather than focusing on how to reduce barriers to effective boundary management, work–family entanglement acknowledges the interwoven connections between work, family, and community that, when nurtured, enable low-resourced workers and communities to thrive. Instead of focusing on how policy supports fall short, starting from a perspective that assumes a lack of formal policies or that few workers will have access to them, as in South Africa and Ghana, focuses attention on the strengths that workers find in kinship and community, identifying new possibilities for change.

3.8 IMPLICATIONS FOR POLICY, PRACTICE, AND FUTURE RESEARCH

Legal frameworks and policies for supporting low-income women across workplace contexts are important, as they extend rights and are thus important drivers of gender equality, but they are clearly not sufficient. There is a need for a multi-pronged approach that includes regulation, awareness-raising initiatives, information, and guidance for informal support measures, alongside formal policy and encouragement of local community initiatives. The provision of these activities is a shared responsibility. There is thus a need for multiple stakeholders, including international organizations, government ministries, employers' and workers' organizations, employers, employees, the health sector, NGOs, and community leaders, to work collectively to achieve more comprehensive and adequate support measures and networks.

At national level, it is crucial that any implementation efforts of the global ILO policy frameworks on maternity protection and workers with family responsibilities are undertaken in a context-sensitive manner. Views on women's roles as mothers and workers are rooted in specific cultural, political and economic histories which differ between and within countries. Neglect of these national and regional specificities in the implementation process inevitably results in resistance and unsuccessful outcomes. It is thus important that implementation strategies that were successful in some national contexts are not imposed on other countries, particularly with respect to uncritically transferring Global North strategies to Global South contexts (Stumbitz 2020).

The concept of work–family entanglement gives rise to opportunities for meaningful and equitable care and labour policy and practice innovations that are more responsive to low-income mothers' needs. We encourage policy makers to actively seek voices that have been marginalized – incorporating diverse perspectives and acknowledging multiple realities – in their design

and development processes. Additionally recognizing low-income women as knowledge holders who can inform policy and practice development speaks to different ways of creating more equitable policies. For example, low-income mothers can deepen recognition of how kinship networks, failed social infrastructure, and cultural norms inform diverse work and family lived realities and create different needs among women. Co-designed policies and support measures ensure more comprehensive, targeted and needs-based solutions that reach low-income mothers in ways that they endorse. This approach can help to ensure that those at the margins are no longer excluded as policy beneficiaries and can contribute to an expanded ecosystem of development change on gender equity.

Finally, we advocate for further research to refine the conceptualization of work–family entanglement and fully illustrate its multifaceted nature in diverse contexts. We recommend the use of an analytical lens prompting researchers to delve into the complexities of intersecting identities and precarious subjectivities to reveal gendered intersecting vulnerabilities that are often invisible, resulting in the lack of caring support for low-income women in policies and practices. We suggest conducting empirical qualitative studies using decolonial methods that prioritize the voices and experiences of marginalized populations, with an emphasis on inclusivity and global perspectives, to advance the understanding of work–family entanglement in diverse contexts.

Through sharing the experiences of diverse contexts and local knowledges, this chapter has strengthened dialogue on the complexities of work and family. The examples set out in this chapter support arguments to strengthen the engagement of scholars in practices that build bridges across geographical, epistemological, and ontological boundaries to connect ideas, share lived realities, encourage learning across settings, and acknowledge the equality of knowledge, regardless of the geographic location where it was generated (van Breda and Pinkerton 2020). Such an exchange can foster the construction of new shared theoretical frameworks by asking different questions and by building new vocabularies (Bhan 2019). In conclusion, to adequately address gender inequality across all contexts, a broader comparative and collaborative scholarship and practice is needed that accounts for the many different pathways of experiencing the world.

NOTES

1. An abbreviated and earlier version of this paper was presented as a keynote in the Diversity, Equality, and Inclusion track by Ameeta Jaga at the ILERA conference, Sweden, June 2021.
2. As defined by the ILO, maternity protection includes maternity leave; health protection at work for pregnant and breastfeeding women; employment protection and non-discrimination; breastfeeding support and childcare arrangements after

the return to work; work–life balance or family-friendly policies for new mothers and fathers.

3. According to the ILO (2017), standard employment refers to a job that is continuous, full-time, with a direct relationship between employer and employee.
4. To reflect Ghana's business landscape, the research focused on small and medium-sized enterprises, including mostly micro and small firms (with up to 30 staff) in both the formal and informal economy, and a small number of medium-sized (31–99 staff) and large enterprises in the formal economy.
5. The crèche was provided by the association of market traders and funded through membership fees.
6. This is not to discount the seminal contributions to knowledge that Greenhaus and Beutell's (1985) classic conceptualization of types of work–family conflict has spurred for decades.
7. Semi-structured telephone interviews were conducted between October 2020 and August 2022 with 78 frontline business managers responsible for scheduling and supervising workers in retail and food service worksites in the Seattle, Washington area. This research was funded by the City of Seattle and the Russell Sage Foundation.

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4. Women workers on the frontline and the Coronavirus pandemic

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4.1 INTRODUCTION

The Coronavirus pandemic provoked an enormous disruption to economic activity and people's lives. The effects were particularly severe on women compared with men, but varied significantly depending on their circumstances: some were laid off owing to enforced closure, some were able and often required to work from home while some, the key workers, had to continue to attend their place of work. Women were fairly evenly represented among those working remotely (OECD 2021: 318) but overrepresented among key workers and those facing long-term lay offs, as in hospitality and non-food retail (Fana et al. 2020: table 4). Men predominated in those sectors that initially closed, such as manufacturing and construction, but these reopened relatively rapidly (Fana et al. 2020). Overlying all these divisions is a further divide between those with childcare responsibilities and those without. Women were usually at the frontline at home and took up most of the home schooling and extended childcare, challenging their ability to work their normal hours, maintain their earnings and work productively (Eurofound 2020a; Andrew et al. 2020).

Our focus is on the experiences of female key workers. However, many men were also in frontline work during the pandemic and faced poor conditions and low valuation. In some countries, such as the UK, marked inequalities were experienced by Black and other ethnic minority workers employed in health and social care (EHRC 2022). Furthermore, the poor terms and conditions for men and ethnic minorities within traditionally female-dominated occupations – such as food retail – may in part reflect these occupations' association with 'women's work'. The shaping of employment conditions depends on many factors from product market organization, wage setting institutions and social protection and care support systems, yet these institutional arrangements may themselves be shaped by gender norms and inequalities. For example, research has indicated that global product market conditions in feminized sectors such

as textiles reflect the use of undervalued female labour (Seguino 2000), that welfare state and industrial relations regimes are shaped by male breadwinner societal norms (Lewis 1992) and that gendered norms and stereotypes are embedded in and reproduced through organizational employment practices (Acker 1990). Thus, the shaping of key service jobs may be influenced by the characteristics of the dominant social group employed. Such influences stem from both social stereotypes regarding workers' characteristics and behaviour and from perceptions of their relative power. Although our focus is mainly on gender, where we have information we also indicate intersections between gender and social class, racial and ethnic discrimination (McBride, Hebson and Holgate 2015).

Women working in 'key sectors' had to continue to work, often at greater intensity, with increased risks to health and carrying major childcare responsibilities, especially where childcare for key workers was inadequate. The pandemic exposed critical problems for female key workers who were helping keep society functioning and safe. Intensified work demands increased risks to their physical and mental health, yet these female 'heroes' not only earned low wages but also often lacked basic social protection such as proper sick pay. Their non-standard, unsocial and extended working hours during the pandemic also created childcare challenges. In some cases, key workers were required to stay in work and not take childcare leave, making them reliant on available childcare services (which in many cases had a reduced supply because of high absence levels among careworkers).

This chapter focuses on female key workers in two main occupational groups within two key service areas: adult social care workers and shop floor food retail staff. The research draws on case studies conducted for the International Labour Organization (ILO) to support their flagship report on collective bargaining during the pandemic (ILO 2022 – see appendix IV). While social care workers are mainly female, food retail is more mixed: women dominate customer-facing roles, with men more concentrated in online operations and warehousing. In both sectors, women were not only at high risk of infection but also low paid (OECD 2020; Burchell et al. 2015), often at or close to minimum wage levels. In social care, some European countries (Sweden, Netherlands and Germany) pay wages above the minimum where some form of collective regulation exists (ILO 2018). In retail, even though in larger supermarkets collective bargaining exists, workers still tend to be paid close to the minimum wage.

Social care has faced long-term staff shortages and high turnover in many countries (OECD 2020), owing in part to inadequate state funding for care services subcontracted to private companies (for-profit and not-for-profit). There is little scope for employers to adopt better employment practices to improve care quality as often the state provides no extra payment for quality

service (OECD 2020). Employers often only guarantee short-paid working hours to facilitate matching paid work hours to the varying service demand (OECD 2020). The sector is heavily reliant on an older workforce (average age 45) and, in many developed economies, on poorly paid migrant workers (Simonazzi 2009). In retail, staff shortages have been less of an issue, traditionally reliant upon hiring large numbers of young workers and workers close to or beyond retirement. However, multi-national supermarkets in the Organisation for Economic Co-operation and Development (OECD) countries use a targeted approach to staffing levels often based on part-time work, low guaranteed hours contracts and temporary agency work to facilitate matching to changing demand (Carré and Tilly 2017).

In the next section, we outline the research methods and selection of the case studies. These country-specific sector case studies show how the pandemic laid bare the contradictions inherent in women's position as key workers. Despite delivering society's basic needs through their waged and unwaged work (Arcidiacono et al. 2017), these women remain undervalued and under-protected, while juggling their frontline work with their socially ascribed family care responsibilities. The following three sections analyse these contradictions in relation to three aspects of their work experiences: the insecurities of key service work, the childcare support available and the valuation of their labour. The conclusion reflects on what the case studies reveal about the constraints on and prospects for revaluing frontline work and supporting social reproduction burdens in gender-unequal societies.

4.2 METHODOLOGY

The empirical material presented here draws on a range of information sources. These include research by team members on: gender and Coronavirus policy responses across Europe (Rubery and Távora 2021); doctoral research on the food retail trade (Winton 2021, 2022; Alejandro Castillo, unpublished case study for PhD, University of Manchester) and on social care (Herman 2023; Herman, Rubery and Hebson 2021); secondary material related to gender and the pandemic in general and to our chosen case study sectors; and eight case studies on collective bargaining and frontline workers undertaken as background research for the ILO's flagship industrial relations report on collective bargaining during the pandemic (ILO 2022) conducted between March and June 2021. The cases were identified through online reports and advice from international trade union organizations on potentially interesting cases where collective bargaining was playing a role in managing the pandemic and protecting frontline workers. Cases were selected in conjunction with the ILO, taking into account geographical spread. The case studies drew on secondary material, documentary evidence and primary data collected via remote inter-

Table 4.1 Context for case studies in social care and food retail

	Industry characteristics	Wage setting pre-pandemic
<i>Social care</i>		
Ireland	Mainly private and voluntary sector (public sector < 20%)	Collective agreement public/mainly minimum wage in private sector
New Zealand	Mainly private and voluntary sector	Since 2017 pay equity agreement applies to both public and private sectors
Norway	Mainly public (private < 20%)	Collective agreements in both public and private sectors – private slightly lower pay
UK (Scotland)	Mainly private and voluntary sector (public c. 30% in Scotland, less in England)	No collective agreements but in Scotland contractors required to pay a Real Living Wage – above national minimum wage*
<i>Food retail</i>		
Canada	Two large chains account for 50% of market plus multinational discounters for 25%	Fragmented collective bargaining – often at store level and variations by province
Chile	Four large retail chains – multinational and local mix	Fragmented collective bargaining – company by region and separate agreements for each union
Hungary	Dominated by multinationals from 2000 onwards	Only one collective agreement; pay in other retail companies subject to basic labour code
UK	Four large chains plus discounters	Company pay bargaining in big four retailers, not in discounters

Note: * A wage rate calculated and set by the Living Wage Foundation based on the cost of living and above the national living wage (minimum wage set by the UK government).

views, primarily with experts and trade union representatives. Employers were invited to participate but were often not responsive. The case studies provided a range of different product market structures and wage-setting institutions; they are summarized in Table 4.1¹ and drawn on in our subsequent analyses.

4.3 INSECURITIES IN WOMEN'S FRONTLINE WORK

The insecurities women face as frontline workers depend both on the sector and prevailing employment and welfare rights. Voluntary employer protections that compensate for weak mandatory rights in some countries are by definition not universal and may not always be available to women frontline workers.

Our case studies revealed high risks of insecurity with respect to contracts, hours of work and income in both key worker occupations. In social care, pre-pandemic actions had begun to mitigate these risks in all of the countries.

In Norway and Ireland, actions were taken to limit zero hours contracts through regulation but with only partial impact. In Norway employers in social care still often only offered minimum guaranteed hours, according to a trade union representative. In Ireland, employers in social care evaded restrictions on zero-hours contracts by the use of so-called ‘if and when’ contracts (Murphy and O’Sullivan 2021; O’Sullivan et al. 2015). In 2018 a full ban on zero-hours contracts was enacted in Ireland but still did not close the loophole that allowed for casual contracts (MacMahon 2019). In New Zealand and Scotland, interventions focused explicitly on social care. In New Zealand, trade union success in a 2015 court case over unpaid travel time and lack of guaranteed hours led to a 2016 law aimed at remedying both concerns including provisions for upgrading guaranteed hours to actual hours. Scotland had focused on public procurement in social care and required tendering organizations to show that they were avoiding ‘unnecessary use of zero-hours contracts’. Despite this being a relatively weak form of regulation, the incidence of zero-hour contracts among social care staff is lower at only 11 per cent in Scotland compared with 24 per cent in England (Skills for Care 2020; The Fair Work Convention 2019).

The food retail sector also suffers from insecure and variable hours contracts, particularly in the UK and Canada where most frontline workers are part-time to facilitate staffing strategies to cover variable demand (O’Brady 2019; Grugulis and Bozkurt 2011). In both Hungary and Chile most food retail workers are full-time, although part-time contracts traditionally used to cover weekends have been increasing in Chile and retail accounts for a high share of all part-time work in Hungary. Notably, Hungary was the only European Union (EU) country to exclude part-time workers, most of whom are women, from its job retention scheme (Rubery and Távora 2021).

During the pandemic, these variable employment contracts had only limited impact on income security owing to pressure to work long hours in both sectors. In social care, some workers even had to live with the clients, separated from their own families (Learner 2020). As the pandemic progressed, declining care home resident numbers following the early surge in care home deaths put some jobs at risk. In food retail in the UK, Chile and Canada the labour supply was mainly expanded through temporary contracts to facilitate downsizing as the pandemic eased (Winton 2021; Alejandro Castillo, unpublished case study for PhD, University of Manchester).

The paradoxical situation thus prevailed that those on whom society depended to keep them alive and fed were not only more exposed to the pandemic risks but were also offered less protection than other groups. For example, issues with the availability of personal protective equipment were reported across both sectors, with provision in social care notably less good than for the health sector in the early stages of the pandemic in all our cases.

Importantly there was also, particularly at the start of the pandemic, less than full sick pay support for frontline workers to enable them to self-isolate when infected or at risk of infection. Those on insecure contracts might even be ineligible for statutory sick pay (for example 2 million are estimated to be ineligible in the UK, most of them women; TUC 2020) and are also less likely to have access to voluntary employer-provided or collectively negotiated top-up sick pay. Consequently, these frontline workers had to make choices between working while sick or losing pay. In most cases measures were eventually put in place, with varying delays, to resolve this dilemma and thereby safeguard clients and the wider society. Typically, these were short-term, ad hoc measures introduced either by the state or by employers, only covering Coronavirus-related absences and not intended to remedy this lack of protection for the longer term. Norway was the exception as it already had universal full-pay sick leave for employees so that frontline workers could self-isolate without loss of pay.

These gaps in health and safety and sickness protection for frontline workforces were not new, but there had been no expectation that they might be exacerbated during a pandemic. Ireland and the UK had the lowest statutory sick pay in the EU (except for Malta) and private sector care workers often only received this low statutory provision. Ireland early on in the pandemic brought in a more generous flat-rate sickness benefit at €350 per week but as a temporary measure, limited to Coronavirus-related sick leave. The only national initiative in the UK was to remove waiting days for benefits while Scotland introduced temporary full-pay Coronavirus-related sick leave for social care workers (United Kingdom, Scottish Government 2022). However, because employers had to pay the wages upfront and claim them back, implementation was patchy. Another local action in England saw unions in Greater Manchester work with local authorities to ensure funding for full sick pay for all isolating care staff. New Zealand doubled statutory entitlements to fully paid sick leave from 5 days to 10 as a temporary measure; beyond that, support depended on employers who were encouraged to provide additional paid leave or allow the use of annual leave.

In food retail in the UK company-level negotiations led to full sick pay for isolating workers to improve on the poor national-level support. In contrast, Canada (like Ireland) introduced a 'Canada Recovery Sickness Benefit' available to all employees that provided a flat-rate \$450 Canadian Dollars (CAD) per week after taxes (subject to an annual earnings threshold of \$5000), that was more generous than statutory sick pay for low-paid workers. Hungary and Chile had relatively good sick pay provisions but both case studies revealed that company-specific arrangements still had to be negotiated to allow vulnerable workers to self-isolate without loss of pay. In Hungary, this leave was supposed to be paid back through extra unpaid hours over a longer time

horizon. In Chile, a subsequent Employment Protection Law allowed workers to suspend their jobs or reduce their working hours, supported by their unemployment insurance funds (Lamadrid et al. 2022).

Overall, the poor protection afforded to those supporting the foundational economy, that is the goods and services on which society relies for survival (Arcidiacono et al. 2017), created major risks for both the workforce and their families and for the people whose needs they were serving. Only when there were high minimum rights for all employees were those risks mitigated. Furthermore, none of the temporary measures were expected to survive beyond the pandemic (with many not even extended past the first two Coronavirus waves). Such poor protection is clearly an issue of social class; where minimum rights are set at low levels and higher protection depends upon voluntary action by employers or collective regulation, the result tends to be inequalities by social class and occupation. Low protection in female-dominated jobs may also reflect views that protecting women is costly as they may take additional sick leave to care for children.

4.4 KEY WORKERS AND CHILDCARE

Owing to persistent gender inequalities in childcare responsibilities, when the pandemic caused schools and nurseries to close, female key workers faced major challenges to their ability to help keep essential services running and maintain their employment and income. Special leaves to look after children at home during shutdowns and when children were ill or isolating were not always made available to key workers, even in developed countries such as Ireland and Hungary among our case studies, although in the latter pre-existing leaves could be used during the pandemic (see Table 4.2). Instead, many countries kept open some school and nursery places for key workers' children (Norway, New Zealand, UK, Canada, among our case study countries) or provided home-based childcare (New Zealand under alert level 4; New Zealand, Ministry of Education 2021). However, Ireland made no special provision either of parental leave or childcare for key workers (Table 4.2).

Even where childcare was in principle available for key workers (Table 4.2), problems remained, in part because their long, unsocial and extended shifts, and in some cases high fluctuations in working hours that did not fit nursery and school hours. Thus, in most countries these workers could only work if their extended family provided additional care support. This was not always possible, particularly when contact with other households was not allowed or where grandparents needed to shield. For example, in the UK some key workers had to leave employment in order to look after their children (Cantillon, Moore and Teasdale 2021). In Canada, there were problems of insufficient places for children of key workers (Prentice 2020). Among our cases, the best practice

Table 4.2 *Childcare and leave arrangements for key workers during the pandemic*

	School or childcare service available to key workers	Childcare leaves to support parents during school closures or when children were sick or isolating
Canada	Yes – in the vast majority of jurisdictions	Most Canadian jurisdictions (11 out of 13) created unpaid job-protected, temporary childcare leave during school closures or child sickness/required isolation supported by the Canada Emergency Response benefit (\$450 CAD/week for up to 28 weeks March to October 2020)
Chile	No	For newborn children, paid parental leave was extended for up to 90 days. Those with children under 2 (if not entitled to childcare leave in their jobs) including the self-employed, were entitled to an allowance (\$200 a month) for up to 6 months. Workers could also suspend employment contracts for childcare reasons up to 90 days and receive support from their unemployment insurance fund (with employers paying social security contributions) (Lamadrid et al. 2022)
Hungary	No provision until May 2020	No special arrangements; parents could use existing paid parental childcare leaves and sick child leave during school closures and for looking after sick or isolating children. Sick child leave was paid at 50% or 60% of earnings; days allowed per year varied from 14 for children aged 6–12 years to unlimited for children under one
Ireland	No	Paid parental leaves were not available. Existing provisions for looking after a sick child were just 26 unpaid days per year. No special arrangements were made
New Zealand	Yes (provision of childcare in key workers' homes for 0–14 year olds where personal networks could not be utilized; government-funded licensed childcare providers to provide home care)	Leave available when a child was sick or isolating. Employers were encouraged to pay up to 80% of earnings but only obliged to pay the state-provided flat rate (\$85.80NZD per week for full-time and 350NZD for part-time) (New Zealand, The Treasury 2020)

	School or childcare service available to key workers	Childcare leaves to support parents during school closures or when children were sick or isolating
Norway	Yes	Existing childcare leave, paid at 100%, was extended from 10 to 20 days per year for one child and from 15 to 30 days for those with more than one child. This leave could be taken if schools were closed, or if children were sick or isolating (Eurofound 2022)
UK	Yes	With employer consent parents could be furloughed for childcare reasons, paid at an 80% rate (Rubery and Távora 2021). Parents looking after sick or isolating children had to rely on unpaid leave although low-paid workers claiming in-work benefits in England (not Scotland) could claim a £500 one-off payment from March 2021 (Lawler 2021)

Sources: Most data in this table draws on Koslowski et al. (2022) (country notes). Additional sources are indicated in the table.

in this area was found in Norway, where a collective agreement for nurseries was reached in March 2020 that ensured that nurseries could extend working hours and be open at nights and weekends to support key workers (Eurofound 2020b). Another challenge was that recurring Coronavirus infections caused childcare facilities for key workers to close. In addition, working parents also often had to care for a child that was sick or self-isolating and not all countries supported parents in these circumstances.

Our case studies provided examples where sector- or company-specific solutions were put in place to support key workers with childcare either where there was no general policy response or to close gaps in policy responses. In some instances, these solutions were negotiated through collective bargaining but more often they were adopted by governments or companies following trade union pressure. With Ireland the only EU member state that made neither childcare nor parental leave provisions for key workers (Rubery and Távara 2021), unions raised concerns for health and social care workers. The government belatedly tried to offer childcare to key workers but in contrast with the solidarity displayed in Norway, the childcare workers and their employers were reluctant to put themselves at risk and blocked the initiative. All the trade unions achieved in Ireland was agreement that health and social care public sector workers could claim childcare expenses and claim back any annual leave taken for childcare.

In our case study supermarket chain in Hungary, the employer and trade union reached a collective agreement that specified that workers who took time off for childcare would be paid as normal but would be expected to make up the time within a 6–8-month timeframe after the absence. Although the trade union recognized this was hardly ideal, it prioritized providing income security as the pandemic hit for the largely female (80 per cent) workforce (Varga 2020). In Chile, a supermarket chain reached a collective agreement with local trade unions to allow around 7,000 workers to take time off work on full pay. These included those needing to shield (see the previous section) and workers with children under 2. However, workers with children older than 2 experiencing severe childcare challenges could request to be included.

In other cases, social dialogue proved less fruitful. For example, a UK trade union reached organizational-level collective agreements in Scotland's social care sector over implementing the UK government's Job Retention Scheme. However, the agreements did not address key issues such as the need for employer consent to access furlough leave for childcare problems and that staff could only access the full sick pay if they themselves faced health concerns but not if caring for a sick or isolating child. In Canada, we found no examples of collective agreements or union initiatives that resulted in improved childcare and helped dealing with the shortages in places for key workers' children.

In sum, the pandemic created challenges for frontline key workers. However, although some governments such as Canada, New Zealand and the UK were proactive in upgrading support systems to enable key workers to continue to work and maintain their income, without neglecting childcare responsibilities, others such as Hungary and Ireland were more reluctant to intervene. This may be because they continued to see childcare as the responsibility of individual families or because of budgetary restrictions. While the former was more likely in wealthy countries such as Ireland, both factors limited government support in developing countries such as Chile. In Norway, the existing support systems did not need upgrading but even in this case adjustments to working hours of childcare facilities were made to better meet the needs of key workers. This was achieved through collective bargaining and throughout our case studies, trade unions played an important role in closing gaps in childcare and related income support for key workers, although with variable success.

4.5 LOW VALUATION OF WOMEN'S FRONTLINE WORK

The pandemic initiated strong public debate (Jooshandeh 2021) on how frontline key workers' contribution to society is not adequately valued. Here we focus on what happened in our country case studies of social care and food retail in response to these pressures to reconsider the value of frontline work both before and during the pandemic.

The origins of the undervaluation of social care and of food retailing work are somewhat different. Care work has always been considered an extension of women's unpaid work within the household, captured by the traditional term 'home help' to describe this work. In many countries, this view is reinforced by low qualification entry requirements, thereby categorizing care work as 'non-professional'. Women from working-class backgrounds are more likely to enter care work and to remain stuck on low pay with limited progression prospects (Hayes 2017). In food retail, it was the move to a self-service shopping model in developed economies that de-professionalized retail work in the mid-twentieth century. This also resulted in feminization of the occupation with the 'skilled' male greengrocer replaced by 'unskilled' female cashiers and store assistants (Wrigley and Lowe 2002). This feminization was also associated with the emergence of more precarious forms of work aimed at matching staffing closely to varying demand (Lambert 2008). These feminized food retail roles also have low education entry requirements but so too do other jobs primarily available to men – for example in warehousing and logistics. In both sectors, progression is limited as higher-level jobs are accessed through different entry and career paths – for example, registered nurses in social care and graduate entry trainees in food retail.

To explore the barriers to revaluing these jobs we utilize a framework that recognizes the multiple roles that wages play in social and economic life (Rubery, Johnson and Grimshaw 2021; Rubery 1997). These give rise to multiple influences and constraints on wage setting, thereby promoting or hindering revaluation (see Table 4.3). The pandemic challenged the valuation of this work as a social practice, by calling into question the status attached to frontline jobs and the social norms that undervalue women's work in general and care work in particular. Commentators and politicians acknowledged this long-term undervaluation and stated that revaluation must be part of the recovery. Yet the remaining four roles played by wages may constrain upward revaluation. 'Wages as price' recognizes that wages are both a production cost and a labour allocation mechanism; 'wages as living' acknowledges that wages are a key determinant of living standards; 'wages as distribution' identifies wage setting as a central arena for inter-class distributional struggles; and 'wages as a management tool' recognizes that wages are used to manage the labour process. We consider each sector separately owing to their differing institutional, product market, labour market and wage-setting conditions (see Table 4.3).

Table 4.3 Sources of pressure on wages in social care and food retail

	Social care	Food retail
Wages as price	Private sector employers are dependent on government funding/ limited gains for improved quality. Public sector wages may be constrained by austerity	Increased demand during pandemic but retail generally depressed
Wages as living	Women care workers assumed to be second income earners, not primarily responsible for their own subsistence	Women and young people as main employee groups are considered family dependants, not primarily responsible for their own subsistence
Wages as distribution	Low trade union organization in the private sector; higher in public sector	Union membership density largely dependent on country context
Wages as social practice	Care work considered women's work; women assumed to have instinct for/vocation for care, so not a learned skill	Women and young people considered as low-skilled. Issue of pay differentials between male-dominated warehouse work and female-dominated retail work
Wages as a management tool	Low guaranteed wages/flexible contracts used to manage variable case loads and working times in private sector	Flat rate pay and low guaranteed hours preferred by management to facilitate flexible deployment and shift arrangements

Source: Authors' own compilation.

4.5.1 Social Care

Applying this framework to social care reveals the key constraints hindering revaluation. Most importantly in most OECD countries social care is primarily funded by the state even where most social care (all cases but Norway) is provided by private organizations (see Table 4.1). Funding has been decreasing in real terms and employers cannot use quality improvements to charge higher fees as the elderly clients do not have any say on the fee level and the funders may not reward providers for higher client satisfaction. The low wages reflect long-standing embedded tendencies for women's wages to be insufficient for their subsistence owing to expectations of partial subsidy from spouses, reinforced by expectations that women are naturally altruistic (Hebson, Rubery and Grimshaw 2015). Social care workers outside the public sector are largely unorganized, collective bargaining is limited and wage struggles mainly focus on minimum wage standards. Social care employers may prefer to use insecure contracts to ensure flexible cover often involving unsocial hours and unpaid travel time (Rubery et al. 2015), although where these practices exacerbate labour shortages, employers may be open to initiatives to improve conditions. Therefore, plenty of factors may constrain revaluation of the social practice of low pay in social care despite the pandemic raising public support for higher wages in social care.

So to what extent did the cases reveal efforts to revalue frontline work? In practice, any improvements mainly stemmed from pre-pandemic initiatives although some were more easily implemented or brought forward during the pandemic. In Norway, pay was relatively high, as most care workers were public sector employees and subcontractors had to observe a private sector collective agreement that set only slightly lower wage rates (although with lower pensions). In contrast in the UK and Ireland public sector workers were paid above the minimum wage with guaranteed hours while private sector providers mainly paid the minimum wage and offered insecure contracts. From 2016 Scotland has used public procurement to require contractors to pay the voluntary living wage (set by the Living Wage Foundation above the national minimum wage) (Johnson, Rubery and Egan 2021). Tripartite sector-level talks on sectoral bargaining were further encouraged by a report on social care (Feeley 2021). By 2022, one recommendation, to establish a national care service to coordinate social procurement, was being implemented but a sector-level collective agreement had yet to be concluded. New Zealand, with a predominantly private sector workforce, had negotiated a 5 year pay equity agreement in 2017 between the state and the trade unions (with employer associations as observers), aimed at raising the value attached to social care work. The process that led to the pay equity agreement started with an equal pay claim where the unions argued that care work was systemically

undervalued because it was mainly performed by women. The pay equity settlement recognized and explicitly aimed to address this gender-based pay inequity, raising the pay of care and support workers by 15–50 per cent, depending on qualifications and experience (Charlesworth and Heap 2020). During the pandemic, the agreed pay increases were protected despite a public sector wage freeze. Finally, in Ireland, there was little evident action to improve pay in the private sector where wages are close to the national minimum wage; the possibility of a joint industrial council to set pay was mooted during the pandemic but reportedly squashed by private-sector employers. In the public sector, the social partners did complete a regrading of social care staff alongside other low-grade workers, promised since 2015 but stalled by reluctance among employers and some unions to change wage differentials within the public sector agreement. Their blocking measures stopped in the pandemic but the regrading only benefitted around 15 per cent of the social care workforce. Norwegian trade unions were also not pressing to revalue social care work, again because of reluctance to destabilize public sector differentials that were only based on educational entry qualifications not job content.

These case studies provide insights into what might or might not facilitate revaluation of social care work. First, they underline the importance of the state in funding revaluations, although the devolved state in Scotland is constrained by dependence on UK central government funding. Second, trade unions are increasingly asserting women's right to a living wage, by promoting the voluntary living wage as one stage towards preferably negotiated higher wages in social care. Third, the weakness of even institutionalized coordinated bargaining is made evident in the union concerns in both Norway and Ireland not to destabilize collective bargaining commitments by challenging the grading of social care workers. Fourth, the New Zealand case indicates that employers may be persuaded to move away from low pay and insecure contracts if the change is properly funded and if there are major problems of labour shortage. All examples demonstrate that raising public awareness of injustice towards social care workers is only a small if vital step. The New Zealand breakthrough came after a court enabled gender pay equity decisions to be based on comparisons with higher paid men outside the organization and with male-dominated industries and occupations. Generalizing this approach would increase the efficacy of equal pay laws but major changes to the funding and mechanisms to limit insecure contracts would still be needed to improve the value attached to labour in this sector. However, the public's willingness to fund extra costs during the pandemic may already have given way to new concerns over living costs in the energy crisis.

4.5.2 Food Retail

Our framework can also be applied to the continued undervaluation of food retail work, before and beyond the pandemic, in Canada, Chile, Hungary and the UK. The concentration of employment in large retail organizations has led not only to wages being depressed, with upward movement typically prompted by changes to legal minimum wages, but also to work being intensified owing to supermarkets using flexible contracts or movement between types of work to facilitate lean staffing (as in the UK and Chilean case studies). Consequently, the number working on the shop floor has fallen but technological productivity gains have failed to keep up with demand (Winton 2022; Alejandro Castillo, unpublished case study for PhD, University of Manchester). During the pandemic, demand surged owing to the closure of cafés and restaurants. New staff also had to be recruited to meet additional health and safety requirements and because many existing workers had to shield. Despite these shifts in the demand/supply equilibrium, there was little wage movement compared with industries such as logistics that offered large signing-on bonuses to attract workers. Instead, ‘hero bonuses’ were offered in the first pandemic wave to existing workers in all four countries but were largely used in place of substantive pay increases. In Ontario, all key workers (including food retail employees) received a \$4CAD uplift in their hourly rate for 16 weeks. However, in the UK in line with the long-term claim of the TUC for £10 per hour for all workers, the trade union USDAW negotiated a pay increase in one supermarket chain which constituted one of the most significant agreements achieved globally. Not only did pay increase by 8.7 per cent but it also triggered multiple other pay deals and voluntary increases in non-union organizations across the sector. In Chile, a 3 per cent pay increase was negotiated at a large US multi-national yet this was below the 5 per cent that had been the norm in pre-pandemic years. Furthermore, these pay deals only provided a partial revaluation and other terms and conditions may be at risk as not protected (Winton 2022).

The low guaranteed hours and pay within the sector in the UK and Canada may reflect the perception that because women and younger workers account for the majority of the workforce, retail work does not have to provide a wage that can sustain a living and could even be regarded as ‘pin money’ (Barrientos and Perrons 1999). Yet in the UK there is growing evidence that many families are relying on retail work for their primary source of income (Tomlinson and Gardiner 2019). This is despite the work becoming highly precarious with most shop floor jobs organized to meet daily demand fluctuations.

Despite widespread precarious work globally within food retail (Carré and Tilly 2017), union density in food retail is often higher than in retail as a whole: in the UK, it is double that for retail overall (ONS 2021), and in Canada,

estimates suggest it could be up to five times higher (Statistics Canada, n.d.; O’Brady 2019). This may be largely due to agreements with oligopolistic food retailers. Before the pandemic, industrial action appeared to be infrequent, but there were spikes in instances observed across the case studies during the pandemic. In Chile, strikes occurred in different regions and supermarkets across the country and led to negotiated pay increases at the store-level. Similarly in Canada, small pockets of industrial action occurred at province level within individual retailers. Unifor members in Newfoundland were on strike for 12 weeks although the pay offer that ended the strike was only slightly above the already agreed terms (*CBC News* 2020). In Hungary, the story was quite different since union membership in food retail had fallen over 50 per cent across the decade owing to the political climate within the country. Therefore, the appetite for collective action over pay was much more limited.

The influence of wages as a social practice is pervasive in shaping the value of food retail work. Although both frontline service work and warehousing have been subject to processes of both de-skilling and multi-skilling (to enable redeployment), the gendering of the work, whereby men dominate warehouse work and women shop service work, has resulted in higher pay for warehouse work than shop floor work. In a recent UK case, it was determined that retail roles on the shop floor and warehouses are of equal value, in terms of the requirements of the work, and must be paid accordingly (Leigh Day 2021). This has triggered a partial revaluation of feminized shop floor work involving compensation for undervaluation. However, the longer term outcome could be a levelling down of warehousing pay. Nevertheless, this represented the only example within the cases of efforts to improve the conditions of work for women working in food retail. There is little expectation of similar claims in other countries where equal pay litigation is less common. Furthermore, the low wages for frontline women workers could not be considered a trade-off for employee-oriented flexibility; even those with caring responsibilities had to accept very flexible employer-determined shift patterns in the UK, Chile and Canada (part-time being much less used in Hungary).

The preference of management in food retail is for a flat pay hierarchy to facilitate redeployment and work intensification. The strategy of multitasking through removing wage differential between types of jobs (such as between cashiers and others) was a current issue in the Chilean case study. In the UK and Canada, the flattening of differentials had already occurred and multitasking was combined with flexible contracts to minimize labour costs and maximize work intensity (Winton 2022).

What these food retail cases reveal is that compared with social care there is some scope for collective and legal action to bargain over wage increases and unfair gender pay gaps owing to higher trade union organization (in the cases of Canada, Chile and the UK) and greater employer market power.

However, these agreements may reflect reputational concerns since the UK and Canadian media paid close attention to retailers' actions throughout the pandemic. Moreover, the greater power of the multinationals also limits the likely long-term impact of short-run wins including hikes in pay in UK supermarkets as there are risks that other terms and conditions may be retracted to pay for the wage improvement.

4.6 CONCLUSION

The optimism during the pandemic that public concern for frontline workers would lead to longer term improvements in pay, security and status has now faded and the efforts and sacrifices made by these frontline workers throughout the pandemic have all but been forgotten in the public discourse. The government and employers largely made temporary gestures towards improving conditions, offering temporary sick pay and short-lived bonuses labelled hero payments. In both sectors and across all eight cases there was very little evidence of planned sustained improvements in protections or pay. The current cost-of-living crisis has further pushed the valuation of frontline workers into the long grass; instead, all workers, including the more unionized and better-paid, are engaged in fighting to maintain their living standards. It is likely to be male workers in areas with stronger systems of collective bargaining that achieve some success, particularly if their position is strengthened by labour shortages in the post-pandemic recovery. The cost-of-living crisis is increasing fiscal costs that may reduce the state's willingness or capacity to revalue care work. However, as our case studies suggest, significant progress is unlikely without commitment by the state.

The patchy and limited childcare support for female frontline workers during the pandemic further suggests the continued prevalence of the view that women must take responsibility for children even when delivering vital frontline services. The notion that women have equal rights to be wage workers as men has not yet taken hold and their participation is still regarded as contingent on them solving the problem of childcare. This created a particular problem during the pandemic when many women became key workers, yet were not afforded the protections needed to enable them to work safely (through the provision of sick pay). The pandemic experience may have raised some people's awareness and appreciation both of the value of women's frontline work and the unfairness of always ascribing responsibility for childcare to women. However, the growth in public awareness has yet to change the experience of women frontline workers in any substantive way.

NOTE

1. The study also involved four case studies of the health sector but for reasons of space, we have focused only on social care and food retail as they share similarities in their pay and employment practices.

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5. Women workers during global value chain disruptions

Arianna Rossi and Anne Posthuma

5.1 INTRODUCTION

Global value chains (GVCs)¹ have provided important opportunities for women workers to participate in the labour force, access employment – in informal or formal contractual conditions – earn income and gain more agency over their lives (Kabeer 2002). Firms engaging in international trade, including through GVCs, have been found to employ more women workers than firms that do not trade internationally (World Bank and WTO 2020).

Historically, the development potential of GVCs has been framed in terms of unleashing their evolution into higher value-added and knowledge-intensive exports, in turn delivering economic growth and new job opportunities, and upgrading into higher-paid and more skilled activities (World Bank 2020). These new job opportunities in labour-intensive industries have benefited individuals who were otherwise marginalized or not actively participating in the labour force – particularly, young unskilled women, often migrants from rural areas, who came to work in urban employment hubs such as industrial zones. There is a tendency for this export-oriented production to contribute overall towards higher productivity, output quality and better wages and working conditions (World Bank 2020: 76; WTO 2021; ILO 2023). However, employment in GVCs for women workers in the developing world has also involved gender inequalities, frequently being characterized by participation in low value-added sectors and by gender-based occupational segregation in lower-skilled functions with low barriers to entry. These are among the contributing factors to their precarious employment arrangements and working conditions, low wages and, in the worst cases, violence and harassment (Barrientos 2019). Notably, when developing country firms successfully upgrade their production, the shift is often accompanied by a defeminization of the labour force in the new and higher-skilled functions (Tejani and Kucera 2021).

This chapter examines several core factors behind these gender inequalities in GVC-related employment. In this light, it appears there is a set of inter-

locking factors that leads to gender inequalities for women workers in GVCs. On the one hand, structural factors are at play, which are endogenous to the logic of GVCs and inhibit the improvement of wages and working conditions, ascending to higher-skilled functions and professional growth, as well as the individual and collective empowerment of women workers. On the other hand, these structural factors operate in conjunction with exogenous, systemic factors such as institutional bias and exclusion (including limitations for women to operate outside the household, enhance their educational status, or access training opportunities), gender stereotypes regarding women's social and economic roles, and implicit or explicit gender discrimination.

At the same time, GVCs are continuously undergoing change, which is accelerated in periods of shocks and disruptions, including the pandemic. For this reason, and in line with the specific focus upon gender inequalities in GVCs, the present chapter explores how such periods have impacted upon women's participation in GVCs, in quantitative and qualitative aspects.

One aspect of particular interest is how internal, structural transformations in GVCs as well as external, systemic shocks impact the core logic that originally drove the expansion of GVCs in the past. Namely, the ease, and relatively low cost and reliability of managing connections, logistics and the transport of products across borders based upon a network of supplier firms in developing countries that performed largely low-skilled and labour-intensive activities in lower value-added echelons of value chains. As a result, these shocks and disruptions intrinsically challenge the potential of GVCs to create and sustain decent jobs in the developing world, and thereby serve as inflection points that expose the multiple vulnerable conditions under which women workers continue to participate in GVCs. Understanding the impacts of shocks and disruptions may lead to insights and opportunities for the formulation of gender transformational policies and interventions that can overcome the pitfalls of gender inequalities of the past.

In sum, against this backdrop of gender inequalities in GVCs, we investigate the dynamics of previous and current shocks and disruptions in GVCs, including the COVID-19 pandemic, in making and breaking gender inequalities in GVCs. Shocks and disruptions in general tend to impact hardest on the most vulnerable (largely women) workers, and do not alter the underlying structural GVC logic which perceives women workers as more compliant, disempowered and less likely to resist or organize collectively to pressure for better wages and working conditions. However, different types of disruptions have different impacts on vulnerable workers, as will be explored in the chapter.

The purpose of this chapter is threefold. First, it aims to understand how GVC disruptions reveal endogenous and exogenous drivers of gender inequalities in GVCs. Secondly, it explores why and to what extent GVC disruptions disproportionately impact women workers. Finally, it investigates what policy

measures could be put in place to promote women workers' access to less precarious, better paid and higher-skilled jobs under conditions of decent work in firms linked to GVCs.

This chapter starts by exploring both the main structural factors that are endogenous to GVCs, as well as institutional, societal and discriminatory factors that are systemic and exogenous but contribute – as part of a set of interlocking factors – to gender inequalities in GVCs. After setting the theoretical framework of women workers and gender inequalities in GVCs in Section 5.2, the chapter takes an historical perspective to approaching the research questions in Section 5.3 by reviewing the empirical evidence of the impact of five different major shocks and disruptions in GVCs of the past twenty years, including:

1. A major change in the global trading regime in a key labour-intensive GVC, the phase-out of the Multi-Fibre Arrangement (2005), was a highly anticipated event and that created significant ripples in the organization of the global garment industry that reverberate to this day (Ernst et al. 2005; Lopez-Acevedo and Robertson 2012);
2. The 2008/2009 global financial and economic crisis, which upended economies and business models across sectors and countries. Trade in intermediate goods characteristic of GVCs experienced a sharper drop than arm's length trade² but a faster recovery, attesting to the role of GVCs in rapid shock transmission, matched with an agile recovery capacity in that event.
3. The ongoing disruptions brought about by technological upgrading especially in medium- and low-tech sectors, such as light manufacturing, where most of women workers in the Global South are employed.
4. The 2013 Rana Plaza building collapse in Bangladesh, the worst industrial accident in the global garment industry, resulting in more than 1100 garment worker deaths and many more injuries, which exposed the vulnerability of workers in GVCs in an unprecedented way.
5. The COVID-19 pandemic, which triggered asymmetric demand and supply shocks in GVCs, which unleashed labour shortages and rising prices in various sectors (ILO 2023: 20), impacted sharply on GDP, and whose consequences are still ongoing and being observed as the chapter is written in 2023.

The chapter then provides reflections in Section 5.4 on the policy implications of the impact of these five GVC disruptions on women workers. Section 5.5 concludes and raises policy considerations.

5.2 THEORETICAL AND ANALYTICAL FRAMEWORK

The International Labour Organization (ILO; Viegelahn, Huynh and Kim 2023) estimated that women held more than 45% of jobs in GVCs in 2021 in South-East Asia, where women's share in GVC-related employment is higher than their share in total employment and has been increasing over the previous decade. Overall, in 2015 almost 190 million women were found to be working in GVC-related jobs in the countries for which estimates were available (ILO 2015). Looking specifically at industrial export hubs in developing economies, Tejani (2011) found that women constitute more than 50% and in some cases up to 90% of employment.

Why are women workers so deliberately found in GVC-related jobs in developing and emerging countries, and do these jobs benefit them or exploit them? There is a strong relationship between the types of jobs created by GVCs, especially in their early stages, and the characteristics that are historically associated with women in patriarchal societies. Indeed, developing-country participation in GVCs often starts with labour-intensive light manufacturing such as apparel, electronics, toys or agro-food processing. These industries require low capital investment, have comparatively low barriers to entry, and take advantage of one of developing countries' main comparative advantages – a large pool of low-cost, unskilled labour (Barrientos 2019; Standing 1999; Tejani 2011).

Several factors, intertwined with cultural norms and gender stereotypes, explain the prevalence of female labour in these starter industries. These can be summarized as four processes which reproduce gender inequalities. Firstly, traditional gender hierarchies in the developing world tend to identify men as the breadwinner in the household and relegate women to a subordinate position as secondary income earner at best, leading them to accept more insecure and flexible working arrangements as well as lower wages (Seguino, Berik and Van Der Meulen Rodgers 2010: 6). Secondly, owing to the same pattern of patriarchal decision-making in the household, girls tend to have fewer opportunities for higher education and are therefore overall less qualified than men, leading them to be employed in lower-skilled, lower-paid functions within the same industry. When women workers are recruited as unskilled workers with temporary contracts, limited tenure and frequent turnover, training and promotions opportunities are less available to them than to men in higher skilled positions, widening the gender gap (Blattman and Dercon 2017). Thus, a widespread gender wage gap makes women 'cheaper' than men (ILO 2018). Thirdly, these gender differences in economic outcomes are crucially influenced by the allocation of time spent by women in paid employment and

unpaid care work (Elias and Roberts 2018). Indeed, these dynamics are closely intertwined with gender power relations and preconceived traditional roles. As such, occupational segregation in GVC jobs is driven by skills but also by gender stereotyping, as women workers are perceived to have a natural propensity for detailed, routine tasks capitalizing on their 'nimble fingers' and for being less apt at positions of leadership at the workplace (Elson and Pearson 1981).

A fourth dimension of gender stereotyping leading to GVC jobs in labour-intensive, starter industries being predominantly female is women workers' perceived docility and lack of empowerment, and subsequent lower likelihood to resist and organize collectively (Barrientos 2019). These perceived characteristics, alongside the power imbalance between women workers and their predominantly male supervisors and managers, are also those that make women workers particularly vulnerable to harassment and abuse (Barrientos 2019). In certain cases, strategies such as organizing women workers in GVC-linked firms not only at the firm level but also in their communities, provide alternative paths for enhancing voice and collective action of informal workers at the local level, with a view towards area-based labour markets (Tewari 2020).

However, such issues are complex and nuanced. In the words of Kabeer (2004: 3), 'exploitative as these jobs appear to Western reformers, for many women workers in the South they represent genuine opportunities', as casual jobs in the informal economy would offer considerably worse alternatives. For example, women workers' ability to earn on a regular basis owing to the growing garment GVC job opportunities in Bangladesh gave them a sense of self-reliance, self-confidence, and assertiveness. By working in factories and often migrating from rural to urban environments, young women workers gained access to new social networks on the factory floor, which allowed them to break out of the isolation they often faced within the home. Thanks to their new status as income-earners and to their economic contribution to the household, they acquired a greater voice in household decision-making and an enhanced sense of self-worth and autonomy (Kabeer and Mahmud 2004). In Lesotho, women workers in GVC jobs who had access to financial literacy and workplace cooperation training were able to transfer their newly acquired skills also to the household, increasing their negotiation power and achieving a more balanced decision-making process with their husbands and fathers (Pike and Godfrey 2015).

As such, factory-based GVC jobs, while often violating workers' rights and entitlements, still afford women new opportunities to exit the sphere of familial control as well as situations of domestic violence, to gain financial independence, and to expand their personal autonomy and life choices, such as marrying and child-bearing at a later age, and achieving higher educational

levels (World Bank and WTO 2020: 24; Tejani 2011). However, this empowerment may not always materialize. Blattman and Dercon (2017) found that women workers in Ethiopia were actually worse off when employed in factory settings relative to being self-employed in an informal setting or having no job at all, in terms of health outcomes and overall income.

Against this backdrop, we look at how GVC structures and dynamics, especially in labour-intensive industries, can act as potential drivers or accelerators of worker vulnerability. A defining feature of the GVC model, which is exacerbated at times of crisis, is the outsourcing of production as a risk mitigation strategy. Lead firms in GVCs, especially in price-sensitive consumer goods, manage rapid demand changes in the market by increasing their requirements to suppliers in terms of flexibility and prices, for example by reducing lead times, adjusting order sizes and specifications at short notice, and shifting payment deadlines. These pressures encourage suppliers to further outsource production to small, informal and home-based production units. These productive arrangements of contracting and subcontracting in GVCs often include small firms, microenterprises and home-based work, which may involve precarious and informal employment relations and working conditions. This particular organization of production is also closely linked with a feminization of the labour force (Standing 1999; Barrientos 2019). It is therefore pertinent to apply a gender perspective toward lower tiers of supply chains, considering that women workers are found to be concentrated in such types of smaller supplier firms and home-based production (WIEGO, n.d.).

A gendered lens is useful to understand the implications of economic upgrading in GVCs on women workers. Originally seen as the necessary step for successful developing country participation in GVCs (Gereffi 1999; World Bank 2020), economic upgrading is seen as the process of increasing added value in production whether through a more efficient process, a higher added value product, or a more integrated production process. The promise of economic upgrading to deliver in conjunction with social upgrading, that is, the process of improvements in the rights and entitlements of workers as social actors, has been called into question (Barrientos et al. 2011). This is particularly true when approached through a gender lens. Traditional steps supporting economic upgrading, such as technological change, higher skill content, or a shift towards less labour- and more capital-intensive production, are all associated with a defeminization of the labour force (Standing 1999; Barrientos 2019), or with the further occupational segregation of women workers into specific types of lower skilled, lower paid functions.

As will be seen, GVC dynamics create challenges as well as opportunities for positive change moving forward for women workers in the developing world, and these dynamics are heightened in times of crises and disruptions. We analyse further the implications of recent GVC shocks in the next section.

5.3 ANALYSIS OF GVC DISRUPTIONS THROUGH THE LENS OF THEIR IMPACT ON WOMEN WORKERS

In order to analyse the impact of GVC shocks and disruptions on women workers, in this section we use a five-pronged lens:

1. Employment impacts and how disruptions affected women workers' participation in the labour force.
2. Quality of employment impacts and implications for women workers' fundamental rights, such as the right to freely associate and join a union, as well as for their contracts, wages, and working hours.
3. Gendered impacts of GVC disruptions on women's health and OSH at work in a context where occupational safety and health (OSH) has been recognized as a fundamental right at work (ILO 2022).
4. Education, training and skills, and women workers' new upskilling opportunities during disruptions as well as potential increased marginalization.
5. Household impacts, including the impact on women's care responsibilities and how they intersect with their ability to fully participate in the labour market, engage in dialogue and representation, and forge a career path within their jobs.

5.3.1 Employment Impact

GVC disruptions, when linked to shifting geographies of production, may lead to the opening up of new employment opportunities for women (see Section 5.2). When the disruption is sector specific like the Multi-Fibre Arrangement (MFA) phase-out in the global garment industry, the impact on women's labour force participation rate follows the new dynamics and opportunities driven by the GVC model. In 2005, as the global trade regime liberalized and shifted away from quotas regulating the distribution of global apparel production across the world, the lead multinational firms in the garment GVC adjusted their sourcing decisions to be based on comparative advantages based on low production costs, flexibility of production, and speed to market. These changing geographies of production opened up new opportunities for women workers in sourcing locations that were able to position themselves as attractive destinations such as South Asia and South-East Asia (Lopez-Acevedo and Robertson 2012; Robertson, Lopez-Acevedo and Savchenko 2020).

On the other side, disruptions that are linked to economy-wide financial and economic crises, such as the 2008–2009 financial crisis and the COVID-19 related crisis, have had a disproportionate negative impact on women's participation in the labour force vis-à-vis that of men when looking at GVCs. This

is explained by the gendered dynamics analysed in Section 5.2, and relatedly, to the concentration of women workers in occupations highly vulnerable to global demand shocks.

Indeed, the gendered structure of the economy, especially in developing countries, leads to different levels of vulnerability to financial shocks (Blanton, Blanton and Peksen 2019). Women are already usually employed in more vulnerable forms of employment in lower paid jobs and are therefore harder hit by economic downturns. Entrenched gender stereotypes of women as secondary income earners (see Section 5.2) can be used as a pretext for dismissing them first in the wake of financial hardship (Singh and Zammit 2000). Studies across different regions show that in times of financial crises, employers often lay off women in disproportionate numbers (Blanton et al. 2019; Floro and Dymski 2000; Kushi and McManus 2018). There is also strong evidence that financial crises have both immediate impacts on women's labour force participation rates and long-term effects several years following the end of the crises.

During the COVID-19 pandemic, women's employment-to-population ratios declined proportionally more than men's for all country income level groups, particularly in middle-income countries (ILO 2021). This was driven by women's over-representation in hard-hit sectors including in GVCs, such as labour-intensive manufacturing and retail, and to the fact that women experienced discrimination upon re-hiring owing to their perceived unreliability, related to increased absenteeism to take care of the sick, and to increased childcare responsibilities due to school closures. Even when women workers remained employed in GVCs during the COVID-19 pandemic, they often experienced an intensification of work with unpredictable working hours, while also tending to domestic care responsibilities (Tejani and Fukuda-Parr 2021).

When it comes to technological upgrading in GVCs, there is a strong empirical indication that as production shifts to higher technology content, skills are upgraded and result in a defeminization of the labour force (Kucera and Tejani 2014; Tejani and Kucera 2021; Standing 1999). Tejani and Kucera (2021) found that technological upgrading results in a decrease in the female share of manufacturing employment in those industries that drove export-oriented industrialization, namely, food, beverages and tobacco products; textiles; apparel, leather products and footwear; electrical and non-electrical machinery and equipment; and motor vehicles. As new technologies were introduced, new skills were required to operate machines, creating new opportunities for higher skilled, better paid jobs (UNIDO 2018: 88). However, these new, more desirable jobs tended to displace women workers, perceived to be unskilled and mostly marginalized from training and learning opportunities, and to be allotted to men.

5.3.2 Impact on Quality of Employment

In the absence of crises and disruptions, there is a widespread consensus that participation in GVCs, especially in labour intensive industries, created new job opportunities for women workers in developing and emerging countries, providing them with access to the formal labour market and their own income (Robertson et al. 2020; Distelhorst and Shin 2023; Kabeer and Mahmud 2004). However, the quality of the employment created has been called into question (Barrientos 2019). Such concerns are heightened when looking at women workers' quality of employment during GVC disruptions.

In terms of wages, GVC jobs for women workers are usually associated with higher wages than their domestic alternatives (Lopez-Acevedo and Robertson 2012; Distelhorst and Shin 2023). Robertson et al. (2020) find large positive wage premiums and a closing of the male-female wage gap during the MFA period, but smaller premiums and a widening wage gap after the end of the MFA, suggesting that increased global competition on the basis of prices had a disproportionate detrimental effect on women workers' wages. The close relationship between GVC power dynamics, consumer good price fluctuations and demand shocks was also in full view during the early months of the COVID-19 pandemic: following strict lockdowns in Europe and North America, global apparel demand collapsed, and global apparel brands and retailers cancelled US\$40 billion worth of orders, with critical consequences for suppliers and workers (Anner 2022). This created severe cash flow issues at the supplier level. In his survey of Bangladeshi suppliers in March–April 2020, Anner (2022) finds that 'of the suppliers who abruptly lost contracts that were in-process and received no payment from buyers, 71.8% said they were unable to provide their workers with some income when the workers were furloughed (sent home temporarily) and 81.3% said they were unable to provide severance pay when order cancellations resulted in permanent worker dismissals.' This severe impact on workers' wages also had significant implications also at the household level in terms of poverty and nutrition (Kyritsis, LeBaron and Nova 2020).

In GVCs, women workers often lack more formal contractual relationships, including written contracts with social security provisions, especially when they work in small and informal production units via outsourced production. In these cases, they are treated as more flexible labour which, during times of crisis and disruption, such as during the 2008/2009 financial crisis and the shock of the global COVID-19 pandemic, can function as a buffer for production uncertainty, and either be dismissed or intensified (Tejani and Fukuda-Parr 2021).

Women workers often face discrimination and harassment when they engage in union-related activities, including dismissal threats, blacklisting,

and physical violence (Tejani 2011). This is often a deterrent to consider joining a union, exacerbated by the perpetration of gendered stereotypes about unionized workers and by often unequal trade union structures that see men in a position of representation and power (Barrientos 2019). As critical enabling rights to the achievement of social upgrading (Barrientos et al. 2011), freedom of association and the right to collective bargaining are critical to determine quality of employment. Violation of these rights is not only detrimental in itself, but also may lead to dramatic consequences jeopardizing worker safety, as in the case of the Rana Plaza disaster in 2013. Cracks appeared on the Rana Plaza building the day before the collapse, and the building was evacuated. While other commercial activities remained closed, garment factories in the building continued to operate the following day and garment workers were made to return to work (Prentice 2021; Siddiqui and Uddin 2016). Lack of voice and representation prevented workers, and especially women, from refusing to enter the building for fear of dismissal. This context is strongly shaped by GVC dynamics, especially in an industry such as garments, characterized by low profit margins, short lead times, and power imbalances between lead firms and suppliers, leading to pressures to produce faster and at all costs (Anner, Bair and Blasi 2013).

5.3.3 Health and OSH Impacts

As discussed above, participation in GVCs, and new jobs generated as a result of sectoral disruptions such as the MFA phase-out post-2005, may open up opportunities for women workers to join the formal labour market. Formal jobs, especially when factory based, often also provide women workers with access to workplace-based healthcare facilities, such as regular check-ups, onsite doctors and nurses, and maternity and post-natal healthcare. As such, disruptions that open up job opportunities for women can also be instrumental in providing better health protection.

Other types of GVC crises and disruptions have the opposite impact. Overall, economic and financial crises such as the 2008–2009 financial crisis and the COVID-19 crisis have tended to typically lead to reduced fiscal space and to a contraction in public expenditures on health (Blanton et al. 2019). Such a reduction in health expenditures has a gendered impact as it often impacts the provision of sexual and reproductive health and rights (SRHR)-related services. Even when crisis-related investment and expenditure on public health during crisis is increasing, such as during the COVID-19 pandemic period, the concentration of investment towards the pandemic itself translated into disinvestment from SRHR initiatives (Women Deliver 2022). The reduced access to SRHR services for women workers, usually provided at the workplace, was exacerbated by the lack of mobility and access to work-

places during lockdown periods, and by permanent workplace closures owing to the economic downturn.

The public health emergency linked to the COVID-19 pandemic also revealed the disproportionate adverse health effects on women workers (Tejani and Fukuda-Parr 2021). This is due to several interconnected factors: owing to gendered norms around care responsibilities, women bore the brunt of caring for sick relatives, which in turn exposed them more directly to the virus. They also were at the forefront of the mental health impact of the pandemic, owing to pressures such as being employed in heavily feminized sectors deemed as ‘essential’, such as healthcare and retail, and caring for home-based children during lockdown periods. All these factors created a gendered health impact which exacerbated the negative employment impact discussed in Section 5.3.1.

5.3.4 Education, Training and Skills Impact

As discussed above, women workers working in GVCs may gain access to better jobs than other available alternatives. Not only do GVC jobs represent a shift from household-based work and subsistence agriculture, which are often the only other available options for women, but they also provide opportunities for skill upgrading, technology transfer, know-how and experience in working in an industrial setting, which in turn can equip them with transferrable skills necessary to move to factories with higher value added content.

However, as noted in Section 5.3.1, attention is required to include women workers in training and learning opportunities generated by technological upgrading and access to better paid, skill-intensive jobs.

For women workers, access to soft skills through GVC jobs, such as those in the garment industry created as a result of the MFA phase-out, may be an opportunity to eventually access the first layer of managerial positions such as line supervisors in assembly lines. This type of opportunity has also been shown to raise productivity: in apparel factories, when women workers are trained to become line supervisors, labour productivity on their lines improves by up to 22%, signalling possible motivation effects among other women workers (Babbitt 2016; Macchiavello, Rabbani and Woodruff 2015).

However, financial crises that limit countries’ overall fiscal spaces have a negative impact on education and skills upgrading for women workers in GVCs. Similar to the findings discussed in Section 5.3.2 on health impacts, Blanton et al. (2019) find that financial crises are negatively associated with women’s educational achievement relative to men. In a time of triage and in a context of often patriarchal societies, households tend to prioritize sons’ educations rather than daughters (Buvinic 2009: 3, as cited in Blanton et al. 2019). As such, this type of crisis may lead to a heightened risk of child labour. During the COVID-19 pandemic, the ILO estimated a significant rise in the

number of child labourers, especially for those aged 5–11 and those in hazardous work. While overall involvement in child labour is higher for boys than girls, when the definition includes household chores for 21 hours or more each week, the gender gap in prevalence among boys and girls aged 5–14 is reduced by almost half, suggesting that young girls were bearing the brunt of increased care responsibilities at home owing to the pandemic (ILO and UNICEF 2021).

Technological upgrading also provides another angle to consider when analysing the impact of GVC disruptions on skills and education. Given that women perform a disproportionate share of lower-skill tasks or jobs in GVCs, they can be more vulnerable to shocks such as the introduction of new technologies, which can be skill-enhancing and/or labour-saving, and whose impact has been already discussed in Section 5.3.1. It has been noted that there is a shift of women increasingly moving into higher-skilled jobs primarily in more industrialized countries, while in contrast, largely in low-income countries, most women workers are employed in medium-skilled jobs. This situation highlights the key role of evidence-based policymaking in order to identify the constraints to enhanced skills development for women, and also the policy measures to put in place the drivers that would support raising the skill intensity of women's labour force participation (World Bank and WTO 2020).

At the same time, there is evidence that economic specialization has opened opportunities for women to fill roles that were traditionally dominated by men, and furthermore, to access new professions generated by the dissemination of new technologies (World Bank and WTO 2020). This finding reinforces the need for policies and incentives that ensure access of girls to education and their retention, and moreover that encourage their education in STEM (science, technology, engineering, and mathematics) fields. Policies in this area would help to accelerate the movement of women into higher-skilled roles in GVCs, as discussed in Section 5.4 below.

5.3.5 Household Impacts

As explored above, disruptions that open up new markets and new employment opportunities for women have ripple effects on women's incomes. This in turn has an impact on women workers' households, both in terms of livelihoods and in terms of their role within household decision making. In Bangladesh, women's integration into paid employment, especially in the garment GVC, may help shift women's institutional visibility, from work within the home to the more visible space of the factory. These new jobs in GVCs may in turn provide young women with a path towards material independence and self-realization, challenging entrenched stereotypes about women's roles within their households, from being seen as economic burdens

to economic assets (Kabeer 2002; Kabeer and Mahmud 2004). However, while paid employment may provide an escape from parental control, this sense of autonomy and empowerment may not materialize at the workplace, where young women workers may be subject to line supervisors' disciplinary practices, which can be perceived as more overwhelming than familial control (Wolf 1992).

Not surprisingly, income losses during GVC disruptions are linked to a contraction of household income levels and to an increase in working poverty (ILO 2023) and an adverse impact on nutrition (Kyritsis et al. 2020). The drop in income for women workers following temporary or permanent job losses may have cross-border impacts owing to their role in sending remittances back to their communities. Overall, women workers tend to remit more than men (Djaya, Brown and Lupo 2019) and they tend to prefer to invest such remittances in human capital rather than physical capital (Mizanur Rahman 2013), becoming a vector for broader developmental impact. However, both during the 2008/09 global economic crisis (Ratha and Sirkeci 2010) and during the COVID-19 pandemic (World Bank and KNOMAD 2021), remittance flows have proved to be resilient and have only experienced small declines.

The employment effects of the COVID-19 pandemic (which led to significant GVC job losses) also had specific gendered impacts at the household level in terms of increased psychosocial stress, which in turn also led to an increase in intimate partner violence (McNeil et al. 2022).

These findings raise important implications that can translate into transformative policy recommendations for promoting greater gender equality and economic upgrading for women workers in GVC-linked firms and sectors. Based upon evidence regarding the impacts on women in previous periods of shocks and disruptions explored in this section, and the tendency for women workers to benefit relatively less from the upgrading of productive processes and skills needs in the past, it is necessary to frame a new set of interventions to promote greater gender equality. The next section will focus upon policy implications and recommendations.

5.4 DISCUSSION AND POLICY RECOMMENDATIONS

The significant developmental potential of GVCs has been widely noted in the literature of international organizations. At the same time, the negative impact of different major shocks and disruptions during the past two decades upon the developmental role of GVCs as well as their resulting reconfiguration and adaptation has been increasingly the focus of attention of international organizations such as the ILO, the World Bank and WTO. This is particularly evident now in a time of continued disruption and instability post-COVID-19.

Policy messages converge around two noteworthy points. First, benefits from participation in GVCs, measured through proxies, include a frequent tendency for overall productivity, capital intensity and output quality to rise, as well as wages, working conditions and job creation for workers (World Bank 2020: 76; WTO 2021; ILO 2023). A second point acknowledged in international organization reports involves exposure of GVC fragility through external shocks, especially the lingering effects of the 2008/2009 crisis in terms of slowed trade growth and the COVID-19 pandemic on supply and demand (World Bank 2020; WTO 2019; ILO 2023: 44). In turn, the slumped demand in GVC trade in the context of crisis has impacted the composition and quality of employment in terms of gender, formality and pay levels in supplier countries (ILO 2023: 12 and 45). The harsh impacts of these crises on GVC firms and workers have spurred a widespread recognition of the need for policies and action to enhance the resilience of GVCs, stressing that gender equality also contributes to economic and social resilience to future shocks and disruptions.

These reports of international organizations help to frame a reflection upon policy approaches that address both structural (endogenous to GVCs) and systemic (exogenous to GVCs) factors in order to promote greater gender equality in GVCs. As discussed earlier in this chapter, the literature indicates GVC upgrading has not led to comparable spillovers in overcoming gender inequalities in GVC related employment. Similarly, the intertwined gender-based barriers to seizing the gains from GVC upgrading are evidenced by the earlier-mentioned finding that productive upgrading by developing country firms is often accompanied by a defeminization of the labour force in the new and higher-skilled functions (Tejani and Kucera 2021). Multiple factors on both structural and systemic levels are involved and are relevant for informing policy responses to break gender inequalities in GVCs.

Several policy recommendations and firm-level action that could promote more gender equitable outcomes arise from the discussion in this chapter. First of all, more sustainable sourcing relationships between lead firms and suppliers would address the need for more stable and longer-term relations. More stable sourcing relationships would enhance predictability and preparedness for supply shocks, and also tend to reduce fluctuating demands on working time, unreliable contractual relationships and overall poor working conditions for the most vulnerable groups of workers. A broader diversification of lead firms' supplier pools would also help them to manage shocks more effectively, therefore less severely impacting women workers. The specific experience of women workers in GVCs, considered within the context of gendered cultural norms, is a key dimension to take into account. Another policy area is to promote more gender-inclusive practices among companies, as well as expanding opportunities for women to work at the managerial level (World Bank and WTO, 2020). Gender-based outcomes should be examined accord-

ing to different tiers of GVCs, considering that opportunities for upgrading women's position vary substantially between larger supplier firms and those further down in the subcontracting chain, where women workers tend to be employed in contract and informal work (World Bank 2020: 78).

Second, the introduction of technological upgrading is also argued to strengthen resilience such as via greater digitalization, online capabilities and sales via e-commerce. In this regard, special attention is required for micro, small and medium-sized enterprises, that have lower ability to withstand exogenous shocks considering their position within GVCs (WTO 2021: 78). A trend towards investment in technologies and greater capital intensity is underway, although this varies by sector and GVC tier. Technological change also generates countervailing pressures, potentially reducing the employment intensity of exports (WTO 2021: 78). Therefore, appropriate gender-transformative policies are paramount in the context of technological disruption. These are necessary to shift the developmental thrust of GVCs from labour-intensive and low-skilled work towards harnessing the potential to generate positive development impacts for women workers in quality employment, skilled occupations and career advancement into more sophisticated functions with higher responsibilities.

A third policy area involves the type of jobs performed by women in GVC-linked firms being tied to their prospects for earnings, education and skill development and career growth. Therefore, as firms seek not only integration but also opportunities for upgrading and shifting into higher value-added and skill-intensive activities, then a transformational opportunity for gender equality is made available if a series of appropriate policies, activities, and investments are put in place to provide women workers with the requisite skills and capabilities necessary to access such jobs, as well as individual empowerment and behaviour. Skill upgrading, both in terms of technical and of soft skills related to financial literacy and leadership, can also have a potent connection with altering existing gender norms and perceived women's roles in households and economies.

The types of skills that women acquire, and how these are acquired, are key issues. In this light, opportunities for skilling, upskilling and reskilling play an important role for raising women workers' competencies, either offered by firms or attained by workers themselves through accessing training outside the firms. Including women in on-the-job training at the firm level is an example of changes within GVCs that can play an important role in promoting access for women to higher skill tasks and occupations. An agenda for GVC upgrading requires specialized skills and hence the systemic policies that support the greater inclusion of women in vocational training institutes and technology colleges that provide recognized certification (UNIDO 2018: 88).

Opportunities to access certified training can play a core role in opening new pathways to access different occupations (including those considered ‘non-traditional’ for women) and greater mobility within the firm and other companies in the value chain, as well as the labour market in general. Such measures could make a significant contribution to overcome structural barriers towards higher educated women, and greater skilling and upskilling of women workers as a path to enhance the gains from their participation in GVCs. Furthermore, attention to educational and training opportunities for young women in rural areas is part of this policy challenge. Boosting educational enrolment rates for girls and women, and ensuring they remain in education, as well as supporting their training and skills development, are central to gender-transformative policies. These measures also raise the productivity and availability of skilled labour, while also advancing trade diversification (WTO 2021: 116).

Related to strengthening skills development for GVC upgrading is greater emphasis on generating interest and opportunities for young women to study in STEM-related disciplines and to build a solid skills foundation to develop careers in such occupations. Higher returns to education for girls, especially if they are able to access higher skilled jobs, would generate incentives that could lead to higher aspirations among young women to prioritize training and skill development for themselves (World Bank 2020: 78).

A fourth area of gender transformative policies involves the empowerment of women workers in GVCs. Social dialogue related to employment, right to work and social protection is a key area that can be effective at reducing gender inequalities (ILO 2023: 49; WTO 2021: 49). Policy recommendations for women to be included more fully and equitably in the benefits to be offered in GVC-linked work would need to include attention to workers’ rights around quality of work, involving labour rights, worker voice and representation and the right to organize. Greater capacity and access to exercising their labour rights is a channel to strengthen empowerment of women workers in GVCs, including issues such as job discrimination, workplace violence and provision of childcare.

At the societal level, gender norms need to shift in order to ensure that women can fully participate in the labour force through decent employment in GVCs. This can be supported by legislative measures – for example, ratification of the ILO’s latest Convention on violence and harassment in the world of work (C.190). Similarly, the implementation of the two core Conventions related to discrimination (C.100 and C.111), are clear measures at the national level to protect and support women’s role in the labour force and in GVCs. Public investment in the care economy, in particular those policies that are designed to foster greater male involvement, such as paternity leave, are other

fundamental pillars of enabling a more gender-equal distribution of domestic and household responsibilities between women and men.

Finally, at the multilateral level, there is a need for policy coherence regarding the policies and strategies to enhance resilience in GVCs, as they have direct implications for women workers and their continued employment opportunities. The often-discussed resurgence of industrial policies to support resilience and recovery post-COVID-19 offers an opportunity for a more gender-equal policy environment surrounding GVCs.

5.5 CONCLUSIONS

Over the past four decades, and despite the ebbs and flows of international trade at times of crisis, GVCs have proven to be a crucial tool for inclusive growth in developing countries and have provided an important source of employment for women. Nevertheless, despite their widespread participation, the literature has revealed significant gaps for women workers in terms of accessing decent wages, working conditions, employment stability, opportunities for skill development and career advancement in GVC jobs on equal terms with their male counterparts.

Global value chains have also passed through periods of turbulence and disruption. This chapter has identified five periods of disruption in GVCs, based on the premise that shocks and disruptions impact hardest upon workers in more vulnerable conditions in GVCs. The literature on labour in GVCs finds that vulnerable workers in GVCs tend to be concentrated in precarious forms of employment (casual, contract and informal), mostly in micro and small firms, and performing low-skilled functions. The literature also affirms that women represent a large share of these vulnerable workers, thereby revealing that the benefits of GVC participation have not always been distributed equally.

The findings of this chapter point to the need for further policy-oriented research on the impact of GVC disruptions on women workers. First, understanding the long-term impacts of recent disruptions such as the COVID-19 pandemic on women workers is a priority. In particular, it will be important to follow the trajectories of women workers in their labour force participation to assess the extent to which the pandemic has constrained or shifted career paths for women in GVCs. Secondly, delving deeper in the differing outcomes for women workers depending on their occupation, skill profile, the type of GVCs they work in and the institutional and cultural backdrop to their work will also add further nuance to the findings of this chapter and inform more specific policy responses. Finally, documenting GVC transformations and the readjustments in business models as a result of crises – including those beyond the scope of this chapter, such as conflicts, geopolitical instability, and climate change – through a deliberate gender lens is essential to identify barriers and

hurdles for women to fully benefit from participation in GVCs. We hope that future GVC-related research will take this challenge up as an integral part of research design.

This chapter has aimed to shed light upon how to raise the benefits for women of participation in GVCs and enhance the quality of their work in GVCs in terms of skills, earnings and agency. These are key areas to ensure that GVC employment can serve as a stepping stone to foster better opportunities for women workers in GVCs, to impede defeminization of GVC work in the context of productive upgrading, and to overcome gender-based societal barriers, thereby impacting both structural and systemic factors to break gender inequalities in GVCs.

NOTES

1. For the purpose of this chapter, the term ‘global supply chains’ refers to the cross-border organization of the activities required to produce goods or services and bring them to consumers through inputs and various phases of development, production and delivery (ILO, 2016).
2. Arm’s length trade characterizes trade involving parties who act independently of one another, as opposed to the coordinated trade typical of GVCs.

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PART III

Governance of work

6. The role of equality law in addressing gender inequalities in work and employment relations: experiences from the European Union

Mia Rönnmar

6.1 INTRODUCTION¹

Around the globe, gender inequalities in the world of work persist, and have been aggravated by the COVID-19 pandemic (ILO 2023a).² In the European Union continued labour market gender gaps affect employment, care, pay, and pensions (European Commission 2023).

This chapter explores the role of equality law, in particular gender equality law, in addressing gender inequalities in work and employment relations. The focus is on experiences from the European Union, and the chapter addresses the interplay between EU and Member State law.³ EU law presents a unique case of multifaceted and extensive regulation on gender equality at supranational/regional level. Section 6.2 discusses the evolution and content of equality law and gender equality law in the EU, and Section 6.3 addresses potentials and challenges in gender equality law in the EU, more specifically the potential of the new EU (2023/970/EU) Directive on Pay Transparency and the challenge of algorithmic discrimination. Section 6.4 concludes.

A more thorough discussion of equality law and gender equality law in the EU – which is beyond the scope of this chapter – would consider the broader international legal framework and fundamental rights regulation within the context of the UN, the ILO, and the Council of Europe, and the way in which this international legal framework interplays with EU law (Hepple 2009; ILO 2023b; Teklè 2020).⁴

An integrated labour law and industrial relations perspective entails an analysis of the evolution, content, and functioning of the legal regulation – in this case, equality law and gender equality law – in relation to the *industrial relations system* and its *actors, processes, outcomes, and levels* (Dunlop 1993; Rönnmar, forthcoming).

There is important variety of labour law and industrial relations systems among EU Member States, which relates to, for example, legal cultures, the common and civil law distinction, the importance of constitutional principles, the relative strength of legislation and collective bargaining, the degree of state influence or voluntarism, the role of courts and case law, the degree of trade union organization and collective bargaining coverage. The EU Member States represent the Anglo-Irish, Continental-European, Central- and Eastern-European, Nordic, and Southern-European labour law and industrial relations systems (Hepple and Veneziani 2009; Barnard 2012; Marginson and Sisson 2004; and Bamber et al. 2021).

EU equality law is well developed, but only partly harmonized. Thus, EU equality law interplays in crucial – and sometimes conflictual – ways with Member State law according to the key principles of the primacy of EU law and subsidiarity (European Commission, European network of legal experts in gender equality and non-discrimination 2023).

At EU level, key actors are the European Commission, the European Council, the European Parliament, the Court of Justice, and the European social partners (i.e. employer organizations and trade unions at EU level). The Commission, Parliament, and Council are involved in the *processes* of legislating and policy development. The Commission proposes legislative measures and the Council and Parliament adopt them. The *outcomes* of these processes are hard law and soft law. Hard law, both primary law, including the Treaties and the EU Charter of Fundamental Rights, and secondary law, particularly directives, are of great importance in EU equality law. Directives provide flexibility in relation to the variety and characteristics of labour law and industrial relations systems in Member States. Soft law (non-binding EU measures) is increasingly important in EU equality law, as a complement, reinforcement, and alternative to hard law. The European Pillar of Social Rights has formed the basis for a number of legislative measures since its adoption in 2017,⁵ and the EU Gender Equality Strategy 2020–2025 (European Commission 2020) is an important influence on gender equality law and policy.

The European social partners are involved in the *processes* of negotiating and legislating through the European social dialogue (Articles 154 and 155 Treaty on the Functioning of the European Union (TFEU)), which takes place at both EU cross-sectoral and sectoral levels. Before submitting proposals in the social policy field, the Commission must consult the European social partners on the possible direction of Union action (the first consultation). If, after such consultation, the Commission considers Union action advisable, it must consult the European social partners regarding the content of the envisaged proposal (the second consultation). The European social partners may then inform the Commission of their wish to initiate negotiations (Article 155 TFEU), with the possible *outcomes* of contractual relations and European

collective agreements, so-called framework agreements. Framework agreements have been concluded on topics such as fixed-term work, part-time work, telework, and parental leave. These agreements can be implemented either through a decision by the Council and a directive, or by the social partners themselves (so-called autonomous agreements) (Welz 2008).

The *outcome* of court proceedings at the Court of Justice, including references for preliminary rulings from national courts on the interpretation of EU law, is case law. An extensive and dynamic case law, and a judicial dialogue between the Court of Justice and national courts, have played an important role in the evolution of EU equality law (Sciarra 2001; Kilpatrick 2001).⁶ The principles and rules developed by the Court of Justice have often been codified later in directives, for example, as regards the ban on indirect discrimination and the burden of proof.

At Member State level, the key *actors* are governments, parliaments, national courts, and social partners. Governments and parliaments are involved in the *processes* of legislating and policy development, with the *outcomes* of hard law, including constitutional law and legislation, and soft law. The social partners are involved in the *processes* of negotiating with the *outcome* of collective agreements at various *levels*, in line with the characteristics of the national labour law and industrial relations systems. The *outcome* of court proceedings at national courts is case law, for example, from constitutional courts, general courts, and labour courts at different *levels*. At Member State level, additional *actors* in the area of equality law are national Equality Bodies, tasked with the enforcement of equality law, for example, through litigation and monitoring.

There is a rich scholarly discourse on gender equality and gender perspectives in the fields of labour and equality law and industrial relations. Scholars explore the theoretical foundations, interpretation, and effective enforcement of gender equality law and develop critical feminist perspectives on law, work, and employment relations. For example, feminist scholars criticize labour law and industrial relations research for separating working life from family and social life and excluding aspects of women's experiences and unpaid work, including care work, from the analysis (Fredman 2011; Fudge 2013; Conaghan 2018; Rubery and Hebson 2018; Greene 2003).

6.2 EVOLUTION AND CONTENT OF EQUALITY LAW AND GENDER EQUALITY LAW IN THE EU⁷

The overall evolution of equality law in Europe has been described by Hepple as a process from legal recognition of the right to equality in international legal instruments after the Second World War, to formal equality, and substantive equality, towards the dawn of comprehensive and transformative

equality (Hepple 2009). This process has also been described by Bell in terms of the widening and deepening of equality law (Bell 2011; Bell and Numhauser-Henning, forthcoming). Hepple and Bell refer to legal developments at EU and Member State level establishing a broadened scope for equality law, new protected discrimination grounds, a firmer fundamental rights and Treaty basis, and a genuinely substantive approach to equal treatment. In an analysis of equality law, Fredman has developed a framework where substantive equality is understood as a multi-dimensional concept, which pursues four complementary and inter-related objectives. These objectives are: to redress disadvantage; to redress stigma, stereotyping, prejudice, and violence against members of protected groups; to enhance participation of under-represented groups, both politically and socially; and to change underlying structures, both to accommodate difference and to ensure that systemic disadvantage is addressed (Fredman 2011, 2016a). In general, the development of laws towards equality in working life in recent decades is interconnected with political, economic, and societal developments, such as increased labour market participation for women, increased migration, a shift from standard to flexible employment, an ageing population, and restructuring and globalization (Hepple 2009).

The legal framework for the adoption of EU rules on labour law, including equality law, has changed a number of times, and Treaty competence has gradually expanded from the single provision on equal pay in Article 119 of the Treaty of Rome, to today's elaborate Treaty support (for example, as regards gender equality law, in Articles 19, 153(1)(i), and 157 of the TFEU) (Bell 2011, 2021). In 1999, through the Treaty of Amsterdam, the EU's competence in the equality field widened significantly through the inclusion of a new Treaty article, now Article 19 TFEU, which enables the EU to take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age, or sexual orientation.

According to Articles 8 and 10 TFEU, the EU must adopt a mainstreaming approach in relation to equality and non-discrimination. The EU must, in all its activities and policies, aim to eliminate inequalities, promote equality between men and women, and combat discrimination. Similarly, the EU Gender Equality Strategy 2020–2025 is based on the dual approach of gender mainstreaming combined with targeted actions.

There has been an influential process of constitutionalization of equality law. The principle of equal treatment is a general principle of EU law and the EU Charter of Fundamental Rights entails several rights that are relevant for equality law (Bell 2021).⁸ The Court of Justice has developed its case law on fundamental rights and general principles of EU law with reference to constitutional traditions common to the Member States and international conventions, in particular the European Convention on Human Rights. In 2000, the EU

Charter of Fundamental Rights was proclaimed, and in 2009, it became legally binding. Fundamental rights of particular importance for gender equality law are non-discrimination in Article 21 (with an ‘open list’ of discrimination grounds) and equality between men and women in Article 23 (Kilpatrick and Eklund 2021; Schiek and Kotevska 2021). The provisions of the EU Charter are ‘addressed to the institutions, bodies and offices and agencies of the Union with due regard for the principle of subsidiarity and to the Member States only when they are implementing Union law’ (Article 51). According to the explanations of the EU Charter and the case law of the Court of Justice, the requirement to respect fundamental rights is binding on the Member States when they act within the scope of EU law, and general principles of EU law, including fundamental rights, apply when Member States implement, derogate from, and act within the scope of EU law.⁹ There has been important case law on Charter rights on non-discrimination and gender equality and on the direct horizontal effect of Charter rights, i.e. their application in relations between individuals, such as employers and employees.¹⁰

EU equality law first contained protection against discrimination on grounds of nationality (closely linked to European integration and free movement) and gender. In many respects, gender equality law has served as a ‘fore-runner’, and EU equality law in general builds on the development and content of gender equality law.

The personal scope of most EU labour and equality law directives is defined in relation to the various national notions of a worker, existing in the Member States. However, as regards free movement of workers, EU law is based on an autonomous and extensive notion of a worker. Throughout the years, this uniform notion of a worker has, by the Court of Justice, been applied also in other areas, including in equal pay.¹¹ In several recent directives, including in the area of gender equality law, the (2019/1158/EU) Work–Life Balance Directive and the (2023/970/EU) Pay Transparency Directive, a ‘hybrid’ notion of worker has been introduced, which refers both to national and EU notions of a worker.

Secondary law in equality law is now comprehensive, and several directives have been adopted. Three directives on gender equality were adopted in the 1970s: the (75/117/EEC) Equal Pay Directive, the (76/207/EEC) Equal Treatment Directive, and the (79/7/EEC) Equal Treatment in Social Security Directive.¹² Subsequent directives focused on occupational schemes and on the self-employed. All but the (79/7/EEC) Equal Treatment in Social Security Directive have now been replaced by new directives. The Equal Pay, the Equal Treatment, and the Occupational Schemes Directives have all been consolidated and replaced by the important (2006/54/EC) Recast Directive (see further below). Following the Maastricht Treaty in 1992, another set of directives was adopted, including the (92/85/EEC) Directive on Pregnant Workers and the

(97/80/EC) Directive on Parental Leave. The Parental Leave Directive was the result of the European social dialogue and a framework agreement. It was first renegotiated and replaced by Directive 2010/18/EU, and later replaced by the (2019/1158/EU) Work–Life Balance Directive. In addition, a (2004/113/EC) Directive on Gender Equality in Goods and Services was adopted.

In 2000, EU equality law was importantly expanded to new protected discrimination grounds, including age, disability, racial or ethnic origin, religion or belief, and sexual orientation, and two directives were adopted on the basis of Article 19 TFEU, the (2000/43/EC) Race Directive and the (2000/78/EC) Employment Equality Directive.

As EU equality law currently stands, discrimination based on gender is prohibited in employment, vocational training, occupational social security benefits, social security, and access to and supply of goods and services, while discrimination based on religion or belief, disability, age, and sexual orientation is prohibited in employment and vocational training only. The protection against race discrimination is the most far-reaching, and applies to employment, vocational training, social protection, including social security and health care, as well as social advantages, education, and access to and supply of goods and services.

The (2006/54/EC) Recast Directive sought to bring about the simplification, modernization, and improvement of EU law in the area of gender equality. The aim of the Directive is to ensure the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation. It applies to access to employment, including promotion, and to vocational training, working conditions, including pay, and occupational social security schemes.

The discrimination ground sex, or gender, is broadly construed. In *P v S and Cornwall County Council*¹³ the Court of Justice interpreted the concept of sex to include gender reassignment. Until the adoption of the (2023/970/EU) Pay Transparency Directive (see further Section 6.3), neither primary nor secondary law provided regulation of, or protection against, intersectional discrimination. Multiple and intersectional discrimination, and the understanding of the relation between various protected grounds, such as gender, age, and ethnic origin, are of great importance for protection against discrimination and promotion of gender equality (Fudge and Zbyszewska 2015; Schiek 2018; Fredman 2016b).

Today, all EU equality law directives are aligned to a great extent and contain protection, for example, by way of the prohibition on direct and indirect discrimination, harassment, and instructions to discriminate, with scope for positive action, and the reversed burden of proof. Despite this alignment, Bell has pointed to three aspects of the continued complexity of EU equality law, namely multiple legal sources, multiple discrimination grounds, and the

‘sameness and difference dilemma’. The ‘sameness and difference dilemma’ reflects the fact that ‘while the central concepts of EU anti-discrimination law are broadly similar across the grounds, the pattern of litigation indicates that each discrimination ground is particularly connected to specific social issues’ (Bell 2021: 676 f.).

The (2006/54/EC) Recast Directive on gender equality bans direct and indirect discrimination, and discrimination here includes harassment, sexual harassment, instruction to discriminate, and any less favourable treatment of women related to pregnancy or maternity leave within the meaning of the (92/85/EEC) Directive on Pregnant Workers (on the equal pay principle, see Section 6.3).

Direct discrimination, which is linked to formal equality, refers to the situation ‘where one person is treated less favourably on grounds of sex than another is, has been or would be treated in a comparable situation’. Direct discrimination requires no motive or intention to discriminate. It is enough if the less favourable treatment is grounded upon or caused by, in this case, gender. However, in principle, there is a need to identify an actual or hypothetical comparator. As a basic premise, direct discrimination cannot be justified. However, there are some exemptions from the equal treatment principle, such as provisions for the protection of women, especially as regards pregnancy and maternity, and as regards employment where ‘by reason of the nature of the particular occupational activities concerned or the context in which they are carried out such a characteristic (eg gender) constitutes a genuine and determining occupational requirement’ (also called GOR). Added to this is a scope for positive action, although quite limited according to the case law of the Court of Justice.¹⁴

The ban on indirect discrimination, a step towards the realization of substantive equality, was first developed by the Court of Justice, and inspired by the concept of disparate impact in US law. The ban on indirect discrimination targets measures which are discriminatory in effect. Today, indirect discrimination refers to the situation ‘where an apparently neutral provision, criterion or practice would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary’. The early cases of indirect discrimination, such as *Jenkins* and *Bilka-Kaufhaus*,¹⁵ related to unfavourable working conditions for part-time workers, usually women.

Harassment is defined as unwanted conduct related to the sex of a person with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating, or offensive environment, while *sexual harassment* is defined as ‘where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose

or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment'. This is *per se* discriminatory.¹⁶

The protection and efficiency of EU equality law has been increased by the reversed burden of proof, developed by the Court of Justice, and subsequently codified in secondary law (now in the (2006/54/EC) Recast Directive). When 'persons who consider themselves wronged because the principle of equal treatment has not been applied to them establish before a court or other competent authority, facts from which it may be presumed that there has been direct or indirect discrimination, it shall be for the respondent to prove that there has been no breach of the principle of equal treatment'.

The (2006/54/EC) Recast Directive also contains provisions on victimization, sanctions and remedies, procedures, and the need for Member States to take adequate measures to promote social dialogue between the social partners, with a view to fostering equal treatment. The Treaty-based mainstreaming approach directed at the EU is complemented here by a similar obligation for the Member States to take equality between men and women into account when formulating and implementing law, regulations, and administrative provisions, as well as policies and activities in the areas referred to in the Directive.

EU gender equality law also addresses important aspects of pregnancy, maternity and parental leave, and work-life balance. The Court of Justice held in *Dekker*¹⁷ that discrimination on grounds of pregnancy constitutes direct discrimination on grounds of sex, as pregnancy is intrinsically linked to the female sex. In these cases, there is no need for a comparator. This is now codified in the (2006/54/EC) Recast Directive, according to which gender discrimination includes 'any less favourable treatment of a woman related to pregnancy' (Article 2(2)(c)). The Court has applied this principle in relation to appointment, dismissal, and working conditions.¹⁸ According to the (2006/54/EC) Recast Directive a woman on maternity leave shall be entitled after the end of her period of maternity leave, to return to her job or to an equivalent post on terms and conditions which are no less favourable to her and to benefit from any improvement in working conditions to which she would have been entitled during her absence.

The purpose of the (92/85/EEC) Directive on Pregnant Workers is to implement measures to encourage improvements in the safety and health at work of pregnant workers, and workers who have recently given birth or who are breastfeeding. The Directive obliges the employer to assess health and safety risks and to take necessary measures to avoid situations where workers are exposed to such risks. If it is not possible to adjust the working situation, the employee has a right to leave with pay and benefits intact. Workers are also entitled to a continuous period of at least 14 weeks' maternity leave and protection against dismissal during the period from the beginning of their

pregnancy to the end of their maternity leave, save in exceptional cases not connected with their condition which are permitted under national law and practice.

The (2019/1158/EU) Work–Life Balance Directive (which has replaced the Parental Leave Directive) lays down minimum requirements designed to achieve equality between men and women with regard to labour market opportunities and treatment at work, by facilitating the reconciliation of work and family life for workers who are parents or carers. The Directive provides for individual rights related to paternity leave, parental leave and carers' leave, and flexible working arrangements for parents and carers. Fathers are entitled to an individual right to paid paternity leave of at least 10 working days around the time of birth of a child. Men and women are entitled to an individual right to parental leave of four months to be taken before the child reaches a specified age, up to the age of eight, to be defined by each Member State or by collective agreement. Member States shall ensure that two months of parental leave cannot be transferred. The Directive also introduces a right to carers' leave, and a right to request flexible working arrangements. The (2019/1158/EU) Work–Life Balance Directive strengthens parental rights and emphasizes the reconciling of parenthood and working life. However, important issues are left to the Member States to regulate. The Directive entails a broadened legislative approach to the matter of work–life balance. It also recognizes, although in a modest way, rights and protection in relation to the care of sick and elderly family members, which is of importance for gender equality in light of ageing populations and increased care needs (Bell and Waddington 2021; Numhauser-Henning, Rönmar and Julén Votinius, forthcoming).

In the general area of equality law, and in relation to other discrimination grounds, the Court of Justice has also developed a dynamic case law and new legal principles of relevance also for gender equality. Thus, in *Firma Feryn*¹⁹ the Court of Justice found that a public statement by an employer that he would not recruit employees of a certain ethnic or racial origin constituted direct discrimination, even though there was no identified victim. This has been called *discrimination by declaration*. In *Coleman*²⁰ a woman was found to have suffered discrimination when she was treated less favourably and harassed because of her son's disability, so-called '*transferred*' or '*associated discrimination*'. The Court held that the applicability of the ban on discrimination was not dependent on 'a particular category of persons' but by reference to the grounds protected by the Directive. In *Braathens*²¹ the Court analysed aspects of dispute resolution, Swedish procedural law, and the right to effective judicial protection in the context of the (2000/43/EC) Race Directive and Article 47 of the EU Charter of Fundamental Rights.

6.3 POTENTIALS AND CHALLENGES IN GENDER EQUALITY LAW IN THE EU

There are potentials and challenges in the constantly evolving field of gender equality law in the EU. This section will highlight and discuss two of these, namely the potential of the new EU (2023/970/EU) Directive on Pay Transparency and the challenge of algorithmic discrimination.

The principle of equal pay for women and men is a key principle in EU gender equality law, ever since the inclusion of the equal pay provision in primary law (Article 119 of the Treaty of Rome) in 1957. In *Defrenne (No 2)* the Court recognized for the first time the economic and social aim of the Treaty provision on equal pay,²² and in *Defrenne (No 3)* the general principle of equal treatment and non-discrimination was recognized.²³ Thus, the Treaty provision on equal pay (now Article 157 TFEU) forms the starting point for EU gender equality law. Article 157 TFEU is both horizontally and vertically directly effective and applies both to the Member States and to private employers. Article 4 of the (2006/54) Recast Directive contains the principle of equal pay and provides that ‘for the same work or for work to which equal value is attributed direct and indirect discrimination on grounds of sex with regard to all aspects and conditions of remuneration shall be eliminated. In particular where a job classification system is used for determining pay, it shall be based on the same criteria for both men and women and so drawn up as to exclude any discrimination on grounds of sex’. The concept of pay, as defined in the Directive (Article 2(1)(e)), is broad and refers to the ‘ordinary basic or minimum wage or salary and any other consideration, whether in cash or in kind, which the worker receives directly or indirectly in respect of his/her employment from his/her employer’.

Despite this comprehensive EU legal regulation on equal pay, the effective implementation and enforcement of the equal pay principle is a challenge and gender pay gaps persist in the Member States of the EU (and beyond) (European Commission 2021c; European Commission 2023; Rubery and Koukiadaki 2016).

Regulations on pay transparency vary in the Member States. In 2014, the Commission issued a non-binding recommendation, the (2014/124/EU) Recommendation on strengthening the principle of equal pay between men and women through transparency. In 2021, the Commission, building on the (2006/54/EC) Recast Directive and the 2014 Recommendation, put forward a proposal for a Directive on Pay Transparency (European Commission 2021c), which was adopted in the spring of 2023 (as Directive (2023/970)).²⁴ The Directive ‘lays down minimum requirements to strengthen the application of the principle of equal pay for equal work or work of equal value between

men and women (the ‘principle of equal pay’) enshrined in Article 157 TFEU and the prohibition of discrimination laid down in Article 4 of Directive 2006/54/EC, in particular through pay transparency and reinforced enforcement mechanisms’ (Article 1).

The Directive includes provisions on pay transparency (Chapter II and Articles 5–13), such as regulation on information and pay transparency prior to employment, transparency of pay setting and pay progression policy, workers’ right to request information on their individual pay and average pay levels, employer reporting on gender pay gaps, joint pay assessment by employers and workers’ representatives, and social dialogue. Furthermore, the Directive includes provisions on access to justice, remedies, and enforcement (Chapter III and Articles 14–26), such as regulation on the defence of rights, procedures on behalf of or in support of workers, right to compensation, shift of burden of proof, and victimization and protection against less favourable treatment (Carlson 2021/22, 2022).

In addition, and importantly, the Directive contains the first EU law provision on intersectional discrimination. Article 3(2)(e) states that, in the context of the Directive, discrimination includes ‘intersectional discrimination, which is discrimination based on a combination of sex and any other ground or grounds of discrimination protected under Directive 2000/43/EC or 2000/78/EC’ (i.e. a combination of sex and religion or belief, disability, age, sexual orientation and racial and ethnic origin).

Commentators have welcomed this Directive, and its potential to promote equal pay and substantive and transformative gender equality through a proactive and systematic approach. However, the Directive has also met with some opposition, for example, by Swedish social partners, who criticize the Directive for intervening in social partner autonomy, collective bargaining, and existing systems of wage formation.²⁵ This opposition reflects existing tensions between EU law and labour law and industrial relations at Member State level, and between gender equality and collective bargaining. The Swedish labour law and industrial relations system is built on autonomous collective bargaining, a tradition of social partnership, and strong legal rights and industrial-relations practices of employee representation and information, consultation, and co-determination through a single-channel trade union system. Collective bargaining regulates wages and other terms and conditions of employment. Although there is no statutory minimum wage or system for extension of collective agreements the collective bargaining coverage rate is about 90 per cent. Collective agreements are concluded at three levels: the national, cross-sectoral level; the national, sectoral level; and the local level. The so-called ‘industry mark’ links wage increases in the Swedish labour market to wage increases set by national, sectoral collective agreements in the industrial export sector, and functions as a cross-sectoral mechanism

for collective-bargaining coordination. However, the ‘industry mark’ is frequently criticized, by both scholars and trade union representatives, from the perspective of gender equality. They argue that the ‘industry mark’ makes it difficult to effectively address gender pay gaps and improve wages in female-dominated low-wage sectors. Swedish collective bargaining is characterized by ‘organized decentralization’ and an emphasis on local and individual bargaining within a framework of national, sectoral, and multi-employer collective bargaining. Local and individualized wage setting is often integrated into and is a precondition of national sectoral collective bargaining (Traxler 1995; Rönnmar and Iossa 2022).

Collective bargaining at EU level by way of the European social dialogue and at Member State level by way of collective bargaining at various levels can be a tool to address gender inequalities through so-called gender equality bargaining (Hayter and Bastida, Chapter 8 in this volume). However, the position of social partners and structures of collective bargaining and wage formation may also in itself reproduce inequalities or unsuccessfully address gender pay gaps (Svenaues 2017).

In light of ongoing processes of digitalization and technological change, there is currently a vivid and critical debate on the potential advantages and risks associated with the use of algorithms and AI in the world of work. Algorithms are already used in working life, for example, in recruitment and appointment, and in the management, monitoring, and evaluation of employee performance (European Commission, Directorate-General for Justice and Consumers et al. 2021). Various forms of algorithmic management are frequently used in platform work (Prassl 2018; Aloisi and De Stefano 2022). The use of algorithms in working life can inform, complement, or substitute employer decisions, and give rise to situations potentially involving discrimination, so-called algorithmic discrimination, on the basis of gender, other discrimination grounds, or an intersection of discrimination grounds.

There is a growing legal scholarship in this area, which analyses legal challenges linked to algorithmic discrimination. This scholarship combines necessary insights into the technology and functioning of algorithms (including risks connected to e.g. stereotyping, bias, proxies, and lack of data and transparency) with knowledge of equality law. These legal challenges are connected to, for example, the scope of equality law and protected discrimination grounds, the meaning and application of the bans of direct and indirect discrimination, and aspects of proof, responsibility, and liability (European Commission, Directorate-General for Justice and Consumers et al. 2021; Xenidis and Senden 2020; Adams-Prassl, Binns and Kelly-Lyth 2022). As we move forward, these legal challenges will have to be addressed by courts, including by the Court of Justice of the European Union, in individual discrimination disputes by way of interpretation, and re-interpretation, of existing EU gender

equality law. So far, no such disputes have reached the Court of Justice. In addition, these legal challenges may be addressed in future legislative reform, at EU or Member State level (European Commission, Directorate-General for Justice and Consumers et al. 2021).

At EU level, some legislative initiatives, beyond the particular area of equality law, aim to address issues related to the use of algorithms and AI in working life. The Commission has proposed a number of measures to improve working conditions in platform work and to support a sustainable growth of digital platforms in the EU, including a proposal for a Directive on improving working conditions in platform work (European Commission 2021b). Furthermore, the Commission has put forward a proposal for an AI regulation, which among other things regulates the high-risk use of AI, and, for example, the use of AI in recruitment, monitoring and evaluating employee performance, and termination of employment is categorized as such a high-risk use (European Commission 2021a).

As a result of the European social dialogue, the European social partners adopted a Framework Agreement on Digitalization in 2020, addressing, for example, AI systems. In general, social partner involvement, collective bargaining, and social dialogue are vital in the context of digitalization, AI, and introduction of new technology in the workplace (ILO 2022: 89 ff.). In the EU, the ways in which trade unions and/or works councils are able to exert influence and mitigate potentially negative effects for employees of algorithms and AI in working life depend both on EU labour law regulation in the area of collective bargaining and information and consultation, and on the national labour law and industrial relations system and regulation and practices of employee involvement.

6.4 CONCLUDING REMARKS

Equality law has a key role to play in tackling persisting gender inequalities in the world of work through the proactive promotion of substantive and transformative gender equality at societal level and the protection of fundamental rights of gender equality and non-discrimination at individual level.

This chapter has explored the evolution, content, and some current potentials and challenges in EU equality law. Equality law in the EU is dynamic, extensive, and influenced by an ongoing process of constitutionalization. The content and strength of EU gender equality law, and its ability to effectively address current and future challenges, are dependent on the interaction of EU law and Member State law, and the complex interplay between various legal actors, processes, and outcomes.

A critical analysis of gender equality law, innovative research agendas, and interdisciplinary research approaches can contribute to legal developments

and gender equality in practice. In this context, an integration of labour law and industrial relations perspectives, comparative law research approaches, and an inclusion of perspectives of multiple and intersectional discrimination, are important.

NOTES

1. This research has partly been carried out within the framework of the research project ‘Prolonged Working Lives, Older Workers, and Dismissals. A Study of the Dynamics between Employment Protection, Non-discrimination, and Collective Bargaining’, funded by the Swedish Research Council for Health, Working Life, and Welfare (*Forte*).
2. For a discussion on gender equality implications of the COVID-19 pandemic in the EU, see e.g. EIGE (2023) and European Commission, European network of legal experts in gender equality and non-discrimination (2023: 148 ff).
3. This chapter focuses on equality law and gender equality law. However, other areas of labour law and social security law are also relevant from the perspective of breaking (and making) gender inequalities in work and employment relations, such as regulation on pay, working time, health and safety, flexible employment, employment protection and pensions and other social security benefits.
4. See in this context, for example, the UN International Covenant on Civil and Political Rights, the UN International Covenant on Economic, Social and Cultural Rights, the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the ILO fundamental right of the elimination of discrimination in respect of employment and occupation, the ILO Discrimination (Employment and Occupation) Convention No. 111, the ILO Workers with Family Responsibilities Convention No. 156, and the ILO Maternity Protection Convention No. 183; and the European Convention on Human Rights and the European Social Charter.
5. See, for example, the (2019/1152/EU) Directive on Transparent and Predictable Working Conditions, the (2019/1158/EU) Work-Life Balance Directive, the (2022/2041/EU) Directive on Adequate Minimum Wages in the EU, and the (2023/970/EU) Directive on Pay Transparency.
6. Professor Claire Kilpatrick at the European University Institute (EUI) is the initiator of a project aimed at putting forward a research agenda for a new generation of equality law in the EU, including a comprehensive open access database on equality law case law from the Court of Justice (see <https://equalitylaw.eui.eu/>).
7. This section draws upon earlier work in equality law from an EU and comparative perspective (Numhauser-Henning and Rönnmar 2015; Rönnmar 2023).
8. The principle of equal treatment is also important in the area of flexible work. The EU Directives on Part-time Work (97/81/EC), Fixed-Term Work (99/70/EC), and Temporary Agency Work (2008/104/EC), also use the principles of non-discrimination and equal treatment as a way to protect employees and improve the quality of flexible work.
9. See Case C-5/88 *Wachauf* [1989] ECR 2609; Case C-260/89 *ERT* [1991] ECR I-2925; and Case C-309/96 *Annibaldi* [1997] ECR I-7493. Cf also Case C-617/10 *Åklagaren v Hans Åkerberg Fransson*, EU:C:2013:280.
10. In Case C-414/16 *Vera Egenberger v Evangelisches Werk für Diakonie und Entwicklung eV*, EU:C:2018:257, on discrimination on grounds of religion the

Court of Justice afforded direct horizontal effect to Articles 21 and 47 of the EU Charter. See also Case C-144/04 *Werner Mangold v Rudiger Helm* [2005] ECR I-9981 and Case C-555/07 *Seda Küçükdevici v Swedex GmbH & Co* [2010] ECR I-365 as regards the general principle of non-discrimination on grounds of age and non-discrimination in Article 21 of the EU Charter and the issue of horizontal application. See also Case C-236/09 *Association Belge des Consommateurs Test-Achats ASBL v Conseil des ministres* [2011] ECR I-773, where the Court of Justice used Articles 21 and 23 of the Charter of Fundamental Rights and the general principle of equal treatment for men and women to invalidate Article 5(2) of the (2004/113/EC) Directive on Gender Equality in Goods and Services, which allowed for an exemption from the main rule and a possibility for the Member States to permit proportionate differences in an individual's premium and benefits in these cases (the UK relied on Article 5(2) to justify allowing the insurance industry to charge higher insurance premiums to young male drivers than to young female drivers).

11. See Cases C-66/85 *Lawrie-Blum v Land Baden-Württemberg* [1986] ECR 2121 and C-53/81 *Levin v Secretary of State for Justice* [1982] ECR 1035.
12. The (79/7/EEC) Directive on Equal Treatment in Social Security Directive aims at the progressive implementation of the principle of equal treatment for men and women in matters of social security and social protection.
13. Case C-13/94 *P v S* [1996] ECR I-2143.
14. See Case C-158/97 *Badeck* [2000] ECR I-1875, Cf also Case C-450/94 *Kalanke* [1995] ECR I-3051 and Case C-409/95 *Marschall* [1997] ECR I-6363.
15. Case C-96/80 *Jenkins* [1981] ECR 911 and Case C-170/84 *Bilka-Kaufhaus* [1986] ECR 1607. See also Case C-167/97 *R v Secretary of State for Employment, ex p Nicole Seymore-Smith and Laura Perez* [1999] ECR I-623, which concerned the coverage of employment protection.
16. Member State law may provide additional regulation and protection against harassment. For example, Swedish equality law, and the (2008:567) Non-discrimination Act, provides an obligation for the employer to investigate and take measures against harassment. If an employer becomes aware that an employee considers that he or she has been subjected to harassment (connected to all protected discrimination grounds, including gender) or sexual harassment by someone performing work or carrying out a traineeship at the employer's establishment, the employer is obliged to investigate the circumstances surrounding the alleged harassment and where appropriate take the measures that can reasonably be demanded to prevent harassment in the future, see Chapter 2, Section 3 of the Act.
17. Case C-177/88 *Dekker v Stichting Vormingscentrum voor Junge Volwassen Plus* [1990] ECR I-3941.
18. See also eg Case C-506/06 *Sabine Mayr v Bäckerei und Konditorei Gerhard Flöckner OHG* [2008] ECR I-1017 as regards *in vitro* fertilization; Cf also Case C-207/98 *Mahlburg* [2000] ECR I-549 and Case C-109/00 *Tele Danmark* [2001] ECR I-6993.
19. C-54/07 [2008] ECR I-5187. This judgment has later been confirmed by the Court of Justice in Case C-81/12 *ACCEPT*, EU:C:2013:275 and Case C-507/18 *NH v Associazione Avvocatura per i diritti LGBTI — Rete Lenford*, EU:C:2020:289.
20. Case C-303/06 [2008] ECR I-5603.
21. Case C-30/19 *Diskrimineringsombudsmannen v Braathens Regional Aviation AB*, EU:C:2021:269.

22. Case 43/75 *Defrenne (No 2) v Sabena* [1976] ECR 455.
23. Case 149/77 *Defrenne (No 3) v Sabena* [1978] ECR 1365.
24. Directive (2023/970/EU) of the European Parliament and of the Council to strengthen the application of the principle of equal pay for equal work of equal value between men and women through pay transparency and enforcement mechanisms.
25. Similar criticism has been raised by Swedish social partners towards the (2022/2041/EU) Directive on Adequate Minimum Wages in the EU.

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7. What's IR got to do with it? Building gender equality in the post-pandemic future of work

Rae Cooper and Talara Lee

7.1 INTRODUCTION

The devastating health, economic and social consequences of the COVID-19 pandemic have reverberated across the globe. In paid and unpaid work, women have been disproportionately impacted. In Australia and internationally, the gendered inequalities that existed in the pre-COVID-19 world of work – like women's overrepresentation in precarious work, extreme labour market gender segregation, and the uneven distribution of unpaid labour in the home – have been exposed or exacerbated during the COVID-19 pandemic period. In this chapter, using Australian data, we argue that a gender lens must be urgently applied to the recovery, and propose action in the industrial relations arena across three key thematic areas to build gender equality post-pandemic. The chapter is structured as follows. First it outlines the gendered impact of the pandemic, investigating the gendered nature of jobs and hours loss, the overwhelmingly feminized frontline of essential workers through the peak of the crisis and the growing gender gap in unpaid care. The second section of the chapter turns to the ways in which the governance of work impacts the working lives of women and gender equality in the labour market. We argue that while there is significant evidence that industrial relations regulation in Australia has historically been antithetical to gender equality, the governance of work matters for equality and very recent changes in the national legislation may offer some promise of change.

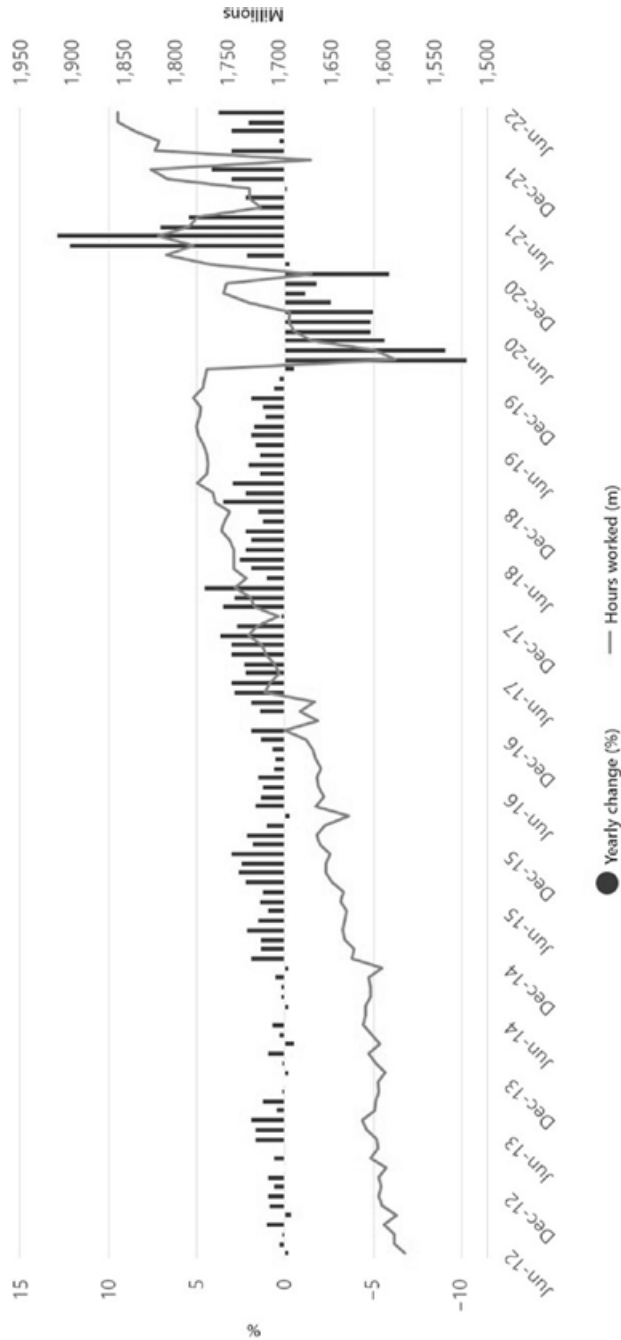
7.2 GENDERED COVID-19 IMPACT ON WORK

7.2.1 Gendered Jobs, Hours and Earnings Losses

The pandemic had rapid and profound impacts on employment and working hours across the globe. Lockdown-related public health measures had an immediate impact in contemporaneous service work, as businesses were forced to shut their doors and to place staff on leave or separate them from employment. After the pandemic hit, and in the context of significant state-initiated public health 'lockdowns' across Australia, employment and the hours worked across the economy dropped dramatically in the first quarter of 2020. As shown in Figure 7.1, April 2020 saw a drastic decline in monthly hours worked of more than 10% from the previous month. The dip at this time was noted across the labour market and from this point, participation and hours worked followed the ebbs and flow of the pandemic and its associated public health-related lockdowns. Just as recovery looked to have started, subsequent lockdowns in the third quarter of 2021 saw further deep dives in employment and the hours of work across the economy.

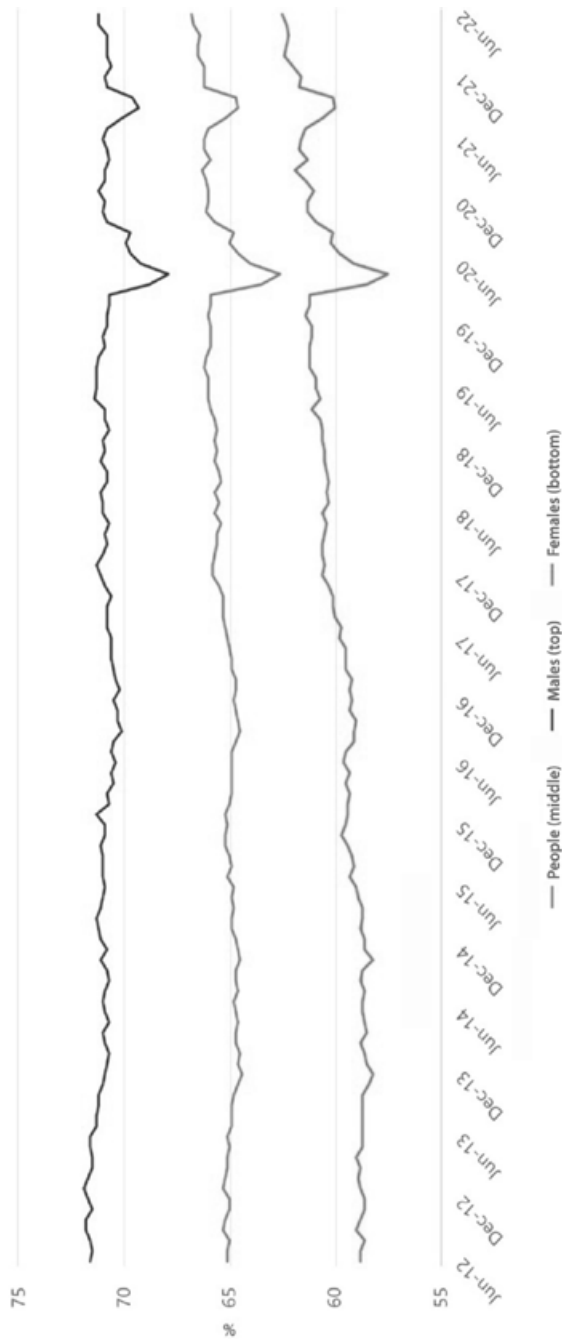
These job and hours losses were profoundly gendered. Figure 7.2 shows the employment participation rate in Australia in the decade to mid-2022. We see that during this time, women's participation rates rose steadily and, on the eve of the pandemic, had reached an all-time high of 61.9% (in March 2020). The pandemic put an abrupt end to this growth. Through the next two years, the job loss and hours loss experienced by Australian women were greater than they were for men and their participation fell faster and from a lower starting point than did men's. In early 2021 there was hope that the recovery observed in employment after the 2020 contraction would continue (Wood, Griffiths and Crowley 2021); however, prolonged lockdowns in states with the largest populations, New South Wales and Victoria, put paid to this. Women's labour force participation declined to 60% in September 2021 (ABS 2021a). Men's participation peaked for 2021 in January at 71.1% before falling to 69.3% in September (ABS 2021a). Between May and September 2021, women's monthly hours worked fell 5.1% compared with 4.6% for men (ABS 2022a), total employment fell 2.9% for women and 1.3% for men (ABS 2022a) and the underemployment rate rose from 8.7% to 10.1% for women and from 6.3% to 8.4% for men (ABS 2021a).

Job losses were unevenly felt among different groups of women workers. Young women, especially those aged 15–24, were acutely impacted and women with only secondary education lost more jobs than those with higher qualifications (Risse and Jackson 2021). Job loss and contraction in employment participation were also geographically uneven with a larger share of job



Source: Australian Bureau of Statistics, Labour Force, Australia, June 2022, <https://www.abs.gov.au/statistics/labour/employment-and-unemployment/labour-force-australia/jun-2022#hours-worked>.

Figure 7.1 Monthly hours worked in Australia, seasonally adjusted, with yearly change, June 2012–2022



Source: Australian Bureau of Statistics, Labour Force, Australia, June 2022, <https://www.abs.gov.au/statistics/labour/employment-and-unemployment/labour-force-australia/jun-2022#participation>.

Figure 7.2 Australia, participation rate, seasonally adjusted, June 2012–2022

losses in the states with the most significant pandemic impact and public health measures. Within the major Australian cities, like Sydney, we saw a very sharp drop in employment participation among women in the suburbs and regions where more drastic lockdown measures were in place (Hill and Cooper 2021).

In part these outcomes can be explained by a disproportionate share of women's employment in highly feminized sectors which were profoundly impacted by pandemic-related closures and restrictions. Key sectors which are heavily feminized in employment shares suffered from sharp contractions in employment. The 'accommodation and food services' sector, which suffered one of the sharpest drops of all sectors in the early months of the pandemic, shed 286,000 jobs, or just over 30% of total jobs, between February 2020 and May 2020, and jobs in other highly feminized sectors, for example employment in 'arts and recreation', fell by 36% in the same period. This is compared with very male-dominated sectors, like construction and mining, which suffered comparatively smaller drops in employment (of 12 and 7.5% respectively during the same period) (ABS 2022a). Some feminized industries experienced 'two-speed' changes in employment numbers. For instance, total jobs in food retailing fell only 2% from May to August 2021, while during the same period 12% of jobs were lost in clothing retail (ABS 2022a).

Those employees on insecure (casual and short term) contracts were (and remain) congregated in some of the hardest-hit sectors and they were first to lose their jobs as the pandemic emerged (Birch and Preston 2022). Casual employment rates in Australia have long been among the highest in the OECD (Lee et al. 2022) and women are disproportionately concentrated in precarious jobs and employed in large numbers in sectors where casualization is a norm. For example, at the start of 2020, 78% of all hospitality workers were employed on a casual (hourly) basis and those workers on insecure contracts were the first to be impacted by job losses in this and across many other industries (Gilfillan 2020). When government introduced financial supports – through a national wage subsidy support scheme known as 'Jobkeeper' – workers who were not defined as 'long term casuals', being employed by their current employer for over a year, were deemed ineligible. In 'accommodation and food services', 46.3% of workers fell into this 'ineligible' category (Gilfillan 2020). As we can see from Figures 7.1 and 7.2, despite an upsurge in Omicron cases through 2022, employment participation rates rebounded through 2022. As countries across the globe attempt to move from the pandemic phase to dealing with the virus as an endemic disease, it is imperative that we monitor the gendered impacts in employment, underemployment, and the potential longer-term scarring impacts on particularly hard-hit groups of women, especially those under 25 and precariously employed.

7.2.2 The Feminized Frontline

Health, education, and care workers formed a feminized, essential frontline workforce through the pandemic period. Teachers, early childhood educators and aged care workers provided important services and care to the whole community and especially to vulnerable citizens. These occupations have three things in common. First, they are highly feminized. Women are 88% of registered nurses and midwives, 85% of aged care workers and 96% of early childhood educators (ABS 2020; Nursing and Midwifery Board of Australia 2022; Commonwealth of Australia, Department of Education and Training 2017). Figure 7.3 sets out the gender shares in employment of different industry sectors. A standout here is the overwhelming feminized nature of the sector of 'healthcare and social assistance', with women taking 78% of all jobs in the sector (ABS 2022a). A second common feature of these occupations and the sectors in which they are located is that they have been among the fastest growing of all in the Australian labour market for well over a decade. Not only this but they are projected to grow strongly, in line with a longer-term reorientation in the Australian economy and with demographics shifts such as the ageing population (Commonwealth of Australia, National Skills Commission 2021). A third, common feature of jobs on the pandemic frontline is that, despite the critical social and economic value of the labour performed by employees in these sectors, 'bad jobs' dominate. Work here is undervalued and underpaid, employees here report having less workplace voice than workers in other sectors, and a great many are employed on precarious contracts (see Birch and Preston 2022; Cooper et al. 2021; Macdonald and Charlesworth 2021; Smith and Whitehouse 2020).

Employers in frontline, feminized sectors have reported strong challenges in attracting and retaining staff after an exhausting 30 months of intensive, pandemic-impacted work and the ongoing challenge of low wages (McCutcheon 2022). In this context, several unions organizing workers in early education and in aged care services have begun or have reignited campaigns and cases seeking professional wages and other improvements in the work of members, such as improvements in staffing ratios (Lee et al. 2022; Remekis 2022). In April and May 2022, during the Australian national election campaign, the then Labor opposition made a point of difference with the conservative Coalition government: the need to provide wage increases and build access to secure employment in these sectors (Albanese 2022). It seems that these messages resonated with the Australian public as evidenced in both the election outcome and in the results of a national survey conducted during the campaign which showed a high level of concern about the low wage levels in these sectors (Davy and Vromen 2023). The importance of feminized frontline work for the functioning of society and the economy was revealed starkly

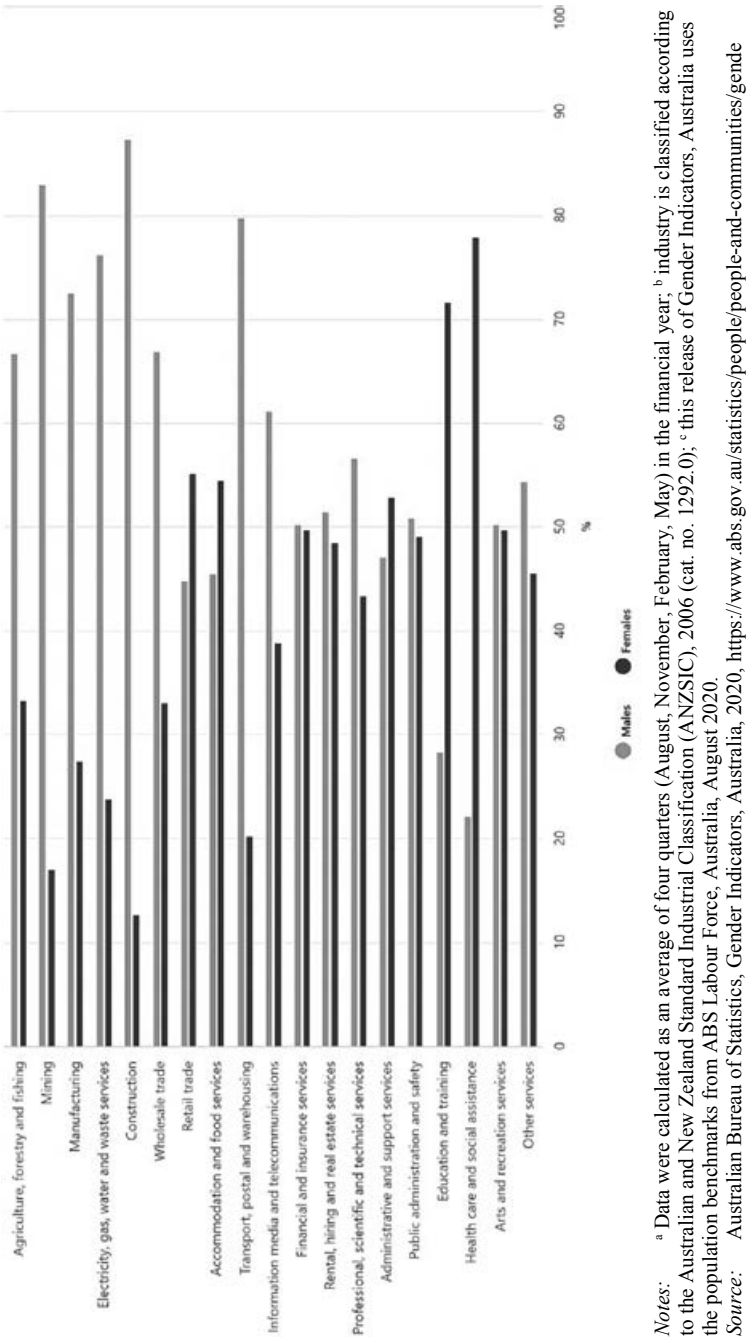


Figure 7.3 Proportion of females and males aged 20–74 by industry, Australia, 2019–2020^{a, b, c}

during the pandemic. The question is, will this revelation lead to renewed action in building decent work in these sectors of employment?

7.2.3 Unpaid and Paid Work in the Home

Women entered the pandemic years shouldering a disproportionate share of unpaid work in families and the period of the pandemic saw the gap in the hours of unpaid work of men and women increase. Before COVID-19, women in heterosexual couple households with children already did double the hours of unpaid domestic work of their male partners (Wilkins and Lass 2018). Early studies suggest the gender gap widened during the crisis because of, among other things, children moving en masse to virtual schooling at different points of 2020 and 2021 and the relocation of work to home for many family members (Craig and Churchill 2021). As a result, mothers spent an extra hour each day on unpaid housework and three-and-a-half extra hours on childcare. Fathers also increased the hours spent on these activities, but spent less time on them, putting in 45 extra minutes on housework and a little less than three additional hours on childcare during the crisis (Craig and Churchill 2021). This difference matters for equality in homes and families but also reverberates into paid work. Despite the exhortation from many quarters of the need to move to more flexible and agile ways of working (see Roderick 2018; WGEA 2021), we know that workplace norms and practices still value long hours and hyper-availability and that workers seeking flexibility to manage the demands of care are often stigmatized and disadvantaged in their career progression (Bessa and Tomlinson 2017; Chung 2020; Tomlinson et al. 2018).

Working from home, while trying for many parents when schools and other services were closed, was a new and welcome experience for many Australian workers. The long-documented reticence of Australian employers and managers to make remote working accessible for employees (Cooper and Baird 2015) was suddenly challenged. Australian Bureau of Statistics data suggests that in the third quarter of 2021, about 40% of employed Australians regularly worked from home, a significant jump from pre-pandemic levels (ABS 2022a; Lee et al. 2022). There were clear divides in worker access to remote working with higher-status and higher-paid employees most likely to be able to do so. For example, in August 2021, 64% of managers and professionals regularly worked from home compared with only 25% of people in other occupations (ABS 2021b).

Surveys and qualitative studies conducted through the past two years suggest that employees are both more likely to want to work remotely – wishing to do so for a range of personal, family and work reasons – and that they have a higher expectation that this will now be manageable for their employers (Gross and Mostyn 2021; Cooper and Hill 2021, 2022; Hill et al. 2023). This will no doubt

be an issue of some conflict in workplaces in Australia and beyond, and the currently weak rights to establish remote and other flexible forms of working will be tested (Cooper and Baird 2015). Interest in working from home must also be balanced against increased expectations of output and the likelihood that work from home may have negative gendered consequences. For example, in workplaces where ‘presenteeism’ is often equated with ‘performance’, those groups more likely to work remotely, notably women who show a higher level of interest in working this way, may suffer career consequences (Chung et al. 2021).

The combination of significantly increased unpaid work at home, loss of jobs and reduction in paid hours in some feminized sectors and the rising demand for frontline and essential work in others has left women exhausted and depleted. There is considerable evidence in Australia and beyond of an increase in depression and anxiety among women through the pandemic period, with a more profound impact on women being observed than for men (GenVic 2021). Alongside all of this, a ‘shadow pandemic’ of domestic and family violence has emerged as a significant challenge to women’s well-being, with an increase in threatening and controlling behaviour as well as physical violence (Boxall and Morgan 2021; Foley and Cooper, 2021). Monitoring the unequal share of unpaid work at home as well as the long-term impact of the pandemic’s economic, care and relationship stresses is critical as we move out of the recovery.

7.3 WHAT’S IR GOT TO DO WITH A GENDER EQUITABLE PANDEMIC RECOVERY?

Through the pandemic period there has been considerable advocacy by feminist scholars encouraging national governments and other labour market stakeholders to address the gendered economic inequities that the pandemic period both laid bare and exacerbated. A key strategy that these advocates argued was that governments must adopt investment in the care economy, rather than in more traditional ‘shovel ready’ infrastructure projects (De Henau and Himmelweit 2021). The rationale was that this would create more jobs than investment in hard infrastructure, might potentially lift the quality of work in the care sector, would benefit citizens cared for and educated by care workers, and could leverage labour force participation of employees in other areas of employment (see Hill 2020). This section of the chapter builds on this advocacy to ask how industrial relations might contribute to a gender equitable recovery and particularly through lifting the quality of work in highly feminized sectors. The chapter was drafted within days of significant national changes in industrial relations legislation passing the Australian national parliament. This section addresses the challenges that industrial relations reg-

ulation has posed for gender equality at work historically and then moves to a brief outline of the more recent (late 2022) legislative changes.

Decades of scholarship have demonstrated that Australian industrial relations regulation and policy have historically not worked for achieving gender equality. The 'breadwinner model' upon which the Australian industrial relations system has been organized since the turn of the twentieth century has assumed that 'the worker' is a full-time man, undertaking long and uninterrupted hours, weeks and years of work and who, by virtue of the unpaid labour of women family members, is unencumbered by care responsibilities (Bennett 1986; Frances 2000; Pocock 2003). These assumptions have permeated the workings of the industrial relations system, including Australia's unique system of setting minimum standards – 'awards', explained below – and the system of conciliation and arbitration which generates them. Gender-based discrimination was enshrined from the earliest days of the Australian national industrial relations system's operation, including in the famous 1907 Harvester Judgement. This judgement, which represented the first major wage decision in Australia's national system, set the basic or minimum wage at a level intended to support a male worker and his family to live in 'frugal comfort', while women workers were assumed to have fewer needs and therefore require a lower wage rate.¹ This has continued to impact the relative reward for men's and women's work, the entry of and barriers to women entering some sectors and skill sets, and to the way working time has been valued and regulated (Charlesworth and Heron 2012; Ellem 1999). However, it is worth asking whether industrial relations levers might now be employed to build gender equality and to contemplate what action in the governance of work may be effective to remedy inequality. This section proposes three areas of focus: building decent work in feminized sectors; addressing the proliferation of highly precaritized work in which women predominate; and building access to high quality, employee-led flexibility.

7.3.1 Build the Quality of Work in Feminized Sectors

If we are to make advances to gender equality, the poor quality of jobs in highly feminized sectors must be addressed, particularly in the care occupations and work that was revealed to be so vital to economy and society through the pandemic. The rates of pay of workers in these sectors are very low and the national and industry minima – set in Australia through modern awards and the national minimum wage – are critical for setting standards (Campbell, Macdonald and Charlesworth 2019; Macdonald and Charlesworth 2021). Modern awards and their precursor – awards – have determined the pay and conditions of work in Australia since soon after Australia's Federation in 1900. In the early years of the system, awards were documents that settled collective

bargaining disputes between unions and employers (or employer associations). The outcomes arbitrated by the regulator (now the Fair Work Commission, then the Court of Conciliation and Arbitration) set the legal minima in pay, classifications and across an array of working conditions. Awards shifted in 2009 to their current ('modern award') status and henceforth there was little active involvement of the social partners with the content and scope of the documents which were essentially set, administered, and reviewed by the Fair Work Commission.

Modern awards that cover workers in highly feminized sectors have tightly compressed classification structures, compared with traditionally male-dominated areas of employment such as manufacturing, meaning that qualifications and years of experience yield very little return in pay packets. Other features of the regulation of these sectors put workers at a disadvantage, for example minimum hours of engagement in areas such as the social and community services sector are much lower than those set out in the awards applying to male-dominated sectors (Charlesworth and Heron 2012).

Soon after their election in 2007, the Rudd (and later Gillard) Labor government put in place mechanisms in their industrial relations legislation, the *Fair Work Act 2009 (Cth)*, to address gendered workplace inequalities, especially in relation to pay. This included a measure seeking explicitly to address equal remuneration and a collective bargaining mechanism accessible only to low-paid workers and with applicability for highly feminized care workplaces (Cooper and Ellem 2012). There were early tests of the usefulness of these provisions in the first two years of the operation of the new Act; sadly most failed to achieve the objective of lifting wages in these sectors.

Part 2-7 of the Fair Work Act allows parties to apply to the Fair Work Commission to make an 'Equal Remuneration Order' to achieve 'equal remuneration for men and women workers for work of equal or comparable value'. In 2011/2012 the first case under this section was heard in two parts, with the Full Bench of the Commission determining that work in the social and community services sector was undervalued, owing among other things to factors relating to gender, and subsequently awarded increases of 20–40% (plus loadings) phased in over eight years.² This outcome was assisted by the involvement of the Commonwealth government, which extended explicit support for the application through a joint submission with the applicant union, the Australian Services Union (Baird, Williamson and Heron 2012).

Several critiques can be made of this measure and its longer-term capacity to build job quality in low-paid feminized sectors. Applications made under this stream are very costly to the union applicants, their outcomes are uncertain and limited to those workers covered by the application, they progress very slowly and outcomes, in the form of increases in wages, take a long time to be announced and eventually implemented (Charlesworth 2012). There have

been no subsequent successful equal pay cases, but several cases have been run, including a high-profile case in 2018 in early childhood education by two unions, the United Workers Union, and the Australian Education Union (Williamson, Foley and Cartwright 2019). In the later cases, the Commission adopted a direct gender comparator (women compared with men) approach in assessing wages in the sector, rather than taking a more sophisticated 'work value' approach which scholars see as having much greater promise (Smith and Whitehouse 2020).

A second mechanism that was included in the 2009 Act which attempted (indirectly) to address gender pay inequity in undervalued feminized work was the Low Paid Bargaining Stream³ (set out in ss 241–246). In 2010 the LHMU (now named the United Workers Union) lodged the first application for a Low Paid Bargaining Authorisation, seeking to engage in bargaining with over 290 aged-care employers across Australia.⁴ This was, and until late 2022 remained, the single instance of multi-employer bargaining provided under the Act (Cooper and Ellem 2012). However, despite the support of several (not-for-profit) employers in aged care, and with the involvement of the federal government, the case was not successful. The workers and workplaces involved passed several of the tests set out in the Act to gain access to the stream, such as being low paid, but they made more complicated designations relating to bargaining power and bargaining history. The Bench granted a Low Paid Bargaining Authorisation, allowing multi-employer bargaining to commence, but only for those workplaces that had not been previously covered by enterprise agreements. This excluded many workplaces covered by recently or currently extant agreements, on the basis that this demonstrated that workers already had the bargaining power they were said to lack. Perversely, the agreements in question were largely *WorkChoices* period agreements, which had a radically reduced test of disadvantage against award standards (Baird, Cooper and Ellem 2009). With the prospect of significantly limiting the coverage of the attempted bargain, the union abandoned the case and noted it a failure (Cooper 2014).

So despite legal reform and collective bargaining initiatives in 2022, workers in the highly feminized care sector still struggle to access decent work, professional wages, workplace voice and sustainable careers. As the recent Royal Commission into Aged Care Quality and Safety and scores of academic research projects (e.g. Macdonald 2021) have demonstrated, rates of pay in these sectors are chronically low, levels of precarity are high, and the capacity of workers to progress to better rewarded work is difficult (Cooper et al. 2021; Ravenswood and Markey 2018). Each of these features was laid bare in aged care during the COVID-19 pandemic, as workers moved across several jobs and sites seeking to construct adequate earnings from multiple jobs. This had

disastrous consequences both for the workforce and for the clients they were employed to care for, as the virus spread through multiple aged care homes.

At the time of finalizing this chapter, July 2023, another significant test case was afoot in the Fair Work Commission, where unions were attempting to improve the standards in the sector. This time the case is an application to increase the minimum wages for aged care for workers employed under three modern awards (the Aged Care, Social and Community Service, and Nurses modern awards). The unions argued that the increased level of skill and complexity in the work over the last two decades had necessitated a reconsideration and revaluation of worker wages. A Full Bench of the Fair Work Commission made the landmark decision in early 2023 to provide an interim minimum wage increase of 15% for direct care workers and specified support workers employed under the relevant modern awards, concluding that existing wage rates did not properly compensate workers for the value of the work performed.⁵ In late July 2023, this long running case was still underway, with the Full Bench considering additional details, including whether to increase minimum wages for other workers covered by the modern awards and whether further wage increases for direct care workers may be justified on the evidence.

7.3.2 National Election 2022 and Policy Framework

Improving wages and lifting the broader quality of work for women employed in undervalued and low-paid jobs and sectors is critical for building gender equitable and decent work after the pandemic. As discussed previously, mechanisms provided in the Fair Work Act had proved ineffective in spurring change in the decade since their passage. Responding to the much-discussed need for change in the governance of work, including in relation to gender equity issues, the Albanese government legislated changes to the main industrial relations legislation in November 2022 through the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill 2022 – just six months after their election to government. Reflecting an election commitment, the suite of reforms included the addition of ‘gender equality’ in the objects of the Act,⁶ which could have a significant impact on the Fair Work Commission’s work. Under the amendments, gender equality considerations, such as eliminating gender-based undervaluation and addressing gender pay inequity, will be considered in important decision making of the Commission including when reviewing and setting minimum wages (Hatcher 2022). Three further changes included in the amended Fair Work Act are worth mentioning here. First is a reworking of the way that equal pay cases are conducted, second, and related to this, is building the capability of the Fair Work Commission to deal with gender equality issues and third is the introduction of a new ‘Supported Bargaining Stream’ of collective bargaining. When introducing these changes

in the national Parliament, the Workplace Relations Minister, Tony Burke made explicit reference to the experience of the pandemic and the contribution of highly feminized sectors:

Some of the most undervalued workers in our country are workers in female-dominated industries. Many are the very workers who put their health and safety on the line to guide us through the shutdown period of the pandemic. Workers in health care, aged care, disability support, early childhood education and care, the community sector, and other care and service sectors. (Commonwealth of Australia 2022: 5)

A significant change, and one that unions and researchers have advocated (see Smith and Whitehouse 2020), is a change to the way equal pay cases are heard. A key barrier to success in Equal Remuneration Order applications has been the insistence of the Commission that a 'male comparator' is required in these cases. This has made success in such cases rare, owing to the realities of labour market segregation. The changes make it explicit that decisions should focus on the value of the work in question, clarify that there is no need for a 'male comparator' or to find that gender discrimination exists for the Commission to make an Order.⁷ To assist in building capability to make such decisions, the amendments establish new specialist panels within the Fair Work Commission.⁸ This includes the Pay Equity Expert Panel and a Care and Community Sector Expert Panel supplemented by a new research unit, with the rationale for these changes being the need to modernize the work of the institution and have it informed by recent evidence and scholarship.

The third relevant change is the introduction of the 'Supported Bargaining Stream' of multi-employer bargaining,⁹ which essentially replaces the Low Paid Bargaining Stream set out in the 2009 Act and noted above. This is designed to allow workers employed in low-paid sectors to bargain on a multi-employer basis. By simplifying entry to this stream of multi-employer bargaining mechanisms, including removing some of the factors that undermined entry to the stream for aged care workers in 2010, it is envisaged that the stream will have more utility for lifting wages in these sectors. A novel feature of the stream is the capacity of the Commission to assist the parties in the bargaining process including to bring important parties like funders of services (such as government departments) to the table. Once made, unions can apply to cover additional employers and workers by the extant agreement.

7.3.3 Flexibility (Less 'Bad Flex', More 'Good Flex')

Insecure work is in plentiful supply in the Australian labour market, and it most commonly takes the form of 'casual' employment, which is hourly work without security, but is also seen in short term contract work, labour hire and

platform-enabled work. In November 2020, 22% of all Australian employees were employed casually and this internationally high rate has been resilient for over 20 years (Burgess, Campbell and May 2008; Markey and McIvor 2018). Highly feminized sectors have strong casualization rates, sometimes double the national average (for example in disability services, 42% of workers are employed casually) (Macdonald and Charlesworth 2021). Women dominate in casual jobs, comprising almost 55% of all casual employees in August 2022, compared with men, who represented around 45% of casual employees. Young women workers are the most likely of all workers to be employed casually, with women aged 15–34 years making up more than 30% of all workers employed on such contracts (ABS 2022b).

While some employees engage in casual employment in search of greater flexibility in their lives, the available evidence suggests that precarious employment poses several challenges to sustainable careers and sustainable caring. Permanent employees in Australia have access to many entitlements under the Fair Work Act – such as sick leave, annual recreation leave and carer's leave – which casual employees do not have as a result of their employment status. Ironically the reason that many workers, especially women, work in casual employment – the 'squeeze' between the need to care and the inflexibility of many permanent jobs – actually exacerbates these pressures. For example, research on retail work shows that precarious employment makes it harder, not easier, to manage care owing to hours and income insecurity and unpredictability (Cortis, Blaxland and Charlesworth 2021). Added to the strain of unpredictable income and working hours, long-term casual working has a deleterious impact on life-long economic security owing to low wages, underemployment, poor capacity to move into better paid jobs and inadequate retirement savings (Birch and Preston 2021).

The pandemic highlighted the problems that precarious work poses for workers, as casual employees were those hit soonest and hardest by employment loss, laying bare the significant problem of precarity. Many Australians were shocked in the early days of the pandemic to learn that 20–30% of the workforce in essential care work, such as aged care, worked in at least two facilities (Hitch and Hayne 2020).

Academics and unions have argued for over a decade that to address these challenges, permanent employment must be made a priority for Australian workers (Forsyth 2019). The benefits that would flow to workers allowing them to access working conditions such as sick leave and carers leave, and more predictable hours of work, would help build the quality of jobs, build income security, and make caring easier to manage. This would also have a positive impact on the quality of feminized jobs and on gender equality more broadly, owing to the gender dynamics of employment across sectors. Mechanisms to achieve a reduction in casualization could include a 'perma-

nency priority' in awards and enterprise agreements, and a better process for workers seeking to move to permanent from casual contracts.

Many Australian workers had their first taste of remote working through the pandemic, albeit having been forced to do so, after being told by managers that such ways of working were impossible owing to their role or the operational needs of their workplace. Yet even the most presentee-ist of professions and workplaces shifted rapidly to online working through the pandemic (see Foley et al. 2022). While confronting several problems, like expanding expectations and hours, a lack of resources and fundamental clashes in work and care, many employees found that working from home was not something they were prepared to give up as soon as the pandemic peak receded, for reasons of well-being, cost and work productivity (Cooper and Hill 2022).

The problem with establishing and maintaining hybrid working – as well as a range of other forms of flexibility like reduced hours or changed span of hours over a day, week, or year – is that employees in Australia do not have strong statutory rights. The Fair Work Act's National Employment Standards (a source of national minima alongside modern awards and the minimum wage) provides a right to *request*, rather than to *establish* and practise flexibility (Cooper and Baird 2015). There are several eligibility barriers to this request including the need to have completed at least 12 months of continuous service with the employer and the 'reasons' for seeking the changes must fall under a range of primarily care-related factors (Pocock and Charlesworth 2017). Employers are not bound to grant requests and may refuse on 'reasonable business grounds', a concept which encompasses the possibility that new working arrangements could prove too costly for the employer. There is no process of appeal (Cooper and Baird 2015; Skinner and Pocock 2014).

It was therefore opportune timing that the newly elected federal Labor government introduced amendments to bolster the statutory right to request in late 2022. The newly legislated changes set out a stronger process for the consideration of requests for flexibility, including compelling employers to justify their decision making in relation to assessing a request and granting employees the capacity to appeal to the Fair Work Commission if they are unhappy with their employer's refusal of a request.¹⁰ These changes, which become operational in 2023, have been welcomed by scholars and advocates for gender equality at work and their impact will be keenly monitored as the new processes take shape.

7.4 CONCLUSIONS

Australian working women, like their sisters across the globe, were profoundly impacted by the pandemic in terms of job and hours loss, in over-work on the underpaid and undervalued frontline and in a significant rise in unpaid work

at home. As governments and industrial relations stakeholders look to rebuild as the pandemic recedes, it is salient to approach the question of ‘building back better’ with a gender lens. There may be mechanisms in the industrial relations arena that can help address some of the pernicious problems, namely undervalued feminized work, gendered precarity and poor statutory rights to decent flexible working. This chapter has proposed two areas where immediate action can have a significant and positive impact on the working lives of women in Australia, namely building the quality of jobs in feminized sectors and improving access to better flexibility. As we wrote the final draft of this chapter, the newly elected Labor government’s amendments to the national legislation, the Fair Work Act, were coming into effect. These changes offer some promise in increasing access to decent work and to good flexibility in Australian workplaces. Assessing the impact of these changes, and the extent to which they can offer solutions to the gender inequality we have observed in the past two years, will be the subject of future research and papers.

NOTES

1. *Ex Parte H.V. McKay* (1907) 2 CAR 1, Higgins J, President, 8 November 1907.
2. *Equal Remuneration case* [2011] FWA FB 2700; [2012] FWA FB 1000.
3. *Fair Work Act 2009 (Cth)* ch 2 pt 2-3 div 9.
4. *United Voice and The Australian Workers’ Union of Employees, Queensland* [2011] FWA FB 2633; [B2010/2957].
5. *Work value case – Aged care industry* [2023] FWC FB 40; [2022] FWC FB 200.
6. *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022 (Cth)* sch 1, pt 4.
7. *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022 (Cth)* sch 1, pt 5.
8. *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022 (Cth)* sch 1, pt 6.
9. *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022 (Cth)* sch 1, pt 20.
10. *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022 (Cth)* sch 1, pt 11.

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8. Collective agreements: advancing a transformation agenda for gender equality?

Susan Hayter and Malena Bastida

8.1 INTRODUCTION

Female participation in labour markets has increased in many countries around the world, yet women continue to face discrimination and gender inequality. With the proportion of female employees belonging to a trade union (17.7 per cent) now exceeding that of male employees (16 per cent) (ILO 2022), women have acquired greater institutional power to enact change at the bargaining table. In some instances, this has resulted in a broadening of the scope of collective agreements to tackle issues such as the gender pay gap and more flexible working-time arrangements. However, questions remain as to whether these provisions merely ‘add women on’ to existing bargaining agendas (Dickens 2000), or reflect an emerging transformational agenda for gender equality.

The chapter considers this question by reviewing recent practices in gender equality bargaining. Section 8.2 surveys existing theoretical and empirical literature on the scope and content of gender equality bargaining. It proposes a framework for examining gender equality bargaining clauses based on whether they are gender accommodating, gender responsive, or advance a transformative agenda for gender equality. Section 8.3 provides a thematic overview of the provisions identified in 241 collective agreements (2020–2021) across 61 countries. It considers equality of opportunity in recruitment and promotion, equal pay, maternity and health protection at work, work–family reconciliation and gender-based violence and harassment. Section 8.4 concludes the chapter. While some agreements appear to advance a transformative agenda for gender equality, most provisions can be described as either gender accommodating or gender responsive. This suggests that there is considerable scope for employers and trade unions to deepen the quality of collective agreements for transformative and inclusive equality.

8.2 GENDER EQUALITY BARGAINING

Collective bargaining is a key tool in ‘the regulatory toolkit for tackling gender-based inequalities’ (Milner et al. 2019: 276). As a form of regulation, equality provisions in collective agreements may be considered as advancing formal equality by eliminating sex discrimination; achieving substantive equality by addressing the disadvantages particular groups may face in labour markets (for example, through special measures); or promoting transformative equality by tackling underlying systemic inequalities (Hepple 2009). The conceptual framework for this chapter builds on this initial distinction between formal, substantive and transformative equality in the literature to consider whether regulatory measures in collective agreements are gender accommodating, gender responsive or transformative. Of course, collective agreements also need to be considered in the broader labour relations context in which they are signed, including their relationship to the legal and regulatory framework. This is beyond the scope of the current chapter.

Equality bargaining (Colling and Dickens 1998) or gender equality bargaining (Gregory and Milner 2009; Williamson and Baird 2014) is defined as the negotiation of provisions that advance gender equality in the workplace. The widely cited definition of equality bargaining by Colling and Dickens (1998) encompasses three elements: (i) the negotiation of provisions that benefit women and/or are likely to facilitate gender equality through ‘special measures’; (ii) the awareness and consideration by negotiators of gender equality across all agenda items (gender mainstreaming/proofing); and (iii) addressing gender disadvantages by negotiating changes to systems that reproduce inequalities, such as grading structures.

Williamson and Baird (2014) review the theory and practice of gender equality bargaining. They consider the evolution of equality bargaining from a narrower focus on gender (for example, see Colling and Dickens 1998), to becoming one element of a broader agenda aimed at advancing equity in respect of all population and identity groups (for example, see Briskin 2006). One of the advantages of gender being a subset of a broader equity bargaining strategy is that it allows for a more comprehensive identification of the ways in which different people may face overlapping forms of discrimination. Consideration of intersectionality in equity bargaining can facilitate an understanding, for example, of why there is a larger wage gap for black women than for white women. This can lead to the negotiation of appropriate strategies which meet the equity needs of different groups (including women) in a mutually reinforcing manner.

These considerations lead Williamson and Baird (2014) to adopt the more specific term of ‘gender equality bargaining’ – also used in this chapter – as a way of maintaining a focus in research on the effects of collective bargaining on women, even within a broader, more encompassing equity agenda. This necessarily includes the mainstreaming of gender issues across the bargaining agenda and non-gendering of topics previously considered ‘women’s issues’. For example, in Sweden, Votinius (2020) shows how the increase in collectively negotiated supplementary payments to statutory parental leave benefits has incentivized parents to move away from a gendered division of parental leave. The practice made the parental responsibilities of men and women visible at the workplace, which in turn led to changes in social norms and advanced gender equality. Other researchers note the importance of women’s agency in framing the union bargaining agenda in a manner that expands women’s choices (Williamson 2012; Kirton 2021).

The achievement of maternity protection and rest breaks for nursing arguably represent one of the most important advances for women.¹ One of the persistent paradoxes to emerge from the literature is that by focusing on ‘women’s issues’, gender equality bargaining may instead reinforce gender stereotypes, rather than effect change in workplace gender relations (Dickens 2000). For example, the consideration of menstrual leave can reinforce paternalistic attitudes on the need for employers to protect women’s reproductive health, perpetuating gender stereotypes and inequality (Baird, Hill and Colussi 2021).

On the basis of the existing literature, we consider provisions in collective agreements as falling across a continuum of potential gender equality practices (see Table 8.1). At the one end of the continuum in this stylized representation are provisions that appear to add ‘women’s issues’ onto male-as-norm bargaining agendas. We term these gender-accommodating provisions. At the other end of the continuum are provisions in collective agreements that can be considered transformative in that they tackle systemic issues and seek to equalize gender relations at work. These also address social norms that may lead to, for example, the undervaluation of feminized occupations. In between these two ends are a range of provisions that we term gender responsive in that they are concerned with various forms of direct and indirect forms of discrimination that place women at a disadvantage. These seek to advance equal opportunity and treatment.

Table 8.1 *Gender equality bargaining*

Gender equality bargaining	Gender accommodating	Gender responsive	Transformative agenda for gender equality
Framing the collective bargaining agenda	Adding ‘women’s issues’ on to existing male-as-norm bargaining agendas.	Broadening the scope of the bargaining agenda by mainstreaming gender equality across the agenda.	Deepening the bargaining agenda by addressing structural issues and considering intersectionality.
Provisions in collective agreements	Narrow focus, for example, non-discrimination.	Facilitates women’s full and equal participation through access to care services or working-time arrangements that respond to their needs. For example, maternity protection (including paid maternity leave).	Inclusive provisions (in addition to paid maternity leave), such as ungendered parental leave. Focus on equal pay for work of equal value and building institutional capacity for systemic change through job evaluations, impact assessments, benchmarking and monitoring.
Potential impact on gender equality	<i>Formal equality.</i> Removes direct forms of discrimination in the workplace.	<i>Substantive equality.</i> Positive action to overcome the disadvantages women face in workplaces and labour markets. Aimed at ensuring equal opportunities.	<i>Transformative equality.</i> Addresses systemic inequality. Builds on women’s agency. Considers gender-based power relations and seeks to equalize gender relations. Expands choices for men and women.

8.3 THEMATIC ANALYSIS OF GENDER EQUALITY CLAUSES IN COLLECTIVE AGREEMENTS

For the purposes of this chapter, a thematic analysis was conducted of gender equality provisions in 241 agreements from 61 countries. The agreements containing these provisions represent a subset of 512 collective agreements in an ILO database (ILO 2022). Five broad themes emerge from this analysis: first, equality of opportunity in recruitment, training and promotion; second, measures to address the gender pay gap and ensure equal pay; third, maternity and health protection at work; fourth, provisions aimed at work-family reconciliation; and fifth, gender-based violence.

8.3.1 Equality of Opportunity and Treatment

Many of the agreements examined establish principles of non-discrimination on the grounds of sex, most often linked to the promotion of equal opportunity and treatment in employment.² This is usually part of a more general principle of non-discrimination covering multiple grounds. For example, a sectoral agreement in administrative and support service activities in the Netherlands prohibits ‘direct or indirect discrimination whereby an employee is treated differently from another in a comparable situation on the basis of religion, belief, political opinion, race, gender, nationality, sexual orientation, marital status, age, disability or chronic illness’.³ A few collective bargaining agreements in Brazil, Canada, El Salvador, Portugal, Sweden and the United States also prohibit discrimination on the basis of transgender status, gender identity or gender expression.⁴

In line with previous findings on the role of the legislative framework for equality in supporting advances in gender equality bargaining (Briskin 2006), many of the collective agreements reviewed make reference to principles and measures established in broader normative and legislative frameworks. For example, collective agreements in the Republic of Korea and Spain guarantee the absence of ‘direct and indirect gender discrimination’ in recruitment by reiterating specific legal provisions on the subject.⁵ In Canada, an enterprise agreement in transportation and storage sets out certain requirements for job evaluations, including that these ‘be free of gender bias’ in accordance with the requirements of section 11 of the Canadian Human Rights Act.⁶ In Albania, a sectoral agreement in public healthcare calls for the implementation of ILO Convention 111 on Discrimination (Employment and Occupation), ratified by the country in February 1997, by which a non-discrimination principle is to be applied in vocational training, access to employment and terms and conditions of employment.

A number of agreements explicitly prohibit discrimination in recruitment on the basis of sex.⁷ Some prohibit the use of pregnancy tests in recruitment processes. For example, a collective agreement for a university in Mexico states that evaluations should not include ‘pregnancy tests, psychometric, psychotechnical and psychological tests, HIV tests or others related to sex’.⁸ A collective agreement in Jordan prohibits pregnancy tests as a requirement for employment and furthermore, that recruitment agencies ‘not perform or require pregnancy tests for migrant workers’.⁹

Some collective agreements also include positive action aimed at increasing the proportion of under-represented female hires and promotions by setting out specific quotas.¹⁰ For example, a sectoral agreement in the energy sector in the Netherlands provides for an increase in the proportion of women employees from 15 to 25 out of every 100 workers within a period of 5 years. An enter-

prise agreement in manufacturing in Bangladesh sets quotas for promotion: ‘each year, at least 20 female workers from different positions, i.e. operator/quality control/ironing/folding/cutting assistant etc. shall be promoted to higher posts, such as, of supervisor, line chief, in-charge, APM, PM etc.’

Other provisions provide for the joint review of processes of recruitment and promotion to ensure these are objective, as well as the adoption of programmes to support the hire and promotion of women and minorities.¹¹ For example, a collective agreement in the public sector in Canada reaffirms the application of the legislated employment equity programme, ‘which will assist visible minorities, persons with disabilities, First Nations people, LGBTQ2s+ and women in gaining entry into employment’.¹² An enterprise agreement for a bank in the Netherlands makes provision for the study and discussion of interventions to ‘break the glass ceiling’, in light of insufficient representation of women in senior positions.¹³

In summary, while non-discrimination clauses are the most common gender equality provision in the collective agreements reviewed, these tend to be focused on formal equality, that is the elimination of sex-based discrimination, with more limited occurrences of efforts to achieve substantive equality through special measures. Bargaining agendas appear to be framed around multiple grounds of discrimination. Such an approach treats multiple forms of discrimination among a single group (i.e. women) as equivalent, tackled under a general principle of non-discrimination (Kantola and Nousiainen 2009: 460). These types of clauses could at best be described as gender accommodating. There is little evidence of a transformative agenda that considers how multiple grounds may interact to produce a distinct form of discrimination. Such an approach would lead to practical interventions to address the consequences of overlapping forms of discrimination on different groups of women (see for example, Rubery 2002 or Lombardo and Meier 2006) by focusing on intersectionality.

8.3.2 Equal Pay

Women, on average, continue to earn less than men for the same work or for work of equal value (ILO 2018). Provisions in collective agreements that tackle the gender pay gap range from those that ensure that women earn the same as men performing the same job, to more transformational clauses that seek to redress gender bias in wage setting and tackle the systemic undervaluation of work performed by women.

The majority of collective agreements reviewed concern ‘equal pay for equal work’.¹⁴ Some agreements, mostly at the sectoral level, establish a principle of equal pay for ‘work of equal value’.¹⁵ For example, a sectoral agreement in Czechia specifies that ‘employees who perform the same work or

work of equal value shall be paid the same wage. Work of equal value means work of equal or comparable complexity, responsibility and exertion, carried out under equal or comparable working conditions, with equal or comparable working ability'.¹⁶ This explicit focus on work of equal value – estimated on the basis of the skills, effort, responsibility and conditions under which work is performed – is important for revealing the gender norms underpinning wage setting practices (Whitehouse and Smith 2020).

One way in which gender equality bargaining is used to establish principles of equal pay for work of equal value is by ensuring that objective gender-neutral criteria are used in job classification and evaluation systems (Pillinger and Wintour 2019). For example, sectoral agreements in Denmark and Spain include commitments to the review and adoption of gender-neutral job classification systems, 'with the aim of guaranteeing the absence of direct and indirect discrimination between women and men'.¹⁷

Trade unions may also seek to ensure transparency in pay systems and gender-neutral wage setting (Rubery and Koukiadaki 2016; Pillinger and Wintour 2019). For example, sectoral agreements in Finland include provision for scheduled 'pay surveys'.¹⁸ The purpose of these compulsory pay surveys is to make explicit and correct wage differences between men and women who work for the same employer, performing the same work or work of equal value, as provided for in the Act on Equality between Women and Men (609/1986). These surveys are particularly important for workers in the private sector who bear the burden of proof in grievances concerning wage discrimination (Finland, Ministry of Social Affairs and Health 2019). In Denmark, some sectoral agreements make provision for the availability of gender-disaggregated wage-related data 'for use in consultation and information to employees on pay differences between men and women at the enterprise'.¹⁹ A sectoral agreement in food services establishes principles of pay transparency between workers and sets out dispute resolution procedure and remedies for equal pay claims.²⁰ Similarly, an agreement at a university in Mexico requires the publication of workers' wages and prohibits any form of gender-based wage discrimination.²¹

Other approaches to addressing gender pay gaps include provisions, typically in sectoral agreements, that grant higher increases for low-wage workers in feminized occupations and sectors, and inclusive provisions ensuring equal pay for standard and non-standard workers (given the predominance of women in non-standard work in some sectors). For example, a few agreements include bonuses or additional payments for low-paid workers in female-dominated sectors such as food retail,²² health workers²³ and cleaners.²⁴ Agreements in Denmark, Spain and the Republic of Korea, state that fixed-term, short-term and part-time workers shall not be treated less favourably than comparable permanent workers.²⁵

In summary, the majority of provisions reviewed that establish a principle of equal pay for equal work could be characterized as gender accommodating. However, there is some evidence of more transformative approaches that address the systemic undervaluation of work performed by women through gender-neutral job evaluation and classification systems and pay transparency linked to dispute resolution procedures.

8.3.3 Maternity Protection and Health Protection at Work

There has been a gradual shift during the 2000s in maternity protection legislation towards the ILO standard of 14 weeks of maternity leave set out in the Maternity Protection Convention, 2000 (No. 183). Most provisions in collective agreements reviewed either reinforce existing statutory periods for maternity leave or extend the duration and improve on available benefits. For example, an enterprise agreement at a large retailer in Chile enables workers to extend maternity leave by two additional months (unpaid) in addition to the statutory (paid) leave of 6 weeks prior to childbirth and 12 weeks following childbirth required by law.²⁶ Despite progress in some countries in the broader legislative and policy context supporting of gender-egalitarian post-natal parental leave (Addati, Cassirer and Gilchrist 2014; Votinius 2020; Baird, Hamilton and Constantin 2021), relatively few agreements, all from high-income countries, include ungendered post-natal parental leave, ranging from fully paid to unpaid.²⁷ Some agreements include paid paternity leave provisions, clearly considering this secondary carer leave.²⁸ A few agreements from Brazil, Chile, Colombia and Mexico include one-off maternity-related bonuses (*bono por maternidad*, *auxilio por nacimiento* or *canastilla maternal*) to assist with the costs of a newborn.²⁹

Beyond maternity, paternity and parental leave, some agreements include provision for paid leave for workers undergoing fertility treatments.³⁰ A few also provide leave and an allowance in the case of a miscarriage. For example, in Cambodia, an enterprise agreement in the accommodation and food services sector provides ‘an allowance of US\$50 to any female employee suffering from an unintentional miscarriage’.³¹ Others include provisions for leave in cases of abortion or miscarriage, which match the leave allowance that would be provided as maternity leave.³²

Legal frameworks in most countries safeguard the employment of pregnant workers and prevent discrimination based on maternity (Addati et al. 2014). Within this broader regulatory context, multi-employer agreements in Brazil, Senegal, Switzerland and Togo, and enterprise agreements in Cambodia, China and Colombia (manufacturing and retail sectors) prohibit the dismissal of pregnant workers.³³ Some specify that workers who go on parental leave will retain a right to return to their previous or comparable post, responsibil-

ities and remuneration.³⁴ In Italy, a sectoral agreement for domestic workers establishes a prohibition on dismissal during pregnancy and maternity leave.³⁵ The agreement established such protection against a backdrop of legal uncertainty during the 2000s in respect of the applicability of relevant provisions in the Legislative Decree to domestic workers.³⁶

In line with ILO Recommendation No. 191 and Convention No. 111 (Article 5.1), some bargaining partners introduce protective measures when work poses specific health and safety risks to pregnant or nursing workers, and provide an alternative to such work. For instance, many agreements state that pregnant workers are not obliged to perform work that is dangerous to their health and that of their children and make provision for a transfer to safer duties without any reduction in pay.³⁷ Some also include provisions granting pregnant workers a right to be exempted from overtime³⁸ and from night work.³⁹ A few agreements provide for reductions of the working day, ranging from 30 minutes⁴⁰ to two hours.⁴¹ Several collective agreements in the Asia and Pacific region also include provision for paid prenatal check-ups.⁴²

When it comes to breastfeeding, most provisions reviewed regulate the length and number of breaks (either paid or unpaid). Two enterprise agreements in China make provision for breastfeeding leave at reduced pay: 'female employees who have difficulty in going to work during breastfeeding can take six months of breastfeeding leave upon their application and approval by the unit, and their salary shall not be less than 80%'.⁴³ Some agreements specify the provision of an adequate and private space for nursing workers.⁴⁴ They may also include additional measures that adapt workplaces to the needs of breastfeeding workers, including access to a refrigerator,⁴⁵ a suitable storage area for any equipment or a breast pump,⁴⁶ a washing facility near a private room,⁴⁷ and the possibility to be exempted from overtime or dangerous work.⁴⁸

Other gender-responsive health protections address issues such as menstruation and reproductive health. A few agreements clearly reflect paternalistic concerns over women's reproductive functions, either including provisions making it the responsibility of employers to organize workshops at the workplace for women on reproductive health and family planning,⁴⁹ or specifying annual gynaecological check-ups for female workers.⁵⁰

The analysis finds a prevalence of agreements with provisions addressing menstruation in the Asia and Pacific region as compared with collective agreements from other regions. These provisions typically address paid menstruation leave, exemption from hazardous work during menstruation, menstruation-related allowances and/or access to sanitary products.⁵¹ In respect of menstrual leave, some agreements require women to demonstrate their condition by providing a doctor's certificate or a check by a midwife or feminine health expert.⁵² One agreement includes provision for 'special protection' to female employees during menstruation, pregnancy, delivery, breast-

feeding and menopause. This includes transfer to ‘appropriate labour’ during menstruation for workers diagnosed with severe menopausal syndrome.⁵³ Some agreements provide for a fixed monthly menstrual allowance to cover the cost of sanitary products, whereas others provide an allowance equivalent to 150 per cent of the ordinary wage if female workers do not make use of their menstrual leave.⁵⁴ Agreements in Bangladesh, China and Brazil stipulated the employer’s responsibility to ‘distribute women’s hygiene products to female employees on a regular basis’, ‘keep (...) sanitary pads for the use of female workers in emergency cases’ and ‘distribute, to each female worker, two packets of sanitary napkins per month’.⁵⁵

Other health protections address gender-specific concerns. This includes support for mammograms and awareness raising in respect of breast cancer, as well as support for screening in respect of prostate cancer.⁵⁶ Some agreements adopt an inclusive approach with provisions on paid leave for gender transitioning. For example, a collective agreement in the public sector in Argentina provides 30 days leave of absence for the medical care and hormonal/surgical treatment of workers who decide to transition. The clause also guarantees workers undergoing gender transition access to health care, as provided for in the framework of Article 11 of Argentina’s Law 26.743 on Gender Identity.⁵⁷ In a collective agreement from Australia, the employer commits to support any worker ‘who wishes to permanently adopt a gender that is different to their birth sex’ by providing paid leave of four weeks and a further period of up to 52 weeks of unpaid transitioning leave ‘to undertake the process of transitioning gender or to define their gender identity’.⁵⁸

In summary, most provisions reviewed under this theme could be considered as gender responsive, supporting women’s health and continued participation in labour markets, for example in the case of breast cancer screening. However, some clearly reflect a far more inclusive and transformational approach to gender equality. This is evident in provisions on gender-egalitarian parental leave.

8.3.4 Work–Family Reconciliation

The difficulty workers face balancing work and care responsibilities is one of the most significant barriers to gender equality. The negotiation of measures that allow workers to better reconcile work and family responsibilities has become a key issue on bargaining agendas. Gender equality bargaining on this issue typically includes the negotiation of care-related leave, access to care services and flexible working arrangements.

In addition to parental leave provisions discussed earlier, some agreements also make provision for workers to take paid leave to care for an underage child who is ill, is affected by school closures owing to extreme weather conditions

or to attend school-related meetings and events.⁵⁹ A number of agreements also provide paid leave to care for relatives who are sick, hospitalized, terminally ill or suffer from physical or mental disabilities.⁶⁰

Many agreements, all from Asia and the Americas, include provisions facilitating access to care-related services. Some include commitments from employers to create and finance company crèche facilities at the workplace for pre-school children.⁶¹ Others make provision for care-related allowances to assist with the costs of private childcare services.⁶² It is notable that all of these provisions are targeted at women as primary care givers, for example, ‘to encourage more women to join the labour force’ (Singapore), ‘for working mothers with children older than 45 days and up to 6 years of age’ (Mexico), and ‘for female workers with kids below the age of two’ (Chile).

When it comes to provisions on flexible working time arrangements, these tend to be concentrated in agreements from high-income countries. For example, collective agreements from the Republic of Korea, Australia and Spain enable workers to opt for flexi-time arrangements.⁶³ In France, where questions of gender equality are included on the bargaining agenda at least once every four years (France, Ministry of Labour, Employment and Economic Inclusion 2022),⁶⁴ a number of collective agreements provide for optional teleworking to enable workers to achieve better work–life balance.⁶⁵ While teleworking may provide the capacity to reconcile work and family responsibilities, there is a risk that it could result in exclusion, exacerbating gender inequality. A sectoral agreement in public administration in France notes the potential ‘consequences on the objective of professional equality between women and men. It is therefore important [...] to ensure that teleworking arrangements, contribute to the struggle against inequality, by regularly monitoring relevant indicators’, which include participation in meetings and the distribution of workload, responsibilities and resources.⁶⁶ Other collective agreements include a commitment that the representation of those teleworking, particularly in respect of gender and age, will be consistent with that of the team and that teleworking arrangements will not perpetuate gender stereotypes or roles.⁶⁷

A number of agreements focus on the flexible scheduling of scheduling working time. For example, an enterprise agreement in Australia provides that ‘the development of the roster will consider the work and life balance of those covered by the roster; maintain a policy regarding how flexible arrangements sought by team members will be accommodated; maintain a policy for management of items such as Leave (Personal and Annual), shift swaps and shift give-aways’.⁶⁸ A few agreements provide workers with the option to have continuous shifts and working days, with no split-scheduling of shifts.⁶⁹ Other agreements include provisions that enable workers with care responsibilities (pre-school children or dependent adults) to access voluntary part-time

arrangements,⁷⁰ provide the right to refuse night work⁷¹ and overtime⁷² and enable workers returning from parental leave to gradually increase their working hours.⁷³ A territorial agreement for a police department in Australia includes a provision for the negotiation of internal and geographic mobility should a worker need to improve work–life balance.⁷⁴

In summary, many of the provisions on work–family reconciliation might be described as gender responsive, in that they alleviate some of the barriers preventing women’s full participation at the workplace and in labour markets. However, the framing of this as a ‘women’s issue’ on bargaining agendas and in collective agreements may reinforce the perception that women carry the primary responsibility for childcare and thus have a more tenuous attachment to employment. This can have indirect effects on their opportunities for progression. On the other hand, provisions on flexible working-time measures and work arrangements, including telework, appear to reflect a more transformational agenda by expanding the choices of women (and men).

8.3.5 Gender-based Violence and Harassment

The final theme concerns provisions in collective agreements on the elimination of gender-based violence and harassment and support for survivors. In this regard, a number of agreements make reference to the normative framework, either reiterating provisions in the national legislative framework or referencing ILO Violence and Harassment Convention, 2019 (No. 190).⁷⁵

Provisions under this theme typically include institutional commitments to eradicate gender-based violence and harassment and create a safe and healthy workplace free of violence, victimization and sexual harassment.⁷⁶ A number of agreements establish joint working groups to come up with an organizational strategy to prevent and address violence and harassment at the workplace.⁷⁷ Others, mostly at the sectoral level in the European region, provide for the establishment of joint protocols to guide workplace behaviour and prevent gender-based harassment.⁷⁸ A number of agreements clarify the types of behaviour that constitute sexual harassment.⁷⁹ For example, a sectoral agreement for the horticulture sector in Uganda states that sexual harassment shall include but not be limited to ‘a.) any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, with the purpose or effect of violating the dignity of a person and in particular, creating an intimidating, hostile, degrading, humiliating or offensive environment, or as a basis for evaluation in making employment decisions affecting an individual; and b.) any unwelcome sexual advances, direct or indirect, including requests for sexual favors and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is made or is threatened to be made, either explicitly or implicitly.’⁸⁰ Agreements also make provision for awareness raising

activities and workshops to educate managers and workers on what constitutes harassment.⁸¹

In some instances, the scope of provisions extends to the protection of workers from violence and harassment by third parties. For example, a collective agreement at a hospital in the Republic of Korea includes provision for the dispatch of security personnel to hospital departments as needed, the installation of CCTV, the guarantee, when possible, that workers do not work alone and the installation of 'emergency bells'.⁸² An agreement at a University in New Zealand includes a 'Safety in Hours of Darkness' policy providing for a taxi or other monetary payment in the event that an employee is required to travel to or from work during the hours of darkness and when the safety of the employee is considered to be at risk.⁸³

When it comes to access to justice and remedies and support for survivors, some agreements include complaint and investigative procedures and measures to ensure protection against further victimization or retaliation.⁸⁴ For example, a sectoral agreement for cleaning services in the Netherlands includes provision for workers to report cases on an anonymous basis through an 'independent confidential adviser. This can be someone inside or outside the organization of employers. The advisor can help the employee to report the unwanted behaviour to the employer.'⁸⁵ Several agreements include specific investigation protocols for dealing with complaints of sexual harassment,⁸⁶ including the establishment of joint investigation committees with representatives from both management and workers.⁸⁷ A number of agreements make provision for the protection of survivors and witnesses who raise complaints of sexual harassment.⁸⁸

A number of the agreements reviewed make provision for specific disciplinary measures in proven instances of sexual harassment.⁸⁹ For example, an enterprise agreement in manufacturing in Japan specifies sexual harassment as grounds for dismissal or the temporary suspension of work.⁹⁰ An enterprise agreement in Australia notes that 'verbal, visual or physical conduct constituting sexual harassment', as well as 'harassment of other employees; verbal, physical or mental, including through telephone calls, SMS, e-mail, Facebook, etc.', are grounds for dismissal.⁹¹

A number of agreements make provision for psychological counselling for victims of sexual harassment.⁹² Some provide for paid leave, upon request, for victims of sexual harassment.⁹³ Others include the right for victims of sexual harassment to demand a change from their workplace or establishment.⁹⁴ They also include damages for survivors. For example, a sectoral agreement for banking in the Republic of Korea includes 'damages caused by sexual violence, verbal abuse, or assault in the workplace if the employer's responsibility is recognized in accordance with the judgment [of the investigation committee]'.⁹⁵

An increasing number of collective agreements include provisions that provide support and protection to victims of domestic violence (Baird, McFerran and Wright 2014; Pillinger and Wintour 2019). These clauses are aimed at ameliorating the effects of patriarchal attitudes and power imbalances in the wider society on women's capacity to fully participate in work. Most of these provisions grant survivors paid leave so that they can seek medical attention and psychological support, care for themselves or children, relocate if necessary and obtain the necessary support from social services and law enforcement (17 agreements from Canada, Australia, the United States, New Zealand, Italy and Spain).⁹⁶ They may also specify a right to return to a job at the same grade upon the expiry of domestic violence leave.⁹⁷ Many provide survivors of domestic violence with the possibility to change hours of work, work assignments and workplace location for either health-related reasons or to avoid contact with perpetrators.⁹⁸ For example, a territorial agreement in retail in Spain provides the possibility for survivors of domestic violence to reduce the working day with a proportional reduction in salary, reorganize working time – either through changes in their timetable or the application of flexi-time – and 'to work totally or partially remotely, or to stop doing so if this is the established system'.⁹⁹

A number of collective agreements protect victims of domestic violence from disadvantageous treatment in employment as a result of, for example, a lack of punctuality or the need to reorganize working time, and from dismissal. For example, an enterprise agreement in Australia provides that 'no adverse action will be taken against an employee if their attendance or performance at work suffers as a result of experiencing family violence'.¹⁰⁰ A territorial agreement in Spain provides that if 'a victim of gender-based violence, is unfairly dismissed for exercising her right to reduce or rearrange her working time, geographical mobility, change of workplace or suspension of her contract, the dismissal will be declared null and void and the employer will be obliged to reinstate her'.¹⁰¹

Some agreements also include the provision of financial, psychological and other support. For example, a sectoral agreement in the banking sector in Argentina makes provision for 'access to financial assistance in the form of emergency loans or other forms of financial assistance'; a territorial agreement in the banking sector in Brazil provides for 'a credit line/special financing'; and an enterprise agreement in retail in Spain provides for the advance of three months wages to victims of domestic violence.¹⁰² Collective agreements in Australia and New Zealand include provisions that guarantee the confidentiality and data protection of survivors and facilitate the change of these workers' telephone numbers or email addresses.¹⁰³ An enterprise agreement in the construction sector in Australia, also makes provision for training of workers' representatives: 'Delegates and Health and Safety Representatives will be

provided time off work for appropriate training in supporting employees at the workplace who are experiencing family violence'.¹⁰⁴

In summary, the provisions under this theme clearly address the most egregious form of discrimination affecting women's participation in labour markets. They appear to advance transformative equality by addressing gender-based power relations. While there has been an observed increase in the diffusion of these provisions, only one-fifth of the 241 collective agreements reviewed include clauses that address gender-based violence and harassment, suggesting that there is considerable scope to frame the bargaining agenda to address these injustices.

8.4 ADVANCING A TRANSFORMATIVE AGENDA FOR GENDER EQUALITY?

The analysis of gender equality bargaining clauses across 61 countries and 241 agreements shows considerable variation in approaches to gender equality. At one end of the spectrum are provisions, at times innovative, which have the potential to transform gender relations. The framing of these provisions represents a clear departure from male-as-norm conceptions of workers and workplaces. It is frequently gender neutral, for example providing maternity protection, while also referring to parental leave. Provisions to address the gender pay gap focus on pay transparency as a tool to support women's own agency in pursuing equity claims. They address structural inequalities through gender-neutral job evaluations and the revaluing of work in female dominated occupations.

While these developments are encouraging, the vast majority of the provisions examined under the various themes are either gender accommodating or gender responsive. They include, for example, commitments to equal pay for equal work with no concrete mechanisms to redress the underlying structural inequalities. Nevertheless, by creating a framework for equal opportunities, including through explicit anti-discrimination measures, quotas in hiring, maternity protection and leave, these no doubt advance substantive equality in employment relations in concrete terms.

Perhaps the most evident trend is the recent uptick in provisions aimed at the prevention of gender-based violence and harassment at work, access to justice for victims and support for survivors of domestic violence. These clauses explicitly address power imbalances in gendered employment relations and aim to tackle these through the development of protocols for behaviour, anti-bias training and other measures. The frequent reference to the normative framework (including legislative provisions and International Labour Standards) in clauses on the elimination of violence and harassment suggests that these regulatory frameworks have an important role to play in the framing

of this critical issue on bargaining agendas and the elimination of this most egregious form of discrimination.

The analysis also reveals that in some instances, what may be initially classified as gender equality bargaining, on closer textual examination reflects paternalistic protections. This is most evident in clauses concerning menstrual leave provisions, some of which appear to be focused on curbing women's participation in productive activities in favour of their reproductive functions. Within the sample collected, these agreements are largely drawn from low-income countries, with predominantly enterprise bargaining structures. As discussed in Baird, Hill and Colussi (2021), this protectionist approach may be reflective of a broader institutional context, designed to support the transition from paid to unpaid labour. In these contexts, legislation and policies, including collectively negotiated ones, may play a role in reinforcing the traditional gendered division of labour and gendered workplace inequalities.

This chapter suggests two important considerations in research on gender equality bargaining. First, an examination of the text of collective agreements is clearly not sufficient to draw conclusions as to the intent or impact of the provisions. What appears gender equality bargaining simply because it addresses 'women's issues' needs to be evaluated within the broader context. Establishing intent and the effects of these provisions would require further ethnographic research. Second, while gender equality bargaining appears to be an important regulatory tool for advancing a transformative agenda for gender equality, the evidence of this practice is more limited, suggesting that there is significant scope to improve strategic approaches adopted at the bargaining table.

NOTES

1. Reflected in ILO Maternity Protection Convention, 2000 (No. 183).
2. At the interprofessional level (CBA-Albania#105, CBA-Senegal#196), at the sectoral level (CBA-Albania#104, CBA-Denmark#404, CBA-Jordan#431, CBA-Netherlands#195, CBA-Republic of Korea#480, CBA-Spain#198, CBA-Spain#326, CBA-Switzerland#441, CBA-Uruguay#454), at the territorial level (CBA-Australia#237, CBA-Spain#433, CBA-USA#126, CBA-USA#370, CBA-Viet Nam#82, CBA-Viet Nam#83, CBA-Viet Nam#84, CBA-USA#159, CBA-USA#234, CBA-USA#235) and at the enterprise level (CBA-Albania#106, CBA-Australia#197, CBA-Australia#213, CBA-Canada#329, CBA-Canada#331, CBA-Canada#334, CBA-Canada#338, CBA-Canada#339, CBA-China#427, CBA-Colombia#87, CBA-Japan#335, CBA-Japan#340, CBA-Republic of Korea#110, CBA-Spain#429, CBA-Spain#510, CBA-United Kingdom#190, CBA-USA#122, CBA-USA#226, CBA-USA#242, CBA-USA#268, CBA-USA#369).
3. CBA-Netherlands#195.
4. At the sectoral level (CBA-Sweden#298, CBA-Sweden#299), at the territorial level (CBA-Brazil#266, CBA-USA#126, CBA-USA#235, CBA-USA#322) and

- at the enterprise level (CBA-Canada#334, CBA-Canada#338, CBA-China#427, CBA-El Salvador#137, CBA-Portugal#272, CBA-USA#122, CBA-USA#242, CBA-USA#273, CBA-USA#308, CBA-USA#451).
5. At the sectoral level (CBA-Republic of Korea#480, CBA-Spain#198, CBA-Spain#326).
 6. CBA-Canada#334.
 7. At the sectoral level (CBA-Spain#198, CBA-Spain#326, CBA-Switzerland#188, CBA-Republic of Korea#480) and at the enterprise level (CBA-China#505, CBA-China#507, CBA-USA#242, CBA-USA#275, CBA-USA#369).
 8. CBA-Mexico#233.
 9. CBA-Jordan#431.
 10. CBA-Bangladesh#499, CBA-Netherlands#192, CBA-Republic of Korea#480, CBA-USA#273, CBA-Canada#81.
 11. At the sectoral level in the petroleum industry, a working group to '*Support Women to achieve management positions*', CBA-Austria#389.
 12. CBA-Canada#81. CBA-USA#273 has a very similar clause on positive discrimination for minorities, which includes women.
 13. CBA-Netherlands#194.
 14. At the interprofessional level (CBA-Kazakhstan#415), at the sectoral level (CBA-Finland#180, CBA-Portugal#281, CBA-Senegal#449, CBA-South Africa#92, CBA-Sweden#291, CBA-Sweden#299, CBA-Togo#468), at the territorial level (CBA-China#343), and at the enterprise level (CBA-China#427, CBA-China#506, CBA-El Salvador#137, CBA-Netherlands#194, CBA-Republic of Korea#69, CBA-Uganda#183).
 15. At the sectoral level (CBA-Czechia#388, CBA-Denmark#397, CBA-Denmark#405, CBA-Republic of Korea#482, CBA-Spain#198, CBA-Sweden#295) and at the enterprise level (CBA-Spain#510).
 16. CBA-Czechia#388.
 17. CBA-Denmark#405, CBA-Spain#510.
 18. At the sectoral level (CBA-Finland#177, CBA-Finland#202).
 19. At the sectoral level (CBA-Denmark#397, CBA-Denmark#405).
 20. CBA-Denmark#39.
 21. CBA-Mexico#103.
 22. CBA-UK#327.
 23. CBA-Germany#352.
 24. CBA-Germany#327.
 25. At the sectoral level (CBA-Belgium#93, CBA-Denmark#397, CBA-Denmark#404, CBA-Republic of Korea#482, CBA-Spain#198), at the territorial level (CBA-Spain#433), and at the enterprise level (CBA-Spain#510).
 26. CBA-Chile#248; Planet Labour, 2020.
 27. At the sectoral level (CBA-Denmark#404, CBA-Sweden#209, CBA-Sweden#298, CBA-Sweden#299 – all fully paid), at the territorial level (CBA-USA#235 – unpaid) and at the enterprise level (CBA-Canada#334 – unpaid; CBA-Australia#237 – unpaid).
 28. At the interprofessional level (CBA-Senegal#196), at the sectoral level (CBA-Denmark#404, CBA-India#498, CBA-Togo#468) and at the enterprise level (CBA-Colombia#87, CBA-Tanzania#497, CBA-Trinidad and Tobago#220, CBA-Uganda#183).
 29. At the territorial level (CBA-Brazil#280), at the enterprise level (CBA-Chile#221, CBA-Chile#224, CBA-Colombia#269, CBA-Mexico#103).

30. At the territorial level (CBA-Australia#237) and at the enterprise level (CBA-Republic of Korea#69, CBA-China#505, CBA-Japan#342, CBA-China#506).
31. At the enterprise level, CBA-Cambodia#458.
32. At the sectoral level (CBA-India#498, CBA-Portugal#281, CBA-Republic of Korea#480, CBA-Tanzania and Zambia#303, CBA-South Africa#172), and at the enterprise level (CBA-China#505, CBA-Colombia#87, CBA-Indonesia#66, CBA-Indonesia#417, CBA-Malaysia#491, CBA-Republic of Korea#74).
33. At the interprofessional level (CBA-Senegal#196), at the sectoral level (CBA-Switzerland#440, CBA-Togo#468), at the territorial level (CBA-Brazil#267, CBA-Brazil#274, CBA-Brazil#289) and at the enterprise level (CBA-Brazil#162, CBA-Cambodia#458, CBA-China#427, CBA-China#505, CBA-China#507, CBA-Colombia#269).
34. At the international level (CBA-IBF#151), at the sectoral level (CBA-Finland#180), at the territorial level (CBA-Canada#81), at the enterprise level (CBA-Australia#197, CBA-Australia#238, CBA-China#427).
35. CBA-Italy#173.
36. The ILO supervisory bodies published a Direct Request (2005 and 2009) and an Observation on the application of the Maternity Protection Convention, 2000 (No. 183) pertaining to Legislative Decree No. 151 in respect of the protection against dismissal of domestic workers.
37. At the interprofessional level (CBA-Albania#105, CBA-Senegal#196), at the sectoral level (CBA-Norway#228, CBA-Republic of Korea#480, CBA-Senegal#449, CBA-Senegal#511, CBA-Spain#198, CBA-Spain#326, CBA-Togo#468), at the territorial level (CBA-Australia#237, CBA-Viet Nam#68), and at the enterprise level (CBA-Australia#238, CBA-Bangladesh#499, CBA-Brazil#162, CBA-Brazil#279, CBA-Cambodia#170, CBA-Canada#334, CBA-China#427, CBA-China#505, CBA-China#507, CBA-Indonesia#206, CBA-Malaysia#430, CBA-Philippines#149, CBA-Republic of Korea#74, CBA-Viet Nam#79).
38. At the sectoral level (CBA-Portugal#281) and at the enterprise level (CBA-China#505, CBA-China#507, CBA-Indonesia#206, CBA-Japan#342, CBA-Republic of Korea#69).
39. At the sectoral level (CBA-Italy#147, CBA-Portugal#281, CBA-Spain#198, CBA-South Africa#172) and at the enterprise level (CBA-China#505, CBA-Japan#342, CBA-Republic of Korea#69, CBA-Republic of Korea#74, CBA-Mexico#103, CBA-Uganda#183).
40. CBA-Brazil#162.
41. CBA-Republic of Korea#69, CBA-Republic of Korea#480.
42. For example, at the sectoral level (CBA-Republic of Korea#480), at the territorial level (CBA-Australia#237) and at the enterprise level (CBA-China#427, CBA-China#505, CBA-China#506, CBA-Cambodia#452, CBA-Japan#342).
43. CBA-China#505, CBA-China#507.
44. At the sectoral level (CBA-Senegal#449), at the territorial level (CBA-Australia#237, CBA-Brazil#280) and at the enterprise level (CBA-China#427, CBA-Indonesia#206, CBA-Republic of Korea#69, CBA-Singapore#324).
45. At the territorial level (CBA-Australia#237) and at the enterprise level (CBA-Republic of Korea#69).
46. At the territorial level (CBA-Australia#237).
47. At the territorial level (CBA-Australia#237).

48. At the interprofessional level (CBA-Senegal#196) and at the enterprise level (CBA-Malaysia#430, CBA-China#507).
49. At the enterprise level (CBA-India#59; CBA-Viet Nam#68).
50. At the enterprise level (CBA-Viet Nam#84).
51. At the sectoral level (CBA-Republic of Korea#480), at the territorial level (CBA-Viet Nam#68) and at the enterprise level (CBA-China#427, CBA-China #505, CBA-China#507, CBA-Indonesia#66, CBA-Indonesia#67, CBA-Indonesia #206, CBA-Japan#335, CBA-Japan#337, CBA-Japan#342, CBA-Viet Nam#68, CBA-Republic of Korea#74).
52. CBA-Indonesia#206; CBA-India#59.
53. At the enterprise level, CBA-China#505.
54. CBA-Republic of Korea#74 and CBA-Viet Nam#82.
55. CBA-Bangladesh#499; CBA-Brazil#286; CBA-China#505.
56. At the territorial level (CBA Brazil #280 and CBA-Brazil#279); and at a sectoral level (CBA El Salvador #137).
57. At the sectoral level (CBA-Argentina#513).
58. At the enterprise level (CBA-Australia#237).
59. At the sectoral level (CBA-Denmark#404, CBA-Denmark#407, CBA-Portugal #281, CBA-Slovenia#475, CBA-Slovenia#476, CBA-Spain#326), at the territorial level (CBA-Brazil#267) and at the enterprise level (CBA-Japan#342, CBA-Tanzania#444, CBA-USA#451).
60. At the interprofessional level (CBA-Albania#105), at the sectoral level (CBA-Republic of Korea#480) and at the enterprise level (CBA-Australia#409).
61. At the sectoral level (CBA-Singapore#512), at the territorial level (CBA-Brazil #280) and at the enterprise level (CBA-Bangladesh#499, CBA-Cambodia#452, CBA-India#59, CBA-Chile#223, CBA-Chile#450, CBA-Mexico#233, CBA-Republic of Korea#69).
62. At the sectoral level (CBA-Argentina#241, CBA-Singapore#512), at the territorial level (CBA-Brazil#280, CBA-Viet Nam#72) and at the enterprise level (CBA-Cambodia#170, CBA-Chile#221, CBA-Chile#223, CBA-Chile#248, CBA-Chile#450, CBA-Mexico#233, CBA-Republic of Korea#74, CBA-Viet Nam #76).
63. At the sectoral level (CBA-Republic of Korea#480, CBA-Spain#434), at the territorial level (CBA-Australia#237) and at the enterprise level (CBA-Australia#197, CBA-Australia#238, CBA-Spain#425).
64. This applies to enterprises with 50 workers or more, or enterprises with fewer than 50 workers once a member of the elected staff delegation to the Social and Economic Committee (CSE) has been appointed as union representative.
65. At the sectoral level (CBA-France#229, CBA-France#215) and at the enterprise level (CBA-France#160).
66. CBA-France#215.
67. At the enterprise level (CBA-France#227, CBA-Spain#174).
68. CBA-Australia#197.
69. At the sectoral level (CBA-Slovenia#475) and at the enterprise level (CBA-Portugal#270).
70. At the sectoral level (CBA-Republic of Korea#480, CBA-Portugal#281), at the territorial level (CBA-Australia#237) and at the enterprise level (CBA-Portugal #270, CBA-Portugal#272).
71. At the sectoral level (CBA-Austria#389, CBA-Slovenia#475) and at the enterprise level (CBA-Japan#342).

72. At the sectoral level (CBA-Republic of Korea#480, CBA-Portugal#281, CBA-Slovenia#475), at the territorial level (CBA-Australia#237) and at the enterprise level (CBA-Australia#238, CBA-Japan#342).
73. At the territorial level (CBA-Australia#237) and at the enterprise level (CBA-Australia#197, CBA-Australia#238).
74. CBA-Australia#237.
75. For example, at the sectoral level in respect of domestic workers CBA-Italy#173 and in manufacturing CBA-South Africa#251.
76. At the international level (CBA-IBF#151), at the interprofessional level (CBA-Senegal#196), at the sectoral level (CBA-Denmark#407, CBA-Finland#177, CBA-Finland#179, CBA-Jordan#431, CBA-Netherlands#195, CBA-Slovenia#475, CBA-Spain#198, CBA-Sweden#298, CBA-Switzerland#441, CBA-Switzerland#438), at the territorial level (CBA-Australia#237, CBA-USA#234, CBA-Uganda#311, CBA-Viet Nam#82), at the enterprise level (CBA-Bangladesh#499, CBA-Cambodia#452, CBA-Canada#331, CBA-Canada#334, CBA-China#427, CBA-Costa Rica#494, CBA-Pakistan#99, CBA-Republic of Korea#69, CBA-Republic of Korea#110, CBA-New Zealand#471, CBA-Spain#429, CBA-Uganda#183, CBA-USA#242).
77. At the sectoral level (CBA-Republic of Korea#480, CBA-Finland#179), at the territorial level (CBA-Colombia#393) and at the enterprise level (CBA-Brazil#279, CBA-Bangladesh#499, CBA-Republic of Korea#74).
78. At the sectoral level (CBA-Argentina#148, CBA-Finland#177, CBA-Netherlands#195, CBA-Spain#198, CBA-Portugal#281, CBA-Spain#326, CBA-Sweden#298, CBA-Uganda#311), at the territorial level (CBA-Brazil#266, CBA-Viet Nam#82) and at the enterprise level (CBA-Cambodia#452, CBA-Republic of Korea#110).
79. At the sectoral level (CBA-Jordan#431, CBA-Netherlands#195, CBA-Uganda#311), at the territorial level (CBA-USA#234) and at the enterprise level (CBA-Canada#329, CBA-Canada#331, CBA-Canada#334, CBA-Canada#338, CBA-USA#242, CBA-Spain#429, CBA-New Zealand#471).
80. CBA-Uganda#311.
81. At the sectoral level (CBA-Argentina#148, CBA-Republic of Korea#480, CBA-Republic of Korea#482), at the territorial level (CBA-Brazil#266, CBA-Colombia#393) and at the enterprise level (CBA-Brazil#279, CBA-Republic of Korea#69).
82. CBA-Republic of Korea#69.
83. CBA-New Zealand#470.
84. At the sectoral level (CBA-Netherlands#195, CBA-Jordan#431, CBA-Republic of Korea#482) and at the enterprise level (CBA-Canada#329, CBA-China#427).
85. CBA-Netherlands#195.
86. At the sectoral level (CBA-Republic of Korea#480, CBA-Republic of Korea#482, CBA-New Zealand#171, CBA-Denmark#397, CBA-Netherlands#195), at the territorial level (CBA-USA#234) and at the enterprise level (CBA-Brazil#279, CBA-Canada#329, CBA-China#427, CBA-Republic of Korea#69, CBA-New Zealand#471).
87. At the sectoral level (CBA-Republic of Korea#482, CBA-Denmark#397) and at the enterprise level (CBA-Canada#329, CBA-China#427).
88. At the sectoral level (CBA-Korea#480, CBA-Republic of Korea#482, CBA-Uganda#311), at the territorial level (CBA-USA#234) and at the enterprise level (CBA-Republic of Korea#69, CBA-USA#242).

89. At the sectoral level (CBA-Portugal#281, CBA-Republic of Korea#480, CBA-Republic of Korea#482, CBA-Uganda#311), at the territorial level (CBA-USA#234) and at the enterprise level (CBA-Australia#466, CBA-Canada#329, CBA-Indonesia#66, CBA-Japan#340, CBA-Mexico#233).
90. At the enterprise level (CBA-Japan#340).
91. At the enterprise level (CBA-Australia#466).
92. At the sectoral level (CBA-Netherlands#195) and at the enterprise level (CBA-Brazil#279, CBA-Republic of Korea#69).
93. At the sectoral level (CBA-Republic of Korea#480, CBA-Republic of Korea#482), at the enterprise level (CBA-Republic of Korea#69, CBA-Republic of Korea#74).
94. At the sectoral level (CBA-Italy#147, CBA-Spain#326, CBA-Republic of Korea#480, CBA-Republic of Korea#482) and the enterprise level (CBA-Republic of Korea#69).
95. CBA-Republic of Korea#480.
96. At the sectoral level (CBA-Argentina#148, CBA-Italy#173, CBA-New Zealand#171), at the territorial level (CBA-Australia#237, CBA-Canada#81, CBA-Spain#433) and at the enterprise level (CBA-Australia#213, CBA-Australia#238, CBA-Australia#406, CBA-Australia#409, CBA-Australia#466, CBA-Canada#338, CBA-Canada#341, CBA-New Zealand#470, CBA-New Zealand#471, CBA-Spain#429, CBA-USA#127).
97. See for instance, at the enterprise level (CBA-Canada#341).
98. At the territorial level (CBA-Australia#237, CBA-Brazil#266, CBA-Spain#433), at the sectoral level (CBA-Argentina#148, CBA-Spain#326), at the territorial level (CBA-Australia#237, CBA-Brazil#266, CBA-Spain#433) and at the enterprise level (CBA-Australia#197, CBA-Australia#406, CBA-Australia#409, CBA-New Zealand#470, CBA-New Zealand#471, CBA-Spain#429).
99. CBA-Spain#433.
100. CBA-Australia#406.
101. CBA-Spain#433.
102. CBA-Argentina#148, CBA-Brazil#266, CBA-Spain#429.
103. At the territorial level (CBA-Australia#237) and at the enterprise level (CBA-Australia#197, CBA-Australia#238, CBA-Australia#409, CBA-New Zealand#470, CBA-New Zealand#471).
104. At the enterprise level (CBA-Australia#406).

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9. The potential of gender (and intersectional) equality indices: the case of Aotearoa New Zealand's public service

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9.1 INTRODUCTION

Global turbulence since the outbreak of the pandemic saw many countries report a disproportionate and negative impact on women's employment. In Aotearoa New Zealand, women's labour market participation has fallen dramatically owing to the pandemic, while their under-utilization rate has risen faster and more than has occurred for men (Stats NZ 2020). As in other nations, women constitute the majority of minimum wage earners in New Zealand. Māori (indigenous people of New Zealand) and Pacific women and girls, already more likely than New Zealand European (ethnic classification for New Zealanders of European descent) women to experience poor employment outcomes, have been particularly negatively impacted by the pandemic (New Zealand Ministry for Women (MfW) 2020).

The primary methods for measuring such gender inequality have involved generic gender indices (GIs), with many developed by international agencies for national-level use. Key among them is the Human Development Index (HDI) developed by the United Nations Development Programme (UNDP), on which Aotearoa New Zealand globally ranked 13th in 2021. While this and other indices have been refined over time, little attempt has been made to move towards qualitative, intersectional (overlapping social categorizations such as race and gender) and connected indicators of inequity despite increasing labour market and workplace diversification. Sub-nationally, New Zealand's public sector organizations have used GIs to frame policy initiatives, facilitate sectoral reform, and compare institutional progress (Parker and Donnelly 2021). However, like any summary measure, GIs offer few insights into how

gender inequities are created, perpetuated or nuanced by ‘micro’ and institutional practices (e.g. Acker 2006), including management activity.

In Aotearoa New Zealand, there is a high need for intersectional GIs as Māori and Pacific women are over-represented in equity-challenged areas of the public sector (HRC 2018), and have received prioritized attention from the UN Human Rights Commission (HRC 2019). While a small body of studies identify structural, cultural, and attitudinal barriers to gender equity across the public service, they also flag the need for finer-grained analysis of women’s diversity given Māori and Pacific women’s relative lack of progress across a range of gender equality indicators (Parker et al. 2022). Working with sector experts, and public service employees and managers, this transdisciplinary study draws on in-depth interviews to develop an institution-specific GI model that includes ‘conventional’ quantitative and emergent qualitative indicators of equity for diverse staff groups. This study thus extends the conceptual parameters of GIs used at national levels; provides a framework of equity considerations and indicators for consideration in organizational-level equity policy development in New Zealand and beyond; and briefly assesses the latter regarding the gender responsive/accommodating/transformational or ‘gender-inclusive’ framework used throughout this volume.¹

9.2 GENDER INDICES

Indices devised to assess gender (in)equality, particularly at national and cross-national levels, play a key role in raising attention to the discussion and quantification of gender (in)equality (Bardhan and Klasen 1999). One such index that evolved from the UNDP is their flagship index – the HDI (see Table 9.1). First introduced in 1990, the HDI initially served as a credible alternative to an over-reliance on neoclassical measures of national economic growth. Drawing on Anand and Sen’s (1995) seminal work, it emphasized that people and their capabilities should inform assessments of a country’s development (UNDP 1990) (see Table 9.1). While well respected, many critiqued the HDI for its inability to reveal how gender, race, and social class disparities affect human development, calling for its disaggregation to facilitate assessments of gender inequality (Anand and Sen 1995; Bardhan and Klasen 1999).

The Gender Development Index (GDI) and Gender Empowerment Measure (GEM) were developed in the mid-1990s (Melikidze, Stancliffe and Tarkhan-Mouravi 1995). Addressing earlier critiques, the original GDI, introduced in 1995 and amended in 2010, sought to assess gender gaps in human development achievements and enable measurement across countries and groups (UNDP n.d.). However, this approach was seen to conflate relative gender equality with absolute levels of human development, to be blind to comparable gender inequality between countries (Dijkstra and Hanmer 2000),

Table 9.1 *Gender equality indices*

Index	Organization	Domains	Limitations
Human Development Index (HDI)	UNDP (1990)	Measures across wealth and well-being (life expectancy, education, and per-capita income).	Uses income component as a proxy for gender consumption, and does not enable inter-group comparison.
Gender Development Index (GDI)	UNDP (1995, 2010)	Assesses gender gaps in human development achievements, and across countries and groups. Reforms incorporated calculation of separate HDI for men and women, and replacement of per-capita incomes measure with gender gap in labour force participation.	Conflates relative gender equality with level of human development which fails to provide insight into comparative gender inequality across countries. Difficult to calculate uniformly across countries given difficulties in accessing reliable data. GII proposed as alternative.
Gender Empowerment Measure (GEM)	UNDP (1995, 2010)	Measures women's empowerment along economic and political participation and decision-making. Reforms use GEM components and calculation of female–male ratios for each dimension, enabling comparison of developments for males and females.	Susceptible to data gaps, often misinterpreted, and biased towards developed countries. Ignores other aspects of women's empowerment (i.e. female control of body and sexuality). More relevant for developed countries. Gender empowerment enabling environment (GEEE) and GII suggested as alternative.
Relative Status of Women (RSW) Index	Dijkstra and Hammer (2000)	Measures socio-economic gender equality, calculating the relative position of women to men using HDI's three dimensions.	Limited validity owing to use of inappropriate gender inequality indicators. Requires country-specific information to contextualize the index.

Index	Organization	Domains	Limitations
Standardized Index of Gender Equality (SIGE)	Dijkstra (2002)	Measure of gender equality, using five indicators: educational attainment, life expectancy, labour market participation, share of higher labour market occupations/positions, and share of parliament. For each country and indicator, the resulting score is the distance (in standard deviations) from the mean of scores of all countries.	Countries scored in accordance with the scores of other countries in a particular year, making comparisons of progress over time difficult.
Women's Empowerment Matrix (WEM)	Charmes and Wieringa (2003)	Measures women's empowerment across six dimensions and different levels of analysis.	Inability to focus on 'relations of class and ethnicity'.
Gender Status Index (GSI)	UNECA (2004)	Measures the achievement of women relative to men based on social, economic, and political power, with these dimensions divided into subcategories.	Combination of components into two indices produces measures that are difficult to interpret and communicate. Data quality issues preclude timely, reliable publication for a large set of countries over time.
African Women's Progress Scoreboard (AWPS)	UNECA (2004)	Assesses government progress in ratifying conventions regarding women's equal treatment and empowerment.	Similar to GSI concerns.
Global Gender Gap Index (GGGI)	WEF (2006)	Ranks countries according to gender gaps. Combines quantitative data with qualitative measures and assesses how countries divide resources among males and females based on economic participation and opportunity, educational attainment, political empowerment, and health and wellbeing. Calculated by converting the data into female-male ratios and averaging all four sub-indices.	Complex weighting procedure creates interpretation and comparison problems over time. It caps scores and ignores areas where men score poorly; it also only captures inequality in particular aspects of women's lives.

Index	Organization	Domains	Limitations
Social Institutions and Gender Index (SIGI)	OECD (2009*)	Covers four dimensions (discrimination in the family, restricted physical integrity, restricted access to productive and financial resources, and restricted civil liberties). Official data source for monitoring SDG 5.1.1.	An unweighted average of sub-indices and measures level of gender inequality in social institutions on a scale from 0 to 1. Can yield uniformly high or even perfect scores, given that legal discrimination against women is not present in most member countries. Initially designed as a measure for non-OECD countries.
Gender Inequality Index (GII)	UNDP (2010)	Calculates potential human development loss owing to gender inequality and covers three dimensions (reproductive health, empowerment, and labour market participation).	Complexity makes it difficult to calculate and interpret. Regional and local relevance also questioned. Fails to capture gender disparities as informal work and unpaid domestic or care work not captured.
Gender Equality Index (GEI)	EIGE (2013)	Comprises six domains (power, time, knowledge, health, money and work). Incorporates intersectional approach in inequality and gender-based violence, including basic intersectional measures of gender in relation to disability, age, level of education, country of birth and family type.	No mandate to monitor individual member states and potential breaches of discrimination legislation renders it a governance tool focused on monitoring and observing.
Gender Social Norms Index (GSNI)	UNDP (2023)	Measures how biased social beliefs obstruct women across four dimensions of political, educational, economic and physical integrity. Replaces the GEM.	Values depend on dimensions of analysis, selection of indicator, sources and aggregation. Constrained by data availability.
Women's Empowerment Index (WEI)	UNDP, UN Women (2023)	Measures women's power and freedom to make choices in life. Includes a measure of violence against women.	–
Global Gender Parity Index (GGPI)	UNDP, UN Women (2023)	Measures gender gaps in health, education, inclusion and decision-making.	–

Note: * This index was developed by Branisa, Klasen and Ziegler (2009) for the OECD.

and to merely extend the HDI with ‘a gender touch’ (Jütting et al. 2008). Others critiqued the reliance on gender gaps in the earned incomes as a proxy for gender gaps in consumption, pointing to the lack of clarity around individual consumption and arguing that such disparities in earned income are a better proxy of gender gaps in economic empowerment (Klasen 2018). Equally, the GEM, developed to measure women and men’s participation in economic, political and professional areas (Melikidze et al. 1995), was criticized for its smaller country coverage (Jütting et al. 2008), national data gaps, bias towards developed economies, and discounting of aspects of women’s empowerment (Klasen 2006; Cueva Beteta 2006). While the GDI and GEM have been tailored for national-level usage, and made good use of limited cross-national data in the 1990s, their misinterpretations as measures of gender inequality have limited their potential policy impact (Schüler 2006).

To address GDI limitations, Dijkstra and Hanmer (2000) proposed the Relative Status of Women (RSW) Index aimed to show how the abstraction of gender equality measures from levels of development or well-being can result in variable country rankings. However, like the GDI, the RSW is not regarded as an ideal measure of gender inequality owing to its choice of indicators. In response, the Standardized Index of Gender Equality (SIGE) focused on the relative achievement of women to men across five dimensions encompassing well-being and empowerment measures (Dijkstra 2002). Despite initial optimism, it was not seen as transparent because countries are scored in accordance with the scores of other countries in a particular year, making it difficult to compare progress over time (Klasen and Schüler 2011).

Furthermore, Charmes and Wieringa (2003) proposed the Women’s Empowerment Matrix (WEM) to map aspects of women’s empowerment across six dimensions. While the WEM enables multi-level analysis, limitations include its inability to focus on ‘relations of class or ethnicity’ (Charmes and Wieringa 2003: 424). In 2004, the UN Economic Commission for Africa (UNECA) developed the Gender Status Index (GSI) and the African Women’s Progress Scoreboard (AWPS) as part of the African Gender and Development Index (AGDI). The GSI measures the achievement of women relative to men for social, economic, and political power, with these dimensions divided into subcategories, whereas the AWPS assesses government progress in ratifying conventions regarding women’s equal treatment and empowerment. While the AGDI was designed to provide policymakers with a means for monitoring gender equality progress and the implementation of conventions, the combination of components into two indices, leading to measures seen as hard to interpret and communicate, and data quality issues that preclude timely, reliable publication for a large set of countries over time, raised concerns (Klasen and Schüler 2011).

To capture global gender disparities over time, the World Economic Forum (WEF) thus introduced the Global Gender Gap Index (GGGI) in 2005, focused on economic participation and opportunity, educational attainment, political empowerment, and health and survival (Lopez-Claros and Zahidi 2005). This composite index ranks countries according to gender-based gaps, combining quantitative data with qualitative measures. However, as Klasen and Schüller (2011) observe, the GGGI creates interpretation and comparison problems over time with its numerous components and complex weighting procedure. Moreover, as Benería and Permanyer (2010) note, it encompasses only certain aspects of women's lives. The Social Institutions and Gender Index (SIGI), developed by Branisa, Klasen and Ziegler (2009) and implemented by the OECD, is a cross-country measure of discrimination against women in social institutions across 180 countries. Covering four dimensions, this composite index is an official data source for monitoring SDG 5.1.1 concerning legal support for gender equality and women's empowerment. However, empirical research highlights methodological concerns given disparities in legal discrimination provisions across member countries (Branisa et al. 2014).

Seeking to overcome challenges identified with these indices, in 2010, the UNDP introduced the Gender Inequality Index (GII) to capture women's disadvantages across dimensions not previously considered globally. While offering a novel approach, its constructions and 'functional form' are complex (Permanyer 2013). Following this, Klasen and Schüller (2011) revisited the GDI, suggesting the calculation of a separate HDI for men and women, using the same components of the HDI and some of the methods used to calculate the GDI. In addition, they suggested the reform of the GEM owing to its problematic treatment of earned incomes and complicated process of penalizing gender inequalities. Recognizing variation in women's position along ethnic, religious, educational, and other lines within a given country, in 2020, the UNDP introduced the Subnational Gender Development Index (SGDI) to measure gender differences in human development within countries. In 2013, the European Institute for Gender Equality (EIGE) developed a Gender Equality Index (GEI) for EU countries. Scores are based on levels of achievement between men and women in terms of work, money, knowledge, time, power, and health (i.e. work and other contexts are encompassed). Recent refinements include gender-based violence and intersectional approaches to inequalities (encompassing disability, age, family type, educational level, and country of birth). The index is one of a few that include basic intersectional measures of gender (EIGE 2021), made possible by the availability of data in European countries.

Furthermore, recognizing the limitation of single and binary indicators in capturing the many interrelated deprivations affecting women, the UNDP, in collaboration with UN Women, recently introduced several new indices

to complement existing GIs. These include: (i) the Gender Social Norms Index (GSNI) to measure biased gendered social norms against women (this replaced the GEM); (ii) the Women's Empowerment Index (WEI) to measure women's power and freedom to make choices (including measurement of violence against women); and (iii) the Global Gender Parity Index (GGPI) to assess gender gaps in health, education, inclusion, and decision-making. It was argued that the 'WEI and the GGPI should thus be considered in the context of a broad dashboard of gender-relevant indicators' (UNDP 2023).

Current and earlier GIs thus focus on macro-level quantitative indicators, conjointly measuring gender (in)equity features pertaining to work sphere and beyond. Adaptations to the HDI, GDI, and GEM, among others, reflect measurement, calculation, and contextual considerations, although a binary categorization of gender is maintained. However, these indices do not include qualitative measures that reflect socio-cultural and other dynamics. This discussion of indices is illustrative rather than exhaustive but draws attention to how many quantitative measures do not address the complexity of how inequities are formulated or perpetuated. It suggests that connections between different features and more context-specific characteristics of inequity need greater emphasis, aligning with a body of scholarship that critiques the scope of these multi-dimensional gender equality indices, and with recent studies that call for complementary qualitative analyses that seek to understand the micro-processes and influences on equity (e.g. Schmid 2022). This research thus explores current and emergent gauges of perceived inequities at an *institutional* level that better expresses gender (in)equalities experienced at work, while recognizing their perpetuation within, and the utility of, national or higher-level index measures that summarize inequities in New Zealand's public service.

9.3 AOTEAROA NEW ZEALAND

Historically, New Zealand led the world on certain measures of gender equality (e.g. political empowerment, with its women the first to gain the right to vote). Today, the country ranks well on the aforementioned GIs (UNDP 2019) but, as McGregor, Bell and Wilson (2015) suggest, such accolades are accompanied with contemporary 'complacency' about advancing women's progress, as evidenced by the pandemic's gendered effects on workplaces.

A closer look reveals that New Zealand's private sector trails public sector performance on various gender equity measures. For example, the public service gender pay gap fell from 16.2 per cent in 2000 to 5.8 per cent in 2020, compared with the national gender pay gap of 9.5 per cent (New Zealand Public Service Commission (PSC) 2020a). The global percentage of women in the top three tiers of management in the private sector stood at 31 per cent

in 2021 (Thornton 2021), while in the New Zealand public service, over half of all senior management roles (53.2 per cent) were filled by women by 2020 (New Zealand PSC 2020a), and women accounted for 50 per cent of public sector chief executives. Their representation on New Zealand state sector boards and committees was at an all-time high (49 per cent) by 2020, securing another explicit government target and contrasting with low representation on equivalent private sector bodies.

Recent public sector improvements on GI dimensions have been attributed to Government-led legislative and policy reforms including a Gender Equity Action Plan (New Zealand PSC 2020b), which seeks to eliminate gender pay gaps by addressing equal pay, flexible work-by-default, non-discriminatory remuneration systems, and gender-balanced leadership, recognizing connections between different forms of gender inequity. Other positive influences include pay equity settlements in the public sector (enshrined in law in the Equal Pay Amendment Act 2020); increases in New Zealand's minimum wage which have mainly benefited women (CEVEP n.d.); and sustained campaigning by unions and women's collectives, and labour market initiatives (Parker and Donnelly 2020).

However, New Zealand's positive performance across GIs, and the use of high-level gender equality indicators in its public sector, has masked significant differences between intersectional employee groups. New Zealand Europeans form the highest proportion (69.2 per cent) of public sector employees (compared with 70.2 per cent nationally), while Māori and Pacific constitute 12.6 and 6.3 per cent, respectively (compared with 16.5 per cent and 8.1 per cent nationally) (Stats NZ 2020). The latter remain under-represented in senior roles and concentrated in lower-level, lower-paying positions, a situation that is amplified for Māori and Pacific women (New Zealand PSC 2020b). Furthermore, while gender pay gaps for Māori, Pacific, Asian, and migrant women have declined, this has occurred more slowly than for other women (Gender Equal NZ n.d.), and Pacific women remain the lowest paid in the sector.

Recognition of the need for deeper understanding of gender-based and intersectional inequities is thus growing. Scholars have started to draw attention to capturing the perceptions and experiences of workplace inequities, and the everyday practices that perpetuate them (Jones and Torrie 2009; Donnelly et al. 2018). Some also highlight the need to better understand the connections between inequities at work and beyond (e.g. Parker et al. 2022; Walby 2020). In this regard, Else-Quest and Grabe (2012) stressed gender equity indicators that explore the influence of psychosocial processes, as well as structural inequities that maintain power imbalances between men and women, while Whitehouse (2003) recommended a multi-disciplinary approach to investigating the factors that reproduce pay inequality in and beyond the labour market.

In New Zealand's public sector, the need to address the cultural and processual aspects of institutional inequities is also emphasized by the current regulatory context. The *Public Service Act 2020* seeks to develop 'the shared identity of public servants' to facilitate a cultural shift towards a unified public service that better serves New Zealanders, and strengthens the Crown's relationship with Māori. It outlines the meaning and scope of being a 'good employer', and requires that departmental chief executives are guided by the principle of workforce diversity, with public service workforces reflecting the make-up of society, and fostering an inclusive workplace through employment policies and practices.

Thus, New Zealand has drawn on several gender equality indicators (including gender pay gaps, gender representation gaps, public service gender diversity targets) to benchmark women's workplace situation to inform policy. However, knowledge about women's qualitative, cultural and processual experience of workplace inequities, and how gender inequities and power relations are perpetuated through daily social, institutional and cultural practices at work, remain limited. Understanding of such in New Zealand is critical, particularly given Māori and Pacific women's comparatively weak work status and ongoing labour market diversification (Diversity Works New Zealand 2020). Such challenges highlight the need for meso- or institutional-level inquiry to comprehensively map the equity challenges that women face at work.

9.4 METHOD

This case-based study involved semi-structured interviews with 21 public service experts and 51 managers and staff (including Māori and Pacific) from three anonymized public service agencies (see Appendix Table 9A.1). The majority of interviews were undertaken from March 2020 to May 2021 on Zoom (owing to pandemic-related lockdowns) and provided rich accounts of perceived and experienced workplace gender inequities.

As a transdisciplinary study, methods of knowledge production went beyond those which occur solely within disciplinary boundaries to address a common, complex problem (Heinzmann, Simonson and Kenyon 2019). One challenge was to co-develop a comprehensive institutional-level model for participating agencies that accommodates gender, intersectional and other (in)equity concerns to help effect change. Our model, derived from qualitative thematic content analysis of the interviews and co-designed with research participants, thus reflects shared and unique strategic and operational 'indicators' of (in)equity and related areas for consideration and discussion by agency stakeholders. Co-development of this institutional-level instrument emphasizes the transdisciplinary study's wider, multi-voice approach to translating

research discoveries into applied ‘solution’ development (Hall et al. 2012; Parker et al. 2021).

9.5 FINDINGS AND ANALYSIS

9.5.1 Current and Emergent Indices

Varying levels of gender and other inequities captured by gender equality indicators (e.g. gender leadership gaps, ethnic pay gaps) were identified for each agency. However, there was increasing concern for the need to assess ‘shorter’ *intersectional* equity outcomes. As managers noted, for example, ‘We need to grow our numbers of Māori and Pacific women’ (Pākehā [Māori term for New Zealand people of European descent] female manager, A3). Soft targets were emphasized, reflecting reservations about using hard quotas.

Yet conventional indicators were seen as only part of the (in)equality story in the public service. Most informants declared a need to ‘go beyond numbers’ and proportional representation to acknowledge inequities reinforced by processual influences at work and workers’ culturally informed diversity. Some suggested, for instance, that many women, particularly Pacific and Māori, are not confident about promoting themselves at work, and that their cultural competencies are used but under-valued by organizations. One respondent commented, ‘the cultural skills that our Māori and Pasifika women and men have aren’t recognized ... [Their managers are] using a skill from them that is quite unique to what they do’ (Māori female technical advisor, A2).

However, instances of equity-, diversity- and culturally cognizant agency initiatives were noted (e.g. ‘they’re rolling out a new recruitment system and people from a te ao Māori [Māori world view] lens will be a part of it’ – Māori female fieldworker, A2). Furthermore, most indicated that institutional responses reflected a flexible approach within Public Service Commission (PSC) directives and regulatory parameters although the latter generally stress gender binary measures. For example: ‘We’ve been directed [from the centre] to develop regional diversity plans, and to change some of our employment processes so that we’re looking at being more open to employing a greater diversity of people’ (Pākehā female manager, A2).

Most respondents also spoke as much about emergent inequities as current inequity indices. Significantly, while many noted that these qualitative, processual and cultural features would be challenging to index, they also perceived that they need assessment for inequities to be meaningfully addressed.

9.5.2 ‘Increasingly Ambitious’ Measures

Existing equity initiatives across agencies were widely seen to have improved elements of women and other groups’ access to, progress at, and experience of work. However, equity ‘successes’ were often regarded as *departure* points for further change, their specific nature in each agency shaped by particular work goals and roles, units, work locations, and workforces. Informants thus generally emphasized a need for ‘more ambitious’ indicators and initiatives at strategic and operational levels. Amid sector directives, austerity policies, and pandemic demands, this was implicitly endorsed by the focus of agencies’ increasing reviews of and ‘experimentation’ with overall policies and processes to progress equity. One senior HR advisor noted, for instance, ‘The public sector gender pay principles and the wider work that’s led to ... making sure we are paying the same for people regardless of their gender ... – that’s going to be extended to ethnicity ... [and to] gender and ethnicity combined’ (Pākehā female senior HR advisor, A2).

Some jobs also highlighted the need to address gender inequities emanating from gendered bodily functions and differing cultural approaches to such (including taboos), for well-being and other initiatives (e.g. ‘most of the men don’t really want to know if you’ve got your period or you’re having a menopause day. It’s more the education for all people firstly’ – Māori female technical advisor, A2). Related to this, manager and staff knowledge of equity indices, initiatives, and their activity status was considerable overall but varied, suggesting that evaluations of, and better communications on, equity considerations could constitute indicators in the agency-level mode that develop understandings of shared and unique inequities in the agencies; reduce initiative duplication; and inform the development of current initiatives. Particularly for those promoting more nuanced (e.g. culturally informed) equity indices, this could yield meaningful feedback on agency equity progress, and give much-needed information to managers on how to effectively pursue equity.

9.5.3 Equity Progress Over Time

Informants expected agency (gender) equity initiatives to take time to develop and impact, even in a supportive policy context, with implications for the evolution of gender equity indicators. This was partly attributed to each agency’s unique development path. For instance, one director explained that the historical design of particular roles and ways of working in their agency ‘particularly in the operations area, ... was probably with a male in mind’ (Pākehā female director, A2).

While some felt that the natural attrition of older, Pākehā, male colleagues nearing retirement, combined with ambitious equity approaches, would ‘open

doors', others saw entrenched cultures and mindsets as fostering inequities that would take time to change. Additionally, environmental factors (including the ethnic demography of labour pools) were noted as long-term challenges to attaining equity and fuller measures of such. For instance, on higher levels of Māori and Pacific representation and leadership, one manager explained, 'we had so few Māori women to start with. That's where it became a [labour] pool issue ... From a recruitment point-of-view, we've struggled for our SLT [senior leadership team] to understand that this is a long journey' (Pākehā female manager, A3).

9.5.4 Interpreting and Connecting Equity Indicators

Interestingly, even conventional outcome indicators of equity were interpreted differently. To illustrate, for some, advancement at work concerns having access to engaging work rather than upward mobility – '(t)he [Pacific women] I've dealt with have wanted to be really collaboratively involved in project work ... It hasn't been about a linear progression' (Pākehā female manager, A3). Understandings of 'merit' varied. A significant minority also suggested that emergent equity terminology and gauges are variously or yet to be interpreted, stressing a need for further thinking in agencies about how and whether to accommodate diverse equity understandings and measures. Conversely, some felt that *shared* diversity and equity language and definitions were needed to build understanding of perspectives and 'buy-in' to initiatives.

Furthermore, while much equity activity focuses on a single workplace area (e.g. recruitment), aligning with public sector policy, some perceived that representational and other (gender) inequities could be viewed in more connected terms. For instance, an operations manager said: 'It's one thing to hire a person who has various diversity elements but what's the culture you need in order for all of us to thrive in?' (Māori female operations manager, A2). In one agency that interfaces closely with Māori and other communities, calls were made to explore how to include external stakeholders in notions and measures of more ambitious/emergent equity goals. On cultural diversity and inclusion, for instance, one manager explained: 'There's a whole untapped resource ... – traditional practices mātauranga [knowledge, wisdom] Māori. We're trying to ensure that we can bridge into that world and use people of expertise and knowledge outside to complement the work we're doing' (Pākehā male manager, A2). These findings stress that traditional individualistic, de-contextualized, 'monocultural', quantitative indices convey only part of the perceived inequalities at work.

9.5.5 Measures and Managers

While many managers were lauded for their commitment to equity pursuits, overall, their competencies around identifying and addressing inequities were seen to vary. There were calls for them to undertake less technically orientated and more equity-focused training to engage their own and their staff's 'hearts, minds and heads' (PSC senior representative) to ensure that various forms of equity are better understood, valued and pursued. A minority also advocated that managers should see equity challenges as integral rather than additional to their role. However, rather than seeking to 'homogenize' management training, styles and staff relations, some stressed that equity training could emphasize staff diversity and outputs:

A big barrier that managers face is having the skills to manage performance when they can't see someone and managing outcomes. That is heightened in the public sector because of the nature of the work. It has always been very difficult to measure outputs and performance ... We're having to move them to know your outputs, trust your people that they're going to get there – don't try and measure the in-betweens on how they get there. (Pākehā female senior advisor, A3)

The pandemic context was also flagged for increasing managers' development of flexible work arrangements (FWAs), with equity implications for women and others, re-emphasizing the need for related training. Even among managers, few wanted a wholesale return to 'pre-COVID' work practices though some discussed FWA challenges such as keeping line-of-sight of remote teams. Furthermore, a number perceived that leaders and HR's direct experience of the pandemic and, in one agency, new leadership 'blood', encouraged support for work changes and targeted staff and management training, indicating the utility of including gauges of equity development activity in a tailored agency-level model. 'With Māori and Pasifika women ..., [we need managers] actively supporting them to progress ... Treating people uniquely, positively targeting those people for development around programmes, coaching and leadership opportunities' (Pākehā female manager, A3).

The measurement and development of informal efforts by managers to support staff were also stressed: '[For] Māori or Pasifika men or women, ... even the littlest things like encouraging them to negotiate at a certain stage of the process and empowering them ... It comes down to realizing for them what value they can add to the team' (Pacific male Pacific advisor, A3). And targeting women's particular skills and inputs was linked to developing recognition of different groups' competencies and value at work, and associated measures highlighting managers' support of a 'speak-up' and consultative workplace culture. While some felt that managers' pursuit of equality is largely determined by their personal agency and views, most reported that they influence

and are influenced by micro- and wider processes, systems and environmental dynamics.

Furthermore, they pointed to middle managers' intensifying and dual workloads in pursuing substantive outcomes and leading people. As part of a tailored agency-level model, it was suggested that their role's 'fitness for purpose' could be assessed to see if they need 'more space created for them so that they've got more time ... [to help staff] flourish' (Māori female fieldworker, A2). This re-emphasizes the integration of equity considerations into workloads as a priority. However, not all workplace tasks are formalized. Several female staff spoke about the gendered nature of 'tangential' work activities (e.g. it is usually women who clear up a room after a meeting), calling for these activities to be formally assessed and for staff and managers to be educated to question biases at work.

9.5.6 Sub-agency Forms of Equity

As well as managers and the institutional processes with which they interact, informants discerned other sub-organizational features that affect (gender) equity progress, re-emphasizing the need for an agency-level GI to capture organizational nuances at multiple levels. For instance, some described or advocated for identity-based equity initiatives to effect positive change for women, Māori, Pacific, intersectional employee groups, and external stakeholders. Indeed, one agency formally endorses a 'matching' approach so that staff can 'share the cultural points-of-view each person brings with them on their journey'. Moreover, one observed: 'If you want to develop Māori and Pasifika, you've got to have programmes designed for them specifically, even though we work in quite a generic Western model' (General manager, A1). Others felt that the prevalence of role models provided another perceived 'indicator' of equity capacity. However, role modelling has been curbed by low numbers of Māori and Pacific in high-profile roles and few women in certain leadership positions, re-emphasizing the need to coordinate equity initiatives.

Innovatively, collective exemplars were also highlighted for progressing diversity, empowerment and inclusion goals: 'It's important that our senior leaders are walked through a Pasifika programme ... to understand where our cultural and traditional values play a role and how we can actually promote them to get better outcomes for our peoples' (Pacific female senior manager, A1). Other suggested collective approaches include (greater) use of identity-based staff networks as sources of information about staff needs and perspectives for managers. Furthermore, some networks and identity-based role-holders were noted for their ingenuity with equity initiatives as the pandemic stretched staff capacity and some resources away from equity efforts. Network energy was deemed critical – for instance, for giving voice to under-represented staff:

‘From a Pasifika perspective, they feel it’s disrespectful to voice their unhappiness or their dissatisfaction. So, there has to be some medium where we can open up those gates for them’ (Pacific female senior manager, A1).

Some also stressed the need for networks to strategize more; be mindful of the equity of their own operations; and engage more with the organizational mainstream to reconstruct power relations in agencies: ‘To a certain extent, the Māori and Pasifika networks retain that traditional male, hierarchical system that you see in Pacific and Māori communities. Within that, women are quite active, which is also what you see socially in Māori and Pacific communities’ (Pākehā female principal advisor, A3). Others suggested that agency networks are forging stronger connections with and learning from one another and external networks. Also detected was their development of intersectional challenges: ‘[In the women’s network], ... we also invite men to be part of our network because they work alongside us and they have ideas’ (Pākehā female manager, A3).

9.5.7 ‘External’ Initiatives and Indices

Individual and collective role models that progress equity were seen to extend to initiatives involving external parties. For instance, sector-wide initiatives like the Women in Government Network were commended for sharing equity resources and lessons with agencies. Others noted examples involving public sector unions and communities: ‘Our Pasifika leaders, including ministers, parliamentary ministers ... come here ... They talk about how we can explore better options for our people to come in and work’ (Māori female lead service manager, A1); ‘We’ve a lot of Māori staff particularly who are expected to do things outside of their day job because their manager is going onto a marae [Māori meeting house] and they need to assist ... PSA have talked to A2 about some formal recognition [in collective agreements]’ (Pākehā senior HR advisor, A2).

Perceived impacts of identity-based roles and collectives also re-emphasize equity as significantly but not exclusively progressed by managers, and were seen to need trust-based relations: ‘A lot comes down to the manager’s willingness and ... ability to trust the team’ (Pākehā female principal advisor, A3). Furthermore, on cross-agency efforts to help managers effect change, one noted: ‘Workplaces and the state can contribute to that change but ... this is about societal norms ... The work that the public sector are doing ... the private sector as well, is opening up that conversation’ (Pākehā female senior advisor, A3).

Reflecting cultural mores, some stressed that using collective gauges of equity was apt because Pacific and Māori (women) tend to be more confident and agentic in their own group-based activities. Moreover, varying levels of

knowledge among informants about existing identity-based initiatives suggested equity profiling as a useful processual gauge of equity in the agencies.

9.5.8 Equity and Technology

Reflecting the pandemic context and often tied to FWAs was a widespread view that managers and staff could use workplace technology better to advance equity for different employee groups to reflect their circumstances and cultural diversity (e.g. ‘women have all the capability that men do now that it’s more automated’ – Pākehā female manager, A3). Some also indicated that online working helps staff–manager relations by facilitating inclusive conversations around equity. Technology use in progressing equity was seen by some as a useful equity indicator for an agency model of equity, while noting that some work roles involve limited access to work devices, and IT use in jobs has ongoing challenges for (gender) equity.

9.6 INAUGURAL INSTITUTIONAL-LEVEL MODEL

The researchers and agencies co-constructed an agency-level model of key equity considerations and indicators based on thematic analysis of the interviews. The agencies could be described as combining accommodating, responsive, and transformative thinking and actions in response to identified gender and intersectional inequities. For example, intersectionally ‘blind’ features (e.g. a gender binary approach to some equity assessments) informed some equity visions, goals, and suggested practices. Many strategies, tactics, and actions acknowledged gender and some intersectional inequities and have sought to reduce or eliminate them (e.g. with the successful closure across agencies of gender leadership gaps if not gender pay gaps; growing awareness if not adequate action of gender ethnicity pay gaps). Less common but emerging are elements of more gender and intersectionally transformative approaches within existing agency systems (e.g. with the development of gender- and ethnicity-based employee networks that are starting to challenge norms, roles, relations, and related power relations; with increasing efforts to flank an emphasis on technical capacity building with more relational, identity and commitment-based aims).

Table 9.2 outlines a (gender) equity agency-level model that encourages critical thinking of agencies’ equity aims, approaches, strategies, and operational initiatives to progress equity. The second column comprises both conventional (quantified) and emergent (context-specific and qualitative) equity ‘indicators’, with the latter forming an inaugural institutional-level list that will probably evolve over time and have shared and unique elements for each agency. Unlike national GI, not all of the model’s indicators and suggested

Table 9.2 (Gender) equity index for New Zealand public service agencies

Strategic concerns	Broad 'indicators'
Equity approaches/concepts	• Equal/equivalent opportunities and outcomes • Transformative equality • Diversity/intersectionality • Inclusion • Other equity notions • Processual • Culturally informed • Collective
Equity domain	• Workplace • Sub-organizational/units • Non-workplace • Domestic • Community • Other
Equity accountability and resourcing	• Role(s) of leaders, managers, staff and external stakeholders • Collective (e.g. networks) • Individual • Resource types • Budgetary • Cultural knowledge • Institutional knowledge • Time • Stakeholder capacity, skills • External expertise and materials • Equity language and rationales
Targeting inequities	• Inequities for specific groups • Women • Māori • Pacific • Others (e.g. youth) • Intersectionalities • Prioritization of equity challenges • Visibility and messaging of equity efforts

Strategic concerns	Broad 'indicators'
Existing equity initiatives	• Aims of extant initiatives • Conventional/'shorter' equity • Qualitative/culturally informed • (Linked) processual aims and outcome • Individual and/or collective
Protecting equity achievements	Challenges to equity initiatives: • Environment (e.g. COVID-19) • Economic • Political • Socio-cultural • Stakeholders • Organizational (micro-) processes and policies • Interaction of challenges • Other
<i>Key workplace features</i>	
Pay	• Equal Pay • Pay equity • Benefits/non-monetary remuneration
Position	• Seniority • Leadership • Management • Supervisory • Front-line • Other forms of role status (e.g. engaging work)
Flexible work arrangements (FWAs)	• Provision • Regulatory • Informal • Types of FWA • Up-take • By women • By others
Recruitment	• Recruitment parties • Managers • Peers • Whānau [family]/other

Strategic concerns	Broad 'indicators'
Recruitment (continued)	• Processes used • Individualistic • Collective • Like-for-like • Other
Training, development and engagement	• Training and development • Technical • Interpersonal • Leadership • Equity • Cultural competency • Other
Succession planning	• Agency turnover levels • Characteristics of leavers • Characteristics of those in senior roles
Performance management	• Valuation of capabilities, skills and experience • Technical • Cultural • Interpersonal/soft • Processual • Other
Organizational culture, employee relations and well-being	• Level of trust relations • Managers/leaders and staff • With other stakeholders • Balancing stakeholders' workloads, task prioritization, well-being, and equity involvement
Workplace technology	• Relationship between technology and equity progress

considerations are thus quantifiable, meaning that assessments of equity progress cannot be aggregated to calculate a numeric index figure or ratio for an agency or for comparative purposes. Rather, the model's strength lies in its inclusion of both conventional and newly developed qualitative gauges; an invitation to challenge existing notions and measures of equity in agencies; an expanded list of indicators to capture perceived and experienced inequities more comprehensively in relation to an agency's ideological, structural, processual and cultural features. Uniquely, it also combines individual, collective and connected processual and outcome indicators and matters for discussion by agency stakeholders.

9.7 DISCUSSION AND CONCLUSIONS

Our review of GIs revealed their primary utility at the national level in providing summary quantitative indices. Their development points to methodological deficits in earlier assessment of gender (in)equities. To some extent, though, such indices have been applied at sub-national and institutional levels; in New Zealand, public sector policy developments have often been informed by such binary, gender-specific measures. However, full gender parity according to any 'hard' indicator remains elusive, and certain intersectional groups, particularly Māori and Pacific women, still experience comparatively high levels of disadvantage according to occasional GI gauges of their intersectional representation.

Growing labour market diversity; new regulation encouraging deeper public service partnership with Māori; and increasing scholarly attention to micro-practices that influence equity progress within institutions (Acker 2006; Parker et al. 2021) underpinned this examination of equity in several of Aotearoa's public service agencies. Thematic content analysis of interviews with sector experts, agency staff, and managers highlighted their considerable aggregate institutional, historical, and cultural knowledge and experience of agency equity considerations. Their varying perspectives suggest that equity-related activity needs to increasingly reflect plural interests to deepen understanding of and commitment to equity visions and values, underwritten by leaders' commitment, accountability, and adequate resourcing. Moreover, both well-established and emergent notions of (gender) equity were variously interpreted, suggesting a need for inclusive discussions in agencies to share understanding(s) of equity meanings, equity language, and the positioning of equity as central to people's work experience.

Our institutional-level analysis revealed agencies' converging and differing structural, processual, and collective and individual stakeholder influences on equity progress. It also evidenced gender accommodating and responsive initiatives, and emerging elements of gender transformative approaches, albeit largely as initiatives carved out in spaces within existing agency arrangements and strategies often informed by more established equity gauges. Indeed, interviewees stressed growing concern about the perceived need to extend the range of indicators used to assess equity progress in their agency and the wider service via the inclusion of emergent and more ambitious measures of equity progress, as well as reflection on equity notions, approaches and strategies to better reflect organizational and stakeholders' diversity, interests and aspirations. The latter were seen to include qualitative, processual, collective, socio-cultural, intersectional, and context-sensitive gauges. The model's emphasis on contextual specificities relating to individual agencies' work

roles, staff demographics and attributes, culture(s), and other features recognizes that these organizations have both shared and unique characteristics, and that their respective operations reflect levels of internal heterogeneity (e.g. in terms of their gender and intersectional equity ‘starting points’, notions, goals, initiatives (both formal and informal) and perceived impacts). Moreover, our participants stressed that workers need to feel able to bring their diverse ‘full selves’ and skillsets to work to be valued and more engaged. The agency-level model’s additional indicators and elements for consideration could be used effectively in conjunction with national-level summary indicators of gender equity ‘health’ in the public service whose wider sectoral imperatives and regulation frame individual agencies’ operation.

Many influences on and measures of equity factors emphasized in the agency model were conveyed by participants as connected, re-emphasizing the study’s institutional-level analysis of structures, daily processes, attitudes, and behaviours. They also extend recent public sector policies in New Zealand such as the Gender Equity Action Plan that recognize links between conventionally measured inequities. Furthermore, all three agencies exhibit strong connections with the communities that inform their ways of working, re-emphasizing workplace inequities as not solely delimited by the organizational setting (Walby 2020). At the same time, this ‘interactive’ perspective of equity progress underlines the complex and perpetual task of developing and effecting meaningful change initiatives in the sector.

As noted, our co-developed model underscores a focus on a number of institutional and micro-features that contribute to or impede equity progress but have thus far not been subject to ‘indexation’. Indeed, one focus of this study – managers’ role in progressing workplace equity – revealed their varying individual levels of agency and training to engage in such via their organization’s dynamic processes, structures, and cultures. Furthermore, participants emphasized some managers’ informal support to (Māori and Pacific) women and other workers, reflecting understanding of how one micro-practice (e.g. recruitment) informs others (e.g. career development) in perpetuating (in)equities. Managers are thus potentially very well placed to inform equity initiatives designed to circuit-break discrimination.

However, the pandemic has intensified managers’ already high workloads, curtailed their time and capacity to progress equity, and exacerbated a ‘competing interests’ mindset. Clearly, their task prioritization itself needs scrutiny to help align their vocational orientation, technical competence and performance with adequate engagement on equity matters. The agency model also emphasizes that organizations seek support from and listen to managers and other collective and individual workforce and external voices. This aligns with an ‘opportunity structure’ approach – a multi-level and -stakeholder framework to support the development and effectiveness of (gender) equity,

and encompasses environmental factors, national and other level policy, union collective bargaining relationships, and organizational characteristics (Gregory and Milner 2009).

Most respondents also recognized that equity-related changes take time owing to the embedded nature of cultures, processes, and norms at institutional and sub-institutional levels. Furthermore, as COVID-triggered FWAs demonstrate, equity 'gains' can be pared back as agency, workforce, and wider circumstances evolve. Thus, 'ring-fencing' managers' time for, and wider resourcing, of equity initiatives might be facilitated by implementing an institutional/agency-level model which stresses the need for equity accountability, premised on public service stakeholders' perspectives and experiences. Integrating equity concerns into wider agency policies, regulations and strategy could also protect equity progress as a 'business case' argument though respondents indicated that agencies' austerity responses to COVID were not consciously imbued with equity notions.

By reporting on emergent and culturally sensitive forms of inequity, and highlighting varying understandings of even conventional equity notions, this study also suggests the need for subsequent inquiry that deepens institutional knowledge of the dynamics of equity challenges over time to refine our model. Furthermore, organizations may not have the resources or capacity to review or apply all of our model's considerations, or at least not simultaneously, making an incrementalist approach even more likely. However, as wider momentum for change builds, greater will and agency may be exhibited with which to pursue more cohesive gender and intersectional transformative approaches to equity, informed by a multi-faceted, multi-voice, institutional-level tool.

The model will remain a work-in-progress as conceptions of gender equity and contextual conditions evolve. Its co-design will extend to its implementation in the case agencies, underscoring the ongoing nature of transdisciplinary inquiry. Future research could thus centre on researchers' and participants' co-assessment of equity discussions and initiative outcomes, with findings fed into subsequent equity strategy operationalization. The model could also resonate as a mechanism for measuring institutional-level equities in other countries, particularly where workforce and cultural diversities are growing, and meaningful, trust-based employee inclusion is sought.

Finally, New Zealand's public sector's recent progress with gender equity, particularly in terms of gender responsive initiatives, connects to a comparatively supportive political environment for change. National and sector-level initiatives have discernibly 'ramped up' since 2018 under a Labour administration. Furthermore, in line with Frances and Nolan's (2008) thesis that more collectivized arrangements benefit women in equity terms, and by further operationalizing its 'good employer' role, greater equity progress may transpire in New Zealand's public service and reinforce trail-blazing work on

equity by some leading organizations in the private sector. In addition, it was widely anticipated that New Zealand's *Fair Pay Agreements Act 2022* would elevate bargaining in certain private sectors such as retail from individual and enterprise levels to sectoral/industry and occupational levels, particularly affecting women and minorities who form a disproportionately high number of those in lower-paying tranches of targeted private sector industries. However, one of the first acts of New Zealand's new National Party-led government (elected in November 2023) was to repeal this Act. This, alongside ongoing institutional-level responses to equity, will likely complicate trends in New Zealand's workplace equity development.

NOTE

1. Without reiterating their more detailed coverage elsewhere in the book, we interpret gender accommodation approaches (gender-inclusive) as those which work around gender differences and inequalities to achieve project objectives; gender response (gender-sensitive) approaches as those which include specific initiatives or actions to reduce gender inequalities; and gender transformation (gender-transformative) approaches as those designed to address the root causes of gender inequities in the workplace context (e.g. by challenging gender norms, roles and relations while seeking redistribution of power and resources).

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APPENDIX

Table 9A.1 *Anonymized interviewee profiles*

Organization	Position	Gender	Ethnicity
Agency 1 (A1)	1 Director	15 Women	6 Pacific
	1 Regional director	4 Men	4 Māori
	1 Senior manager		5 Pākehā
	1 General manager		4 Unknown
	6 Managers		
	1 Senior advisor		
	2 Officers		
	3 Principal advisors		
	1 Regional support advisor		
	2 Senior research advisors		
Agency 2 (A2)	2 Directors	12 Women	2 Pacific
	1 Technical advisor	4 Men	6 Māori
	1 Employment Relations manager	1 Other	9 Pākehā
	1 Senior HR advisor		2 Unknown
	6 Managers		
	1 Principal advisor		
	1 Senior project advisor		
	1 Senior officer		
	2 Officers		
	1 Personal Assistant		
Agency 3 (A3)	1 Senior manager	12 Women	5 Pacific
	2 Managers	4 Men	3 Māori
	3 Principal Advisors		6 Pākehā
	1 Senior Advisor		2 Unknown
	5 Advisors		
	1 Senior Officer		
	3 Support Officers		
PSA	2 National officials	2 Women	3 Pākehā
	1 Senior representative	1 Man	
CTU	1 National official	1 Woman	1 Pākehā
HRC	2 Senior representatives	3 Women	1 Pacific
	1 Researcher		2 Pākehā
PSC	4 Senior representatives	3 Women	3 Pākehā
		1 Man	1 Unknown
MPP	2 Senior representatives	5 Women	5 Pacific
	2 Managers		
	1 Researcher		

Organization	Position	Gender	Ethnicity
MfW	1 Senior manager	4 Women	2 Pākehā
	1 Principal analyst		1 Pacific
	1 Senior representative		1 Unknown
	1 Representative		
MBIE	1 Senior manager	1 Woman	1 Pākehā
TOTAL (n = 72)			

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