



# Gender Equality

## Reinforce Gender Equality in TCF Industries

# RECOMMENDATIONS

Partnership



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Reinforce Gender Equality in TCF industries and in trade union  
organization, minimizing the gaps still existing between men and women  
in work and family life

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## 1. FRAMEWORK

This document with recommendations was prepared under the project *Strengthening Gender Equality in TCF Industries and trade union minimizing existing disparities between men and women in work and family life* funded by the European Commission. The project coordinated by FESETE - Federation of Trade Unions of Textile, Wool, Clothing, Footwear and Leather Portugal - national and sectoral level is to partners GWU - General Workers Union - Maltese trade union organization nationwide and the DISK Tekstil - Textile Workers Union - Turkish union of national and sectoral level.

This project, which aims to *integrate in the trade union structure the perspective of gender by disseminating information and measures entailing a balanced representation of men and women in decision-making processes, by supporting the reconciliation of work, family and personal life, fighting wage disparities and providing access to vocational training, as well as furthering the perception that workers have on the equality in the division of family tasks and understanding if women are and feel affected in their professional life by the absence of organization and division of tasks within their family, addressing the issue of gender to the actions of the social partners, such as, but not limited to, social dialogue, collective bargaining, and recommendations*, has set as a specific goal "To help in the implementation of measures that break the traditional gender roles and stereotypes identified as obstacles for achieve gender equality in the labour market and that may affect the conciliation of professional and family life among men and women."

This instrument is the response to the achievement of this specific target and aims to support the trade union activity, particularly in the context of collective bargaining at national or company level, to promote gender

equality through the implementation of policies that protect women and their right to dignified work, as well as the reconciliation of work and family life which, whenever possible, allows the workers (mother and father) to share responsibilities towards their children.

Through the survey, using a questionnaire, the partnership sought to understand the legislative and regulatory framework in force in each country, in regards to the promotion of gender equality and the promotion of reconciliation of family and professional life. On the first stage, this survey sought to realize which conventions of the International Labour Organisation (ILO), regarding gender equality, have been ratified by the countries composing the partnership.

Following that, we tried to realize what was the level of transposition of EU directives to the national legislation of each country, taking into account that the partnership includes two members of the European Union, Portugal and Malta, and an applicant country, Turkey.

After validating if the countries composing this partnership did or did not transpose the recommendations of the ILO and European Union Directives, we evaluated the scope of the legislative framework at national level regarding the promotion of gender equality and eliminating factors that promote gender discrimination in employment. We also sought to realize how the sectoral collective bargaining is applied in the three countries and its scope of application.

Finally, we present a set of recommendations, to which the partnership is committed, to promote gender equality in their trade union activities as well as on the scope of collective bargaining.

## 2. RATIFICATION OF ILO CONVENTIONS

In 1951, the International Labour Organization (ILO) approved the Convention no. 100, which sets for the first time in Article 1 the expression *"equal pay for men and women for work of equal value"* referring to rates of remuneration established without discrimination based on sex.

Article 2 mentions that *"Each Member shall, by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value"*. It also adds that the integration of this principle should be applied, among other regulatory instruments, through agreements or collective agreements between employers and workers.

In 1952, Convention No. 103 was approved, concerning the protection of maternity rights (later revised by Convention No. 183 in 2000). The Convention lays down a set of rights to working women with regard to their right to maternity leave and the right to cash benefits while on maternity leave. Later, in 1958, ILO adopted its Convention no. 111 concerning Discrimination related to Employment and Occupation. This Convention extends the concept of employment discrimination through its Article 1 *"a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation; b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies. "*

The application of this Convention provides that *"Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof"*.

In 1981, given that the previous recommendations didn't include the distinctions based on family responsibilities and considering the importance of regulations in this regard, Convention No. 156 was approved. This Convention sets in paragraph 1 of Article 3 that *"With a view to creating effective equality of opportunity and treatment for men and women workers, each Member shall make it an aim of national policy to enable persons with family responsibilities and who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities"*.

According to information published by the ILO (Table 1), **Convention no. 100** was ratified by Portugal on 20th February 1967, Malta on 9th June 1988 and Turkey on 19th July 1967.

**Convention no. 111** was also ratified by the three countries: Portugal on 19th November 1959, Malta on 1st July 1968 and Turkey on 19th July 1967.

Regarding **Convention no. 156**, we can see this was only ratified by Portugal on 2nd May 1985.

With regards to **Convention no. 183**, which revises Convention no. 103, we can see that only Portugal transposed Convention no. 103 and its ratified revision on 8th November 2012.

**Table 1 | Ratification of ILO Conventions on Gender Equality**

ILO Conventions	Malta	Portugal	Turkey
Convention n. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value	YES	YES	YES
Convention no. 111 concerning Discrimination in Respect of Employment and Occupation	YES	YES	YES
Convention no. 156 concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities	NO	YES	NO
Convention No. 103 on Maternity Protection and no. 183, which amends Convention 103	NO	YES	NO

### 3. TRANSPOSITION OF EUROPEAN UNION DIRECTIVES

In the European Union, since 1975, a number of directives that seek to promote the approximation of the legislation of the Member States as regards the implementation of policies to eliminate gender discrimination were also published, of which we highlight:

- **Council Directive 75/117/EEC** of 10th February 1975 on the approximation of the legislation of the Member States as regards the application of the principle of equal pay for men and women
- **Council Directive 76/207/EEC** of 9th February 1976 on the implementation of the principle of equal treatment between men and women as regards access to employment, vocational training and promotion, and working conditions
- **Council Directive 79/7/EEC** of 19th December 1978 on the progressive implementation of the principle of equal treatment between men and women in matters of social security

- **COUNCIL DIRECTIVE 92/85/EEC** of 19th October 1992 on the implementation of measures to encourage the improvement of safety and health of pregnant workers, mothers or breastfeeding women (tenth special Directive within the meaning of no. 1 of Article 16. Of Directive 89/391/EEC)
- **Council Directive 2000/78/EC** of 27-11-2000 that establishes a general framework for equal treatment in employment and occupation
- **Directive 2002/73/EC** of the European Parliament and of the Council dated 23-09-2002 amending the Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (EEA text with relevance) - From 15-08-2009, repealed by Directive 2006/54/EC of the European Parliament and of the Council, of 05-07-2006
- **Council Directive 2004/113/EC** of 13-12-2004, implementing the principle of equal treatment between men and women in the access to and supply of goods and services
- **Directive 2006/54 / EC** of the European Parliament and of the Council, of 05-07-2006 on the application of the principle of equal opportunities and treatment of men and women in employment and occupation (recast)

Following the assessment we completed, we found that Portugal and Malta (member countries of the European Union), through the review of labor law, had already transposed into national legislation the relevant rules concerning the promotion of gender equality and the elimination of discrimination between men and women in employment.

With regard to Turkey, we found that, as a candidate country, it may opt not

to transpose those directives. However, on a national level, laws that meet the directives and guidelines of the European Union may be approved.

#### 4. LEGISLATION ON GENDER EQUALITY AND RIGHTS IN THE PARTNERSHIP COUNTRIES

For the analysis of the legislative and regulatory framework on gender equality in force, 5 dimensions were defined. Below is a comparative summary table of the legislative framework at national level with regards to the elimination of gender discrimination in work and employment (Table 2).

**Table 2 | Protection of gender equality in the legislative framework**

Dimension	Measures	Malta	Portugal	Turkey
Equal access to employment and occupation	Vacancies offered are not based on gender.	YES	YES	YES
	Selection interviews do not allow discrimination based on sex.	YES	YES	YES
Equal access to professional career	Women and men can access the career under the same conditions.	YES	YES	YES
	Women have the same opportunity as men to access top jobs or changing professional careers.	YES	YES	YES
Equality in the professional category	Provides that the categories are not created exclusively for men or women.	YES	YES	YES
	Within the same category wages cannot be different for women and for men.	YES	YES	YES
Equal access to vocational training	Women have preferential access to vocational training courses.	NO	YES	NO
	Women have access to special reintegration measures on employment after taking a career break.	YES	YES	YES
Equality in remuneration	Two workers should be equally remunerated for carrying out the same or equivalent job.	YES	YES	YES
	Wage differentiation can only be based on objective criteria common to men and women.	YES	YES	YES

The survey carried out was based on the Portuguese legislative framework concerning the elimination of gender discrimination and the promotion of equality. By analyzing the information collected within the partnership, we found that, despite the fact that the Turkish legislative framework does not anticipate every situation, unlike the Portuguese and the Maltese, Turkey is concerned with the elimination of gender discrimination at work and employment.

Table 3 presents a comparative summary of the three countries regarding the Rights of Parenting, if they are provided for the pregnant, for the mother, for both (father and mother) or are simply not provided in the legislative framework.

**Table3 | Application of parenting**

<b>Measures</b>	<b>Malta</b>	<b>Portugal</b>	<b>Turkey</b>
Parental leave.	FOR BOTH	FOR BOTH	FOR MOTHER
Provides exclusive parental leave for the father?	YES	YES	NO
Provides exemption procedure for breastfeeding?	FOR MOTHER	FOR MOTHER	FOR MOTHER
Provides exemption procedure for bottle feeding?	FOR BOTH	FOR BOTH	FOR MOTHER
Provides work absence for assisting child?	FOR BOTH	FOR BOTH	FOR BOTH
Provides child care leave;	FOR BOTH	FOR BOTH	FOR BOTH
Provides leave to care for a child with disability or chronic illness;	FOR BOTH	FOR BOTH	NO
Provides expected reduction of working time to care for minor children with disabilities or chronic illness?	FOR BOTH	FOR BOTH	NO
Provides part-time employment to workers with family responsibilities?	FOR BOTH	FOR BOTH	NO
Provides flexible hours of work to workers with family responsibilities?	FOR BOTH	FOR BOTH	NO



Measures	Malta	Portugal	Turkey
Provides exemption from overtime work?	FOR BOTH	FOR BOTH	FOR PREGNANT
Provides exemption from night work?	FOR MOTHER	FOR BOTH	FOR PREGNANT

As regards parental leave, in Portugal the leave can be of 120 days (paid at 100% if shared or not), 150 days (paid at 100% if shared and at 80 if not shared) or 180 days (paid at 83% only in situations of shared leave). In Malta we found that the father is entitled to 1 day of paid leave, and there's the possibility of the mother or the father to take up to four months of unpaid leave (until the child reaches 8 years old). We also found that in Turkey parental leave is exclusive for mother. The father has no right to any license except in companies where there is collective bargaining. Some examples of this bargaining point to companies were 2 or 4 days of leave to the father were achieved, both in Turkey and Malta. As regards the exemption for breastfeeding or bottle feeding, we found that in Portugal and Malta the legislation provide that the father can take advantage of this license.

While analyzing situations of absence/licence for child care we see that this situation is covered in the three countries but only the Portuguese and Maltese legislations extend the absence/license to a minor child with disability or chronic illness for both (father and mother).

While analyzing the situations of employees with family responsibilities being able to take advantage of part-time work or flexible hours, we found that in Portugal and Malta are these situations covered for men and women, while in Turkey it is not provided.

In the situation of exemption to work extra hours, in Portugal and Malta these are covered for both men and women while in Turkey it is only for the pregnant women. Regarding the situation of exemption of working night

hours, in Portugal is covered for both men and women, in Malta only for the women and in Turkey, again, only for the pregnant women.

With regard the safety and health of pregnant workers, women who have recently given birth or are breastfeeding, we found that the legislative framework in the three countries provide for the worker's protection in such a situation the same way that the regulatory framework in the three countries provides for the protection of women in case of dismissal.

We also sought to assess whether the legislative framework provides for the protection of women in clinical risk during pregnancy, on health and safety at work and the protection of women in dismissal situation (Table 4).

**Table 4 | Protection of the working women in a situation of risk or dismissal**

Measures	Malta	Portugal	Turkey
Leave in clinical risk during pregnancy and / or termination of pregnancy?	YES	YES	YES
Provides the safety and health of pregnant workers, recently given birth or who are breastfeeding?	YES	YES	YES
Provides protection in case of dismissal?	YES	YES	YES

According to the information collected, we found that the legislative framework in the three countries is consensual, forcing the employer to ensure the health and safety of the female worker and protecting her from dismissal due to pregnancy. The legislative framework on the three countries also ensures that women are entitled to a license if in clinical risk, and only in Portugal is the license extended to abortion.

## 5. FRAMEWORK OF GENDER EQUALITY IN TCF INDUSTRIES

It is important to emphasize at this point that collective bargaining has different scopes in the three countries. In Portugal, FESETE negotiates with employers' associations 8 collective labour contracts, which, through extension ordinances, cover all workers of the textile, clothing and footwear industries. In Malta and Turkey, collective bargaining is made by each company and covers the workers of the corresponding companies. This means that within the industry rights may vary from company to company. It is also important to note that, additionally, in Turkey, collective bargaining in the company is only possible when at least 50% of the workers of that company are trade union members.

From what we can establish through the development of the partnership's work, in spite of the legislative framework defining the minimum related to maternity and paternity rights, we can see these rights are extended in companies where collective bargaining is developed. In Turkey and Malta these are only applied in companies where union organizations managed to establish agreements.

The contact between the members of the partnership also revealed that despite the fact that one of the principles of the legislative framework in force in the three countries is trying to eliminate gender inequality, practices of non-compliance with the regulations in force are still occurring.

Through a simple comparison between earned wages of men and women in the textile, clothing, footwear and leather industries, as shown in the table below, it is evident that women continue to be discriminated.

**Table 5 | Wage difference between men and women**

Country \ Year	2009	2010	2011	2012	2013
Malta *	-	14.02%	12.65%	16.15%	20.95%
Portugal **	25.65%	24.05%	23.08%	23.19%	-
Turkey **	2.32%	2.46%	2.44%	4.24%	-

\* We were not capable to obtain data on the wages practiced in Malta for the year 2009

\*\* We were not capable to obtain data on the wages practiced in Portugal and Turkey for the year 2013

## 6. RECOMMENDATIONS

- Defend, on a collective bargaining level, ways to organize working time that allow workers to reconcile work and family life, create family life support services (child care, elderly care), encourage the improvement of working conditions and of the companies, promoting the reduction of absenteeism and the enhancement of the industry's image.
  - In Turkey, defend new forms of organizing the working hours, enabling the reconciliation of family and professional life.*
- Inform, raise awareness and promote the implementation of the rights of both working mother and father, including the maternity/paternity leave, parental leave, breastfeeding/bottle feeding leave, special leave to care for children and even promote additional licenses for supporting the family as well as supporting the participation of the father in family life in order to create a greater balance between men and women in family life and working life.
  - Promote the implementation and effective enforcement of regulations including parental leave in Portugal.*
  - Promote the creation of new regulations such as parental leave in Turkey.*

3. Ensure that the progress in professional careers preserves equal opportunities for men and women
4. Defend, through collective bargaining, the adoption of professional categories that exclude gender discrimination; promote equal access to various groups of professional categories aiming to obtain a more balanced representation of men and women in different categories
5. Adopt measures to reduce the pay gap between women and men, in order to reach the goal of equal wages for equal work; reduce wage inequality between mostly male or female professional categories and between men and women in the same professional category
6. Establish a job assessment system that regulates the hierarchical framework of the various professional categories in payrolls, ensuring non-discrimination and the application of the equal pay principle for work of equal value
7. Ensure that the application of different aspects of remuneration, such as meal allowances or different types of awards, safeguard the exercise of maternity and paternity rights
8. Develop union organizations to ensure a balanced representation of men and women in decision-making and in the trade union activity
9. Ensure sufficient conditions for men and women to have access to vocational training, if possible included in normal working hours
10. Actively participate in the defence of work health and safety conditions for all workers, men and women, creating a culture of prevention and non-discrimination.





**Partnership:**



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