

A SOCIOLOGICAL EXAMINATION OF COLLECTIVE BARGAINING AND GENDER EQUITY AT WORK: IMPLICATION FOR NIGERIAN WORKERS.

Hope I. Iguodala-Cole
Department of Sociology,
Bingham University, Karu.
Km 26, Abuja/Keffi Express Way,
Nasarawa State
hopecole420@gmail.com.

&
Jacob B. Anto
Department of Sociology,
Nigerian Army University, Biu.
PMB 1500, Bomo State.
jacobantobidda@gmail.com

Abstract

There has been an alteration in the workplace by the massive entry of women into paid employment as a result of their struggle to achieve economic equality, develop new social role, and renegotiate the relationship between paid and unpaid work. The large entry of women into the workplace in Nigeria has made obsolete the 'male breadwinner' model, giving rise to a model of dual career and single parent households, and loosening of the linear life-course in favour of a wider range of life paths. Despite the labour force participation rate, there seems to be some improvement in the educational and professional attainment of Nigerian women. The gradual closing up of the labour force participation rate and considerable improvement in women's educational and professional attainment is yet to translate into significant improvement with respect to increased decision-making role for women and the government creating enabling work friendly environment for women. Thus, there is still a persistent need to clamour for an expansion of women's economic and social opportunities and the advancement of women's rights. The methodology adopted is qualitative method using gender gap analysis as an issue based approach. This study recommends the need for government to make sure negotiated policies, rights and benefits are communicated to all workers on a regular basis (including those with non-permanent status).

Keywords: Collective, bargaining, Gender, equity, employee.

Introduction

Within the employment relationship, collective bargaining, inspite of its shortcomings, offers a good opportunity for workers to address some of the imbalances that face them. This explains the seriousness attached to the process, while employers are interested in ensuring that they do not lose much of their prerogative to unions representing worker, unions on the other hand are mostly interested in securing more benefits for their members as well as sharing workplace governance with the management (Onuoha, 2007).

Collective bargaining which is a major focus of industrial relations practice is equally one of the most controversial issue, the controversy

revolves around the scope and extent to which the process of collective bargaining can go in addressing the inadequacies of employee/employer relationship, especially in a capitalist economy. However, collective bargaining is one of the major options open to employers and employees to meet and consider issues arising from employment relationship, the other two are: deputation and joint consultation.

For a number of reasons men entered into paid employment much earlier than their female counterparts, this partly explains why most of the prevailing terms and conditions of work appear to be insensitive to the plights of female workers, except concise efforts are made, this imbalance

will continue, unless new negotiation are put place to address women concerns such as maternity leave, proceed from the general work agreement. It is against this background that women concerns must be taken into cognizance women workers reality poses peculiar challenges for women workers as they often have to contend with role conflict (Adewunmi, 2004).

Methodology

This study adopted the survey design method, with particular reference to secondary data, which was qualitative in nature, the data for this study were extracted basically from secondary source, which includes, journals, newspapers and other related magazines. The mode of analysis was basically content analysis, which implies that the data were analyze verbatim.

Conceptualization of Collective Bargaining and Gender Equity in Work

Modern study of sociology tends to focus on the application of traditional sociological concepts in analyzing the dynamics in contemporary human society. This marks a departure from the traditional approach of centering on social relation concepts, themes and issues, (Schein, 1990). It is on this premise that this paper is designed to examine the varied views, models and concept of collective bargaining and gender equity at work. Collective bargaining expectedly means different things to different people. To employees, it affords them an opportunity, to participate in 'governance' of workplace through the process of negotiation that is involved in collective bargaining. Whereas to the employer, it gives the worker an "unnecessary opportunity" to encroach on what is considered the prerogatives of management. Despite the initial apprehension and misgivings as well as its shortcomings, it appears both parties have accepted the reality involved in collective bargaining (Onuoha, 2007).

The term "gender" refers to social, economic and cultural attributes and opportunities associated with being male or female, UN-Habitat, 2003) In almost all societies, women and men differ in their activities and undertakings, regarding access to and control over resources, and

participating in decision-making. Riley (1997) identified gender as a social institution, cultural construct and power tool. According to Ostergaad (1992), he sees 'gender' as the qualitative and interdependent character of women's and men's position in society. On the other hand, Sex refers to the biological state of being male or female. Sen (1999), posited that the concept of gender is not limited to the male or female species, but goes further to assess the relations between them as it is constantly being renegotiated in the context of the changing political, economic, socio-cultural environments at the local, national and supra national levels.

However, more women have increasingly ventured into the modern employment sector. Various developments have made it necessary for many women to combine paid employment with domestic work; the reasons for this additional role would appear to be the need to supplement the family income, especially for families in low and middle income brackets. The consideration in terms of job and career choice for women venturing into modern employment sector is not fundamentally different from traditional societies. In making their choices, many women pick jobs that give them enough time to attend to their family responsibilities, inspite of this deliberate choice, role conflicts are still experienced by women workers. Therefore, women workers face peculiar problems in the employment relationship and collective bargaining process remain a lucrative process through which some of the adverse conditions of work can be addressed. These are some of the issues this paper seeks to address.

Statement of the Problem

The issue of gender equity revolves around discriminatory practices and outright victimization at work place. Discrimination and victimization still occur at workplace despite the international and national standards that guarantee freedom from discrimination and victimization on such ground. The issue become problematic because often times, it is difficult to prove them since they are often carried out in subtle forms. It thus becomes a major challenge for trade unions to substantiate such cases of

discrimination and victimization (Adewumi, 2004). It is against this background that this research seeks to highlight and examine the discriminatory practices of noninvolvement of women at workplace, collective bargaining processes as well as the sociological effects of subtle victimization of women at workplace and in society at large.

It is logical to think that insisting on the right of women workers to organize and take part in trade union activities especially in the collective bargaining process in which they hold a stake is one sure way of combating decimation at work place and this should be one of the major thrusts of the collective bargaining process. This unfortunate, anti-social behaviour therefore, calls for some intellectual efforts to empirically elucidate factors influencing gender equity in collective bargaining process at work place.

Objectives of the Study

The main objective of this study is to examine the social association between collective bargaining and gender equity at work and the specific objectives are to:

- i. Establish the factors responsible for the promotion of gender equity in collective bargaining process at work place.
- ii. To ascertain whether gender inequality in work place can result to Gender-based violence in industrial organization.
- iii. Establish the need for gender sensitivity in its proper context at work place.

Workplace Collective Bargaining and Gender Equality

Collective bargaining in Nigeria as it is in other countries is a means of determining key terms and conditions of employment. However, the concerns and interests of women, with perhaps the exception of maternity leave, in the past have often been overlooked in the process of collective bargaining, and since collective agreements tend to be based on past agreements, the situation has been perpetuated. Traditional bargaining agenda items have been approached without the input of women and issues with particular concern to women have not been addressed. But now that women are making up a greater share of the paid workforce

and are important and often untapped source of potential union membership, women's groups and employers are acknowledging the need to deal in collective bargaining with issues of concern to women (Onuoha, 2007).

Trade unions exist to represent the needs and interests of all their members; they bargain for improved terms and conditions of employment, safe and healthy working environment for both men and women. As a result, there is a need for specific consideration of gender issues in collective bargaining; certain issues may be of more concern to women because of their biological role, due to their ascribed role in regard to family and household care, or to the results of past discrimination. At the same time these issues are not limited to women in that men also need certain types of protection with regard to their biological functions, and measures are needed to provide men with opportunities to share more in family responsibilities, such as paternity and parental leave, flexible working hours and greater access to part-time work (Kirkwood, 2009).

Review of Literature

Collective bargaining and gender equality: a testament of women trade unionists. Jane Pillinger and Nora Wintour whom have worked together for over 20 years since the PSI and EI were first launched the 'Pay Equity Now!' campaign. Here they discuss their recent book. "They wanted to showcase some of the amazing work carried out by women trade unionists throughout the world, to use collective bargaining as a tool to promote equality at work place. Their book on 'collective bargaining and gender equality' was published by Agenda Publishers in November 2018. They wanted their study to act as a testament on how women are winning through, challenging in regards to gender-based discrimination and achieving substantive workplace changes but also to inspire the next generation of women trade unionists to keep in! Their book looks at the role of collective bargaining in achieving gender equality in workplace with particular reference to equal pay for work of equal value, maternity and parental leave rights, work-life balance and non-discrimination in access to employment and how

collective bargaining is addressing gender-based violence, including sexual harassment and domestic violence. While the focus is mainly on European countries, initiatives related to union organizing and negotiating for women workers in developing country contexts and through global supply chains are integrated in the text, reflecting increased attention to work over the past two decades.

Gender pay gap: One of the sections of their book looks at union initiatives to close the gender pay gap through collective bargaining. Centralized and sectoral bargaining represents the most effective way to reduce pay inequalities. Unions are bargaining on reconciliation of work/life balance, training and career development pay increases for low-paid workers, transparency in pay systems and job classifications, pay audits, job evaluation free of gender bias, and gender neutral criteria for performance related pay.

In European public sector, closing the gender pay gap remains one of the most important equality issues in collective bargaining. For example in United Kingdom, the Joint Higher Education Trade Union Pay Equality Claim 2015/16 by UCU, UNISON, Unite, EIS and GMB, that included commitments to address the under-valuing of women's work and company-level audits. Outside OECD countries, initiatives to address the gender pay gap are not widespread. In Latin America, the majority of collective agreements include general non-discrimination clauses related to equal work for equal pay but not work of equal value, often reflecting existing deficiencies in labour codes or equality legislation. There have been a number of union driven innovative schemes to introduce gender neutral job evaluation systems in the public sector, for example in Peru and in Chile. In Africa, the public sector, initiatives to review the job classification systems have largely been led by the government with a view to creating uniform systems and to halt outward migration of skilled staff but have had more mixed results. Good practice examples on disaggregated data prior to bargaining, as exist in Sweden and Norway, would be extremely useful in other national contexts.

Maternity protection and parental leave: collective bargaining has also been an essential tool at national and enterprise level to affirm existing legislative provisions and strengthen compliance and to improve upon minimum legal requirements, such as the duration and benefits available, ensuring that maternity leave is treated as continuous employment, providing paid leave for medical check-ups, reducing working hours during pregnancy and on return to work, and provision of breast-feeding breaks. Collective bargaining has sought to ensure that while on leave, women do not lose out in terms of career development, retain service entitlements and participate in relevant training opportunities. In the education sector, almost 60 per cent of unions responding to the EI equality survey in (2015) considered that there had been an improvements in maternity protection provisions and parental leave for teachers and education personnel. However, in too many cases, particularly in the private sector, union representatives report that they dedicate considerable time to ensuring that basic maternity entitlements are respected.

Gender-based violence at the work place: Many new initiatives have been championed by women in trade unions and as a result of sustained advocacy have now been incorporated into the mainstream of union-employer negotiations. An ETUC study of ten European countries found out that over 80 percent of collective bargaining agreements seek to address gender-based violence, including third-party violence and harassment and the impact of domestic violence on the workplace.

This study also reviews how unions are working on a number of emerging bargaining issues, such as precarious work and predictable working hours. Women and young workers are disproportionately affected by zero hour contracts and other forms of precarious work. While progress on this issue is slow there have been some successful outcomes. For example in 2015 in New Zealand, collective agreement between UNITE and the fast-food chains eliminated zero hours' contracts. Finally, the study also examines the linkages between

women's organizing initiatives in the formal economy, through supply chains and the informal economy and international advocacy on issues of common concern, including low pay, precarious work, and gender-based violence have forged new collaborations with member-based organizations and NGOs and strengthened women workers' voice and visibility. Despite the many challenges, it is important to recall that trade unions are the largest collective organization of women across the world. Collective bargaining remains critically important in the globalized economy, precisely because of new employment patterns and the increasing incidence of precarious work. We hope this study can act as a reference tool and activists' guide to what and how to progress a gender and diversity agenda into trade union collective bargaining priorities."

Gender Inequality and Decent Work

The International Labour Organization, (ILO) has adopted an integrated approach to gender equality and decent work. This means working to enhance equal employment opportunities through measures that also aim to improve women's access to education, skills training and healthcare—while taking women's role in the economy into adequate account, examples of these include implementing measures to help workers balance work and family responsibilities, and providing workplace incentives for the provision of childcare and parental leave. All International Labour Organization, (ILO) Conventions and Recommendations are applicable to both men and women, however there are several that also specifically refer to promoting equality of opportunity and treatment in employment such as Maternity Protection Convention (Revised), 1952, Maternity Protection Convention, 2000, Workers with Family Responsibilities Convention, 1981, Employment Policy Convention, 1964, Human Resources Development Convention, 1975, Termination of Employment Convention, 1982, Night Work (Women) Convention (Revised), 1948, Home Work Convention, 1996, Part-Time Work Convention, 1994, Migration for Employment Convention (Revised), 1949,

In the Global Employment Agenda (GEA) of the International Labour Organization, (ILO), strategy for operationalizing decent work in employment within the Decent Work Agenda establishes Decent Work as a productive factor in itself and as a key strategy for productive job creation, sustainable development and poverty reduction. Within the Global Employment Agenda (GEA), employment is placed at the heart of economic and social policies. The Global Employment Agenda (GEA) seeks to show that discrimination is a violation of human rights. It also has macro-economic implications (where female labour is not appropriately used or rewarded, there will be less productivity and more poverty than there might otherwise be). The Global Employment Agenda (GEA) is composed of some core elements; each with implications for the position of women in the labour force. It recognizes that 'poverty is not merely income deprivation, but includes vulnerability arising from the absence of social protection, discrimination in labour markets, and the absence of empowerment' International Labour Organization, (ILO, 2009).

Despite much effort by International Labour Organization, (ILO) and other stakeholders, women participation in decent work structures and processes, where decisions regarding the use of societal resources generated by both men and women, remains insignificant. The patriarchal nature which is a major feature of a traditional society in Nigeria, has made women to be at disadvantage in the world of work (Allanana, 2013). Also women all over the world appear to be concentrated in low-productivity jobs. They work in small farms and run small firms. They are overrepresented among unpaid family workers and in the informal sector. They are seen in jobs that include farming, self-employment working in trade, small enterprises providing goods and services, wage labour in agriculture. Some of these works involve long hours and is not sufficiently remunerated. Women, in particular, constitute a significant proportion of unpaid family workers (UNIFEM, 2005). They rarely rise to positions of power in the labour market. In promoting women's livelihood, the 2012 DFID Gender Report in

Nigeria, recommends that "Government policy should prioritize agriculture and rural development, because 54 million Nigerian women live and work in rural areas where they constitute 60-70% of the rural work force". It also advocates the formulation and implementation of laws that will assist the female gender in actualizing her mandate. The elimination of discrimination is at the heart of the International Labour Organization (ILO's) mandate for Decent Work as a matter of social justice and human rights.

Theoretical Framework

This study lies on the premise that promoting women's participation through the role of women's groups in political and economic dispensation will help promote and sustain equity, equality, and economic development. This premise is supported by Feminist empowerment approach which combines both Feminist theory, Empowerment approach and Modernization theory. According to feminist theory, inferior status delegated to women is due to societal inequality, which is shaped by political, economic, social power relations, and that women should have equal access to all forms of power Turner and Maschi, (2014). Similar to the concept of empowerment, feminist analysis helps women to understand how they are oppressed and dominated and often inspires them to engage in efforts to bring about broader social change. Empowerment theories have appeared based upon feminist publications and theories.

Women's empowerment approach," according to Razmi et al. (2018), is one of the most important theoretical and empirical theories proposed in recent years. According to this approach, the women's share of parliamentary seats is one of the most important indicators for measuring Women's Empowerment (Razmi et al., 2018). It has been argued by scholars that an increase in the average level of human capital is preceded by an increase in inclusive incentives and policies for women in the labour force and enrolment in higher education (Stolt, 2013). Essentially, therefore, the ultimate goal of women's empowerment, which is a political process, is not just to change hierarchical

gender relations but also to change all hierarchical relations in the society (Cook, 1997).

The modernization theory reckons that economic growth inevitably leads to social development and gender equality; authors dealing with conflict and with institutional design suggest that economic growth by itself does not follow an exclusive path. According to this view there is a bi-directional relationship between economic development and women's empowerment, defined as improving the ability of women to access the constituents of development, particularly in health, education, earning opportunities, rights, and political participation (Duflo, 2016).

Understanding the theory of gender inequality

The concept of inequality means so many things to different people and it cuts across several disciplines that include sociology, economics and political science and even within economics it cuts across different philosophies and ideologies. Schultz (1951) used the concept of income and defined inequality statistically as the deviation from the diagonal line in a graph of cumulative proportions of the population against the cumulative proportion of incomes of the population. The more the curvatures from the diagonal line of equality the greater the inequality. Fields (2007) considered the concept of income inequality as an amorphous idea and perceives it in the relative sense as that which deals with income ratios rather than income differences. He argued that income inequality measure and inequality is not the same thing and therefore standard inequality measures like Lorenz and Gini coefficient should not be at the center of income distribution analysis or policy but rather the concern should be the ratio of high incomes to low incomes. Amartye Sen ask the fundamental question, inequality of what? This presupposes that there are several dimensions of inequality other than income. While economists are concerned specifically with the monetarily-measurable dimension related to individual or household income and consumption (Heshmati, 2004), other dimensions such as education, opportunities, happiness, health, life expectancy and assets are considered in a multi-dimensional sense. Inequality analysis can

e horizontal in which case inequality between homogenous groups with common identity is considered while vertical inequality considers inequality between individuals or households in a population (Langer, 2007). This study considers the socio-economic gaps between individuals or households specifically between men and women in a population.

Theoretically, differences in the level of income, education, wealth, health, skill, infrastructure and opportunity within and between population's follows two schools of thought as classified in Sahota (1978). The first is a buildup of theories that posit that people are the architect of their own fortunes and societies can define the relative position of their members. Examples are individual choice, human capital, inheritance, public income distribution and distributive justice. The second school of thought posits that inequalities are largely preordained. Examples are ability theory, stochastic theory and life-cycle income hypothesis. This article assumes an intermesh of schools of thought and views endowments, public policies and institutions as playing important role in determining differences in the relative position between men and women in terms of employment, income, wages, education, health and infrastructure. The difference in productivity and resources between individuals is well acknowledged by traditional neoclassical as a key contributor to the evolution of income inequality.

Until recently equalizing policies pursued rapid growth with the notion of a trickling down effect that brings about convergence in income over time. Within this context, Kuznets (2017) suggests a rise in inequality at the early stage of development and a drop later on with a rise in economic growth. Since Kuznets many studies have been done to examine other channels of inequality besides economic growth and urbanization. These channels includes technological change, globalization, deindustrialization, and deunionization, welfare state retrenchment, a decreasing significance of nation-state democracy, and changing demographics (Schultz, 2010). Lots of criticisms have been levied on Kuznets hypothesis. For example, at the empirical front, Kuznets did not take into account the development of intra-

sectoral wage differences. Also transition towards industrialization was not a transition towards a uniform predominance of the industrial sector, since the service sector already started to rise during industrialization (Fourastie, 1949).

At the theoretical front, there is the institution-blindness of Kuznets's model that completely leaves out the impact that social institutions such as family, school, unions, democracy or the welfare state had in shaping inequalities (Scholtz, 2010). To bridge this gap, the institutional variant of the neoclassical theory attributes income inequality not just of factor endowment and productivity but as a result of institutions and markets. It is argued that imperfect capital and insurance markets inhibit the poor from making investments in physical and human capital. Studies by Galor and Zeira (1993) show how imperfections in credit markets can exacerbate inequality in household incomes, because the poor wanting to undertake a given project, have to borrow at high rates of interest while those who are connected can borrow more cheaply, or may not need to borrow at all, or may be able to act as lenders. A certain minimum level of education may be necessary for an individual to have access to wage employment in the formal sector. Richer households may be better placed to make the necessary sacrifices. A little departure from the institutional neoclassical is the political economy view. This view argues that institutions are not just about coordinating individuals and groups and driving for efficiency, but a reflection of collective self-interest and power. Whether at the level of government or the household or firm, men and women allocate the resource under their control to activities that best enable them to fulfill their obligations rather than to activities that are common to all (Awoyemi, 2004). Thus gender based differences can be seen as the interplay between incentives and social structures of power and cooperation.

Conclusion

Promoting gender equality in employment does not end once the collective agreement is signed. Following up the collective bargaining process is essential, otherwise the rights may exist on paper only. Sociologically, collective bargaining has proven to be an important means of

promoting equality for women in employment, but for it to be truly effective the concerns of women must be understood and given credence. This paper raises some of the issues that may be appropriate for collective bargaining and provides some examples. Though the focus is on how these issues primarily affect women, many of these also have a positive impact on men's working conditions, hence the overriding objective of the International Labour Organization (ILO's) work is to encourage the improvement of the employment of all workers. Furthermore, gender equality bargaining is important because; 1) women's issues are union issues 2) women's contributions at work have been undervalued. 3) Women are making up an increasing proportion of the paid workforce. 4) It can address many of the persisting deep-seated misconceptions about the role of women in employment. 5) Women's concerns have traditionally been overlooked in collective bargaining. 6) Legislative coverage may be inadequate. 7) Where there is legislation, it must be implemented in a practical manner. 8) It addresses some non-pay issues that may be easier to bargain in difficult economic times. 8) It is a means of attracting women to the union.

Recommendations

The following recommendations were put forth by this study.

1. There is need to make sure the negotiated policies, rights and benefits are communicated to all workers on a regular basis (including those with non-permanent status).
2. There is also need to have a regular gathering of statistics - keep a close eye on the number of women and men hired, promoted and dismissed as well as the numbers in all job categories, salary levels and training programmes.
3. It is vital to regularly monitor the implementation and effectiveness of collective bargained policies, rights and benefits.
4. There is need for government and work place management to deal with equality issues in educational and training programmes.
5. Publicize the work done by the union on behalf of women as strategy to balance inclusiveness.

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