

Organising for Equality: Addressing Gender Inequalities in Malawian Trade Unions

Hivos is a Dutch development organization that seeks new solutions to persistent global issues. Hivos in collaboration with its partners is implementing a five year (2016-2020) Women@Work Campaign. The Women@Work Campaign anchors most of Hivos' substantive work on corporate accountability. Founded in 2012, the Women@Work Campaign aims to contribute to decent work for women who earn their living through global production chains, most notably: flowers, fruits and vegetables, grown for the export market. In Eastern Africa, the campaign involves partners in Kenya, Uganda, Tanzania Ethiopia, and Rwanda, enlisting both local and international partnerships (CSOs; Businesses; Governments, certification bodies, trade unions, the media and citizens), working together to improve work-place conditions for women. In 2016, the campaign was extended to Southern Africa focusing on Malawi, Zimbabwe and Zambia. This policy brief is based on the findings and recommendations of an in-depth assessment of the status of workers' representation by the trade union movement in Malawi with specific focus on the horticulture including the chilli sector.

Women@Work Campaign**Introduction**

This policy brief analyses the nature of representation of women as well as the

structural barriers that affect the level of women's representation in trade unions and how all these impact on addressing women workers' strategic needs or concerns in the union structure. It also highlights the notable best practices relating to the promotion of women's participation in unions' activities in Malawi. The brief makes a number of key policy recommendations.

The Legal and Policy context for gender equality in Trade Unions

Malawi has a comprehensive legal and policy framework for promoting gender equality in the workplace. The Malawi Constitution provides for full participation of women in all spheres of Malawian society on the basis of equality with men (Section 13(a) (i). It also prohibits discrimination of persons in any form (Section 20(1). The Employment Act of 2000 (section 5(1) provides that non-discrimination is a fundamental principle and prohibits discrimination against any employee or prospective employee on the grounds of sex among other differentiating factors. Similarly, the National Employment and Labour Policy (2011-2016) also ensures that there is promotion of gender

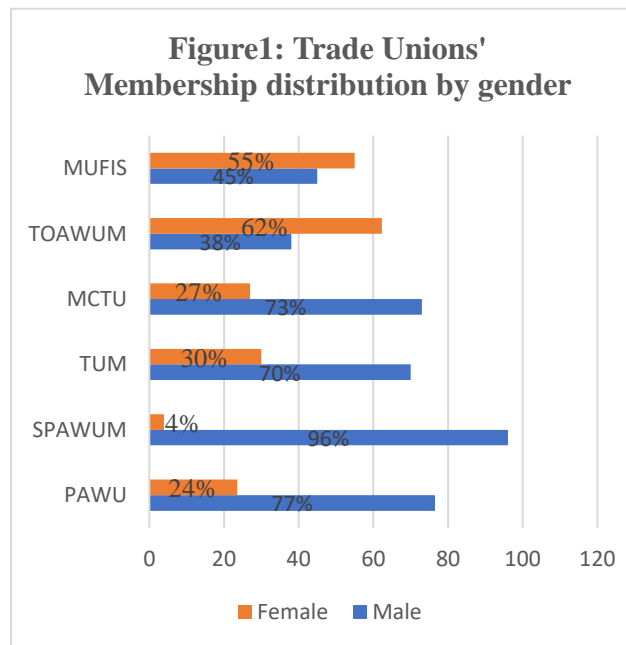
mainstreaming in employment and provision of appropriate skills to women to enable their full participation in the labour market.

Key findings

Below is a presentation of the summary of findings on key areas that have critical policy implications.

The nature of women’s representation

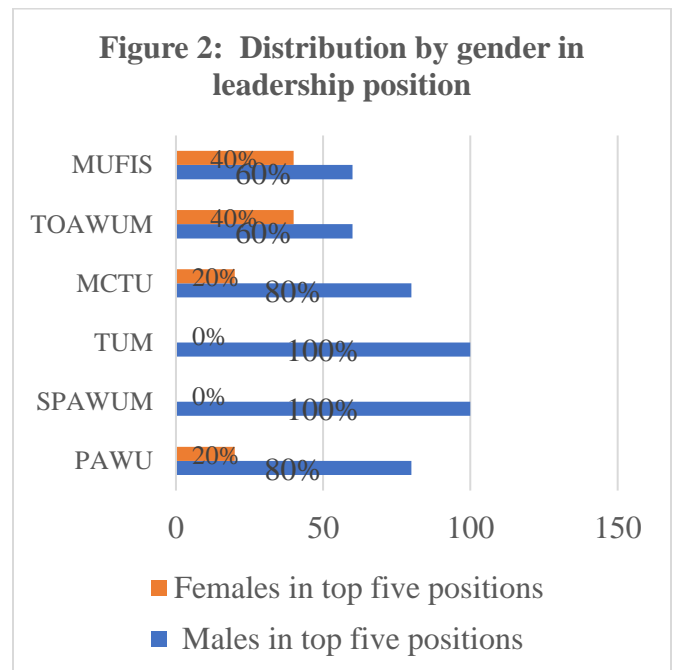
With respect to the nature of female representation, the study’s findings show that there is low number of women in trade union membership in the MUFIS¹, TOAWUM², MCTU³, TUM⁴, SPAWUM⁵, PAWU⁶. See Figure 1.



¹ Malawi Union of the Informal Sector,
² Tobacco and Allied Workers Union of Malawi
³ Malawi Congress of Trade Union

Level of women’s representation

In addition to the low numbers of women in terms of union membership, the study also found that there is low women representation in leadership positions. The study has found that in two of the six unions studied, there was no female in the top five decision making positions (president, vice president, general secretary, deputy general secretary and treasurer general), contravening the Labour Relations Act of 1996 which provides for at least 20% female representation in union leadership. See Figure 2.



However, there are three best practices relating to the promotion of

⁴ Teachers Union of Malawi
⁵ Sugar Plantations and Allied Workers Union of Malawi
⁶ Plantation and Agriculture Workers Union

women's participation in union activities. Firstly, there is the existence of a women's desk in the trade union structure where women discuss their issues. In other unions, women are represented by female leaders in committees. Secondly, reserving quotas (20%) for women in leadership positions is a best practice as provided by the law. Thirdly, some unions segregate cases that are reported to them by gender. This enables targeted response where there are special efforts to tailor their services and benefits to the needs of different groups of workers, in order to retain or attract them into unions.

Although there is still more work to be done to promote women workers' participation in trade union activities and leadership, these best practices are a good starting point in improving the participation of women in union activities.

Structural barriers that affect the level of women's representation

The study found that there are structural factors that affect the level of women's representation in trade union activities. These are: Firstly, low education levels among women which limits their take up of leadership positions, thereby limiting their participation to mere membership. Secondly, there are cultural factors which included that

married women were restricted by their husbands from taking up challenging positions in unions and that trade unions tend to hold union leadership meetings in the evenings after work hours which makes it difficult for married women to attend, reflecting the gendered nature of trade unions.

Thirdly, gender-based discrimination and cultural issues that make women to just listen to men deliberating also affect the level of women's representation in unions.

Women's strategic needs or concerns

The assessment also found that the nature and level of women's representation have an effect on addressing women workers' strategic concerns that require other women to be in strategic leadership positions in order to advocate for them. In cases where women are underrepresented in strategic decision-making positions in unions, this is likely to affect how women's needs/concerns are addressed. Since most key positions in trade unions are held by men, this challenges the extent to which women's needs and concerns can be considered as female leaders can represent women's interests including their strategic needs/concerns.

These strategic needs or concerns of women are: the need for protection from sexual harassment, changing working

conditions to make them women friendly, issues of maternity leave, gender based discrimination in employment, lack of capacity building for women, transfers that do not take into account women's family responsibilities, unfair treatment at work, low women representation at National Executive Committees and failure of gender sensitive laws and policies to cover the informal sector.

Policy recommendations

This policy brief concludes that the low number of women in union membership and leadership positions reduce the power of women's voice in discussion forums thereby affecting the extent to which women's strategic needs or concerns can be addressed in such male dominated forums. It is therefore imperative that the following recommendations are given the attention they deserve in order to enhance women's representation in trade unions:

1. Trade unions must increase efforts to recruit more female members and reserve positions of influence in union leadership above the minimum 20% quota provided by the Labour Relations Act so as to improve their level of representation.
2. Trade unions and partners should lobby for the revision of the minimum gender

quota from 20% to 40% so as to be in line with the Gender Equality Act of 2013. These should also cover the informal sector.

3. Trade unions should review their constitutions to include gender quotas so as to increase women's leadership representation beyond the women's desk.
4. All trade unions and partners should segregate data on trade union activities by gender to enable tailoring their services and benefits to the needs of different groups of workers, in order to retain old members and attract new members.
5. The women's support programmes initiated by employers, trade unions and government should focus on challenging long-term structural barriers affecting women's representation in trade unions through investing in women's education, cultural changes and women's economic empowerment.
6. Trade unions, government and employers should put in place mechanisms for responding to women's strategic needs such as increasing participation of women in decision making, addressing gender-based discrimination at the workplace and sexual harassment inter alia.

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