

# ***LABOUR RIGHTS CONVENING***

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## **LINKING AND LEARNING MEETING III**

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ACCRA, GHANA

*NOVEMBER 2-3, 2019*



AFRICAN  
WOMEN'S  
DEVELOPMENT  
FUND



**LEADING  
FROM THE  
SOUTH**

LIDERANDO  
DESDE  
EL SUR

LE SUD AUX  
RÈNES DU  
LEADERSHIP

# LABOUR RIGHTS CONVENING REPORT

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## INTRODUCTION

On November 2 to 3, 2019, AWDF invited six representatives of Leading from the South grantee organisations to have discussions around their work in terms of the different aspects of women's labour rights advocacy in Africa and the Middle East. The goal of the convening was to explore commonalities in strategies and approaches, challenges and areas for growth and collaboration and also to inform AWDF's work on economic futures. The participants represented a cross section of the AWDF Economic Security and Justice portfolio in terms of geography – North, South, East and West Africa as well as the Middle East - and subject matter focus covering disability rights, land rights, and the rights of domestic workers.



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## SHORT CASE STUDIES

### Association des Femmes Handicapées de Madagascar - Madagascar

#### Issue tackled:

In Madagascar, women living with disabilities face multiple discriminations in the world of work. In addition to the discriminations faced by women due to patriarchal structures around what constitutes work as well as more limited access to opportunities, women living with disabilities have to contend with other factors specific to perceptions around disabilities that limit their access to work and productive opportunities. For instance, there is a widespread and negative cultural perception of people living with disabilities as burdens. Most women living with disabilities have internalised this cultural outlook and don't see themselves as independent with a potential for productivity and self-sufficiency. Cultural and structural barriers as well as focus on the informal sector when it comes to women, have created a situation where many disabled women in Madagascar are not gainfully employed.



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## Strategy

AFHAM's objective is to ensure access to dignified work for women living with disabilities. They do this with a simultaneous focus on short term and long term shifts. Internally their activities include strengthening the capacity of women living with disabilities in terms of leadership and the importance of their integration into the workforce. As a short term strategy, the organisation has worked with various employers' associations to advocate for employment opportunities for women living with disabilities.

With a view to a longer term shift in the right to work for women living with disabilities, AFHAM is engaging with local and national policy makers to align with Article 27 of the International Convention on the Rights of Persons with Disabilities, which requires states to safeguard and promote the realisation of the right to work of persons with disabilities by taking appropriate steps to ensure that reasonable accommodation is provided to persons with disabilities in the workplace.

## What is shifting?

AFHAM's advocacy work has yielded results - in the year the project has been implemented, 67 women living with disabilities were employed in various capacities as a direct result of the organisation's engagement with employers. This is significant as it encourages a wave of change around perceptions of the employability of women with disability, as well as the direct impact that this has on the individual women and their families.



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FIDA Kenya - Kenya

## Issue tackled:

FIDA Kenya works on the labour rights of women tea labourers in Kenya. Though women comprise 65-75% of the tea farm workers in the country, they work under uncertain terms of employment. Their labour is often not governed by any formal contract or agreement, which offers them no protections in the exercise of their work. They work long hours, under poor and dangerous conditions, which have both immediate and long term implications to their health and wellbeing and are often exposed to violence and sexual harassment at the workplace with no recourse to justice.

The multi-national companies that employ these women don't comply with national labour laws and policies and often actively put roadblocks to the realisation of the rights of their labourers.

This conditions are exacerbated by the women labourers' low literacy levels and low legal awareness, which impedes their ability to advocate for their rights and participate in discussions that directly affect them.



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## Strategy

To challenge the issues identified, FIDA Kenya has facilitated the awareness and sensitization on women labour rights by building the capacities of 100 tea workers on labour rights in Kenya, encouraging the establishment of women workers' committees and involving the women in the commemoration of International Labour Day as well as organising a Women's Day March.

The organisation has organised various roundtable discussions in which it brought together various tea sector stakeholders with a view to advocating for the rights of the women labourers.

The organisation is also documenting the violations of the women workers' rights through stories and engaging local language radio stations to support its advocacy efforts. Finally, FIDA Kenya is enhancing access to justice for women with regard to labour and work-related rights by engaging pro bono lawyers to take up public interest litigation.

## What is shifting?

FIDA Kenya has successfully developed a baseline survey highlighting violations of women rights in the Kericho tea zone which is vital for greater evidence-led interventions. There is increased discussion of the question of tea workers as a result of active media engagement through social media and mainstream media and through networking partners. This initiative has also increased women labourers' access to information by developing a user friendly information booklet on labour laws and producing abridged versions of labour laws and gender-based violence laws in Kenya.



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## NETRIGHT - Ghana

### Issue tackled:

NETRIGHT is tackling the inequalities faced by women in the agricultural sector in Ghana. Despite women being the majority of workers in the sector, women farmers tend to be poor – a marginality exacerbated by high illiteracy rates (52%) as well as the limited capacity to access and adopt improved agricultural technologies. As a result, women agricultural workers have little access and control over resources that are indispensable to their productivity. In addition, the land tenure system in Ghana has structural and systemic challenges which have created gender and class inequalities. This is further compounded by traditional norms and customs which adversely impact on women and other marginalised groups.





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## Strategy

NETRIGHT operates as a network of women’s rights organisations with a wide array of areas of expertise, sizes and capacities. The organisation leverages those skills to link its community level activities (which includes women farmer mobilisation and trainings in advocacy and agricultural best practices) to its national level advocacy (working to ensure gender-sensitive land policies and laws). It does this in part by carrying out an in depth analysis of the existing agricultural legislation. Other methods NETRIGHT utilises include capacity building/skills training for women farmers, networking, strategic partnerships and alliance building to garner support for the project and leveraging community and regional focal points to coordinate activities on the ground.

## Outcomes

NETRIGHT’s work has seen several positive results such as the addition of gender, equality and social inclusion provisions in Ghana’s Land Bill. The organisation’s advocacy efforts have also secured agricultural extension support services for women farmers, carried out by women agricultural extension agents as well as access to government flagship agricultural programmes. NETRIGHT’s engagements with local leaders and land custodians has facilitated greater land tenure security for rural women in the project areas. Its movement building and media engagement efforts have enhanced its visibility at the district, regional and national levels and built the organisation’s national convening power.



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Association Démocratique des Femmes du Maroc (ADFM) - Morocco

## Issue tackled:

Morocco's constitution recognises the equality between men and women and aligns with international conventions. However, harmonisation of local laws has been very slow and discriminatory laws are still in effect which, combined with traditional and restrictive customs, have affected the level of women's participation in the workforce, currently at 23%. The country's labour law prohibits gender based discrimination in hiring practices. However, in the hiring procedures for senior level roles and positions present several biased steps that prevent the nomination of women to those positions. Women are thus relegated to more "feminine" sectors such as health, education and justice, earning 85% as much as their male counterparts. Finally, 39% of Moroccan women workers are not remunerated at all in exchange for their work – women and girls domestic workers and family helpers most particularly. There are no laws covering their particular context and there are no protections for them.



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## Strategy

ADFM uses a participatory approach with a focus on movement building, consensus building, joint coordination by Moroccan NGOs – joint methodology development. The organisation also uses networking and capacity building of project stakeholders including national and international stakeholders, building wider partnership networks. And finally, reporting, monitoring and evaluation of legislative and implementation process for public policies.

## Outcome

ADFM has produced 2 reports on the implementation of Morocco’s Governmental Plan on Equality II, promoting accountability. The organisation has also carried out a study examining the social security system in Morocco along with recommendations on how it can be improved. ADFM is also engaging other NGOs, labour and trade unions, National social security fund managers and economists to build a critical mass to ensure that there are social protections for women workers, particularly the more vulnerable.



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## Anti-Racism Movement - Lebanon

### Issue tackled:

Anti-Racism Movement is working to abolish racism in Lebanon but particularly the exploitative Kafala (sponsorship) system governs the 250,000 women migrant domestic workers mainly from Africa and Asia who live and work in Lebanon. The system ensures that these workers are excluded from Lebanese Labour Law and many, who end up with unscrupulous employers, have no protection against them. Lebanese state policies do not offer any sort of protection for these WMDWs whose legal status is tied to their employers. Should they choose to leave an abusive employer, they are automatically deemed “illegal” and face arrest and deportation.



### Strategy

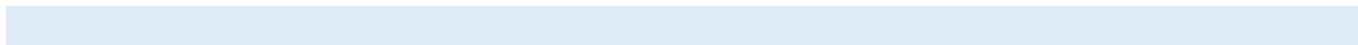
ARM has opened 3 community centres in Lebanon and with free access for migrant workers. The organisation has promoted leadership and self-sufficiency among the centre member which is evidenced by the centre’s member-board which works closely with ARM to offer classes and training and advocacy training. Additionally, migrant workers are involved in community building and attend classes and other social events to build a sense of ownership and build their capacity to advocate for themselves.

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The organisation's focus in its work to combat racism and discriminatory employment structures involves working with the younger generation. Up until lately, Lebanon was a very homogenous society with industries are segregated according to nationality of the majority of the workers within it, which has caused racism and prejudice in how employment is managed and perceived at all levels and sectors of society. The organisation believes awareness campaigns are not sufficient to change this fact, hence the bulk of their advocacy being done in schools.

## What is shifting?

As a result of ARM's project there is a greater sense of solidarity and community among migrant women from a range of different nationalities. Through this sense of collective cause, women migrant domestic workers have been co-organised the International Women's Day march and May Day protests to build greater visibility around their plight. ARM continues to engage government despite a clear resistance to dealing with the issue on the part of state officials.



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## Integrated Disabled Women Activities- Uganda

### Context

In Uganda, women face higher levels of unemployment than men (11% compared to 8%). The situation is worse for women and girls with disabilities (WGDs) as the majority are illiterate or semi-illiterate. Even the few that have qualifications find it hard to get employment because employers are always hesitant- equating disability to inability to perform. Where WGDs are employed, workplaces lack reasonable accommodation facilities which makes it difficult for WGDs to secure and retain employment.

The macroeconomic strategy for the Uganda National Development Plan- II envisages modest growth, largely driven by public and private investment. The national and local government budgets provide very little for social services. They also impose unfair taxation, privatization, cost sharing, and opening up the economy to trade with economies like China, which undermine production in the domestic market. All these do not work for the poor woman living with a disability.

From a policy perspective, the Government of Uganda has made strong commitments relevant to women in the informal sector, as signatories to international laws and policies that ensure equality and protection of workers and broader gender equality and empowerment of women (e.g. CEDAW, Beijing Platform of Action, ILO treaties, and the Convention on the Rights of Persons with Disabilities which creates conditions for equal participation of persons with disabilities in the labour market. Article 33 of the Ugandan Constitution guarantees equal treatment and affirmative action to redress the imbalances created by history. The Gender policy promotes gender equality for accelerated socio-economic transformation. However, the work lies into turning these official commitments into a reality of equality in the lives of women with disabilities.

### Strategy

IDIWA works at local government and community level in the Mayuge and Iganga districts of eastern Uganda. They build the capacity of women living with disabilities to engage issues of labour and economic rights, supporting advocacy skills to enable them to engage local governments and private employers, and demand their employment rights. The organisation also carried out advocacy activities for internship and volunteer opportunities with local government and civil society and private companies for women living with disabilities.

It also drafted the Local Government (Mayuge District) (Women and Girls with Disabilities) Ordinance to Influence local legislation and policy on employment for WGDs in Mayuge District. And finally, it carried out sensitisation activities for relevant stakeholders on the labour and economic rights for WGDs as enshrined in the United Nations Convention on the rights of PWDs.

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## What is shifting?

Under the Labour Market Project, IDIWA has succeeded in influencing the creation of a Local Government (Mayuge District) (Persons with Disabilities) Employment Ordinance, 2018 which is a tool for turning legal protections into a reality at local government level. Even before the Ordinance is gazetted by the Solicitor General, IDIWA has already seen three women with disabilities able to secure formal employment in the targeted districts and two got promotion, hence, a salary increment and additional responsibilities as a class teacher, and house mistress respectively.

Mayuge District Service Commission has adopted strategies to encourage job applications from women with disabilities – for example including an explicit encouragement around people with disabilities applying to jobs. They also carry out counselling sessions with unsuccessful candidates to inform them why they failed and provide feedback on how to be successful in the future.

IDIWA also provided a chance for three groups of women with disabilities to gain knowledge and skills that enabled them to benefit from the existing government economic programs -the women’s entrepreneurship program and the disability special grant. So far 45 women with disabilities secured funding from Government and development agencies and financial institutions to establish small scale businesses such as animal rearing, retail shops, vegetable stalls and commercial farming. Those who have full control and ownership of their businesses also make decisions such as purchase of assets and equipment, and are better able to determine the schools and the quality of medical care for their children.

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## WHAT STANDS IN THE WAY OF WOMEN'S LABOUR RIGHTS?

The six organisations represented at the convening brought experiences from four different African regions as well as the perspective of the Middle East. In spite of this geographic diversity, there were clear commonalities in the constraints and challenges to their advocacy for women's labour rights.

### **Government Policies/Structures/Plans**

It was noted from the various experiences of all the countries in question that national development and economic strategies do not account for the realities of women and definitely not the peculiar set of circumstances faced by women experiencing multiple forms of marginalisation, such as women living with disabilities. This lack of recognition and coverage is pronounced in less regulated economic fields such as the informal sector, where women's labour is dominant. Care work or subsistence agricultural labour for example, don't come with pre-set social protections and in many cases clear legal protections.

Additionally, laws in the various countries that are meant to cover work in the private sphere are not implemented because there is a common social conception of the private sphere (the home) being beyond government regulation. This has implications for domestic workers in particular as evidenced in Lebanon, where their rights are not covered in the Labour Code.

Also, there is emphasis by various governments on foreign direct investment and encouraging trade that ends up marginalising women. An example common to all African regions is the current phenomenon of retail markets being flooded with low price Chinese goods overtaking products produced by African women, and the exclusion of women vendors from access to places of trade such as new large shopping malls.

Finally, pressure from international partners and dedicated funds targeted at encouraging governments to support labour rights may result in better policies in some contexts. However, this may not necessarily build *political will* and the momentum to see the changes through to implementation.

### **Women's lack of access to education- links to economic opportunities**

Women's low literacy levels were also cited by the participants as a key barrier to both women's labour rights and women's collective economic advancement. Low literacy means lower awareness of labour rights as well as limited access to better paying skilled work.

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## **Lack of specific measures to support women's specific needs especially around maternity leave and childcare**

This point was mentioned several times as women are often forced to make choices between family and career due to a lack of structures to support them in their childbearing years. Many women do not want to lose out on their ability to participate in the workforce but have to make concessions and often significant investments around childcare.

## **Discriminatory systems that affect women in the formal labour force**

For women in the formal labour force, there is the reality of the glass ceiling and the discriminatory requirements for moving past a certain point on the career ladder which is exacerbated by a lack of access to broad range of job opportunities. In addition, there is the normalisation of sexual harassment in the workplace due to patriarchal work cultures. Finally, there is greater precarity with contracts when it comes to women (including those tied to immigration e.g. Kafala in Lebanon; and use of short term contracting to evade worker protections as employees are then not eligible for full time worker benefits e.g. Kenya tea farmers)



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## WHAT MAKES THE DIFFERENCE?

### Political will

In Uganda the success of the introduction of a disability law was pushed by the fact that there are five Members of Parliament with disabilities who engage parliament on labour and economic rights of people with disabilities. There was recognition of the fact that there is a significant number of people with disabilities who are educated but unemployed – and affirmative action measures were this put in place to enable them to access employment opportunities including through the disability grant, administered at the district level, through which disabled people organize in groups and apply to do economic activities. The Uganda Revenue Authority has however questioned the passing of a 15% tax relief law for businesses who employ disabled workers as it represented a significant loss of money, and research showed that businesses were just being opportunistic and hiring people living with disabilities at a low level.

### Funding

Organisations fighting for women's labour rights face the perpetual challenge of adequate funding which is needed to build and sustain advocacy, community level groups and the national and transnational momentum for change. The presence of supportive, flexible and multi-year funding in particular makes a tremendous difference in the ability to maintain labour right activism.

### The ability to organise

There is strength in numbers. AFHAM's success in Madagascar was linked to forming an association of women with disabilities which created a platform to advocate. In Lebanon migrant women workers initiated and grew advocacy as a result of having space to meet each other and work together. In Morocco ADFM's strategy enabled the creation of a multi stakeholder movement to push for protections for vulnerable women. Being able to organise also requires a conducive political environment, as closing civil society space also means setbacks in the ability to gather, be vocal and challenge duty bearers.

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## OUR DREAMS FOR THE FUTURE

As the convening closed participants named their dreams for a world where women’s labour rights are fully affirmed.

<p><i>For concrete changes in women’s work as a result of our advocacy</i></p>	<p><i>For women to have the right to rest.</i></p>	<p><i>For women’s economic advancement – access to education, credit and be able to support themselves</i></p>	<p><i>For unpaid work to be recognised and incorporated into the national economy.</i></p>
<p><i>For women’s work to be recognised.</i></p>	<p><i>For women to stop being penalised for having children.</i></p>	<p><i>For equal pay and joy for the work you do.</i></p>	
<p><i>For equitable pay particularly for women working in industries where they are underpaid</i></p>	<p><i>For justice to be served in the world of women’s work</i></p>	<p><i>For women to be able to live in a dignified way that is compensated.</i></p>	<p><i>For women living with disabilities to have the chance to show society that they are productive and can impact the society in a real way.</i></p>

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*“Solidarity is listening to someone’s struggle and walking with them on their journey.”*

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## PARTICIPANTS LIST

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