

A model for dynamic collective bargaining provisions on women's working condition

LEARN Research Unit

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Introduction

In April 2014, women workers from various parts of the Philippines gathered for a consultation workshop in Manila. The workshop aimed to identify the prevailing issues that women workers face in their workplaces, particularly how their respective unions respond to these issues. Among those that were identified were workplace and working condition-related issues.

Marginalization of women in the workplace is not new. Perhaps an even striking fact is that women also face marginalization even among workers' organizations. This asymmetry in representation is illustrated by the women's limited participation in leadership positions, the absence of union programs for women, and at the extreme end, non-implementation of policies on women. These outcomes reinforce the emasculation of women which feeds the cycle that traps women into subordination.

Collective bargaining, as a practice, can never be more effective than being able to perfectly address local demands of workers.¹ The union, through democratic consultation with its members, has to know their needs first. This research aids in improving the responsiveness of unions to the demands of its members particularly women.

Objectives of the research

This paper aims to investigate the trends in workplaces of women workers in SENTRO-affiliated unions and describe the ever-changing working condition faced by women workers. The paper also looks at how unions are able to adapt to these changes in work environments and the extent to which women are able to influence the workplace policies to improve their working conditions. The end goal of the research is to craft a model for collective bargaining that is designed to address the necessities of women workers as working condition change in the medium run, and encourage SENTRO-affiliated unions to consider the study's recommendations. While the model collective bargaining agreement (CBA) outcomes will be forward looking, it will nevertheless attempt to respond to contemporary workplace issues that have not been addressed by the average collective bargaining agreement. Therefore, there is a need to explore existing collective bargaining outcomes that involve the woman workplace-related interest and bridge them with the issues that unions have not successfully addressed yet with the end goal of closing the gap.

The specific objectives are the following

- Determine current local women's issues in the workplace
- Describe the trends in working condition among women

¹ Edralin (2010: 6) defines gender responsive bargaining as follows: "Gender responsive collective bargaining can be characterized as (1) a process that involves both women and men workers representing their duly certified legitimate labor organization in the drafting, negotiation and administration of a written agreement with the employer; (2) based on certain principles and procedures that recognizes the rights and distinct roles of women and men workers in the workplace; (3) demands and counter-demands wherein each party tries to obtain for itself the best or most favorable terms and conditions; and (4) must respond to the particular needs of both men and women workers to improve the quality of their work life and protect their individual rights and their union."

- Determine the responses of unions, either through collective bargaining or through union policies, to women issues in the workplace
- Propose collective bargaining provisions that address current and future issues in working condition of women
- Convince SENTRO affiliates to consider adopting recommendations for women-specific CBA provisions

The following are the problems that the research attempts to address:

- What are the issues that affect women welfare in the workplace?
- What are the responses of unions to these issues?
- What changes in working condition of women are expected to occur in the next 5-10 years?
- What are the appropriate collective bargaining provisions that would address these expected changes?

Scope and limitation

This study is limited only to addressing the questions identified above as they are applied to women workers who work in companies with SENTRO-affiliated unions.

Methodology

The research follows the participatory action research (PAR) approach which utilizes a set of methodologies that directly involve the target group in order to address an identified problem. A combination of descriptive, comparative and evaluative research designs is employed. Data gathering is primarily done through document analysis, focus group discussions and a survey among union.² Survey is conducted based on convenience sampling. Because PAR is the operational approach, the research output will serve as guide to future activities in line with providing solutions to the problems identified. Secondary data will also be used in the study.

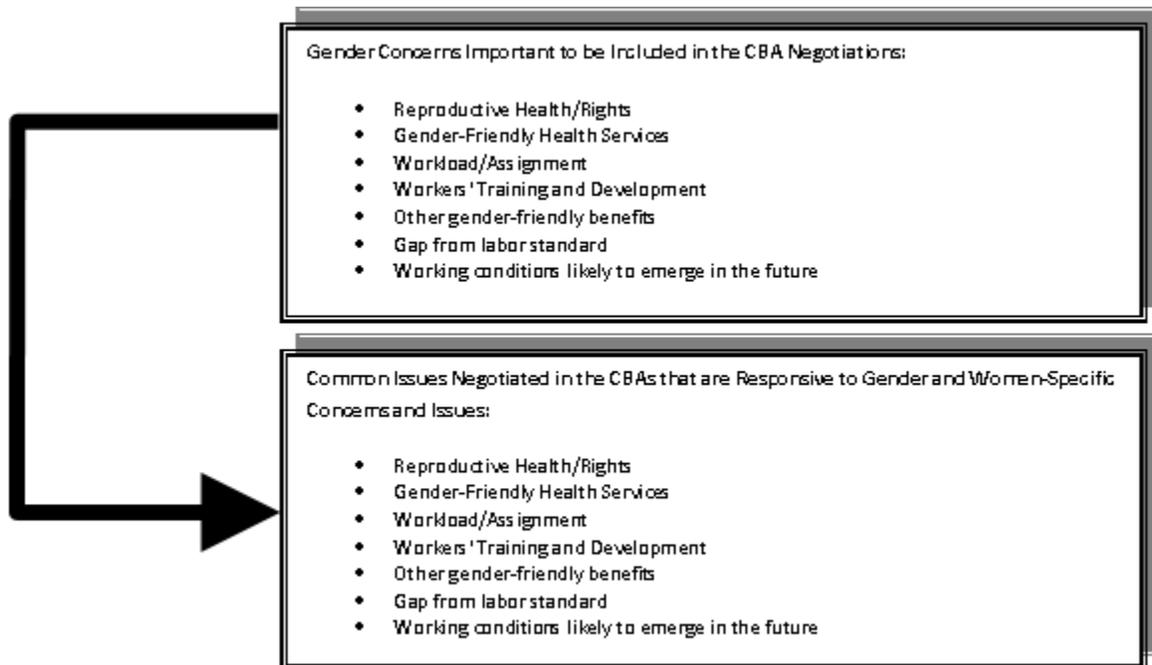
Framework

This study follows the model by Edralin (2010) with some modifications. First, Edralin (2010) assumes that issues negotiated in the CBAs are images of the concerns by the union members. This paper argues that negotiated issues may not necessarily be images of gender concerns but are more likely to be fractions of those images. If all the gender concerns of unions are translated into actual CBA outcomes, then the issues negotiated form a total fraction of the image of the concerns. However, if the union is only able to successfully negotiate for the inclusion of some of the demanded issues, the outcomes are fractions of the concerns. Second, Edralin (2010) disregarded the possibility that unions are only able to negotiate for a fraction of the concerns, and not the entirety of the concerns. That unions are only able

² Survey questionnaire is presented in the appendix.

to negotiate certain demands and not all gives rise to prioritization of concerns, the point of which is to allow unions to negotiate for the gender issues that most of its members are concerned about. And lastly, this paper emphasizes that gender concerns of unions emanate not only from current experiences of its members but also are influenced by labor standards in the present, as well as in standards that are likely to emerge in the future. Unions often ensure that company practices are aligned with labor standards and one way to achieve this is through collective bargaining, although there is also the more progressive view that employment benefits defined by legal instruments should no longer be bargained because the fact that these are legally binding means that these benefits must already be strictly observed in the workplace. Therefore, what unions must do is to collectively bargain for benefits that go beyond the provisions of laws, for instance the number of maternal leave for women. Nevertheless, instruments such as labor laws and international conventions ratified by the state remain important basis of collective bargaining.

Figure 1. Framework based on Edralin (2010) with some modifications



Roundtable discussions

First roundtable among women workers: working conditions at the plant level

The Research Unit conducted a roundtable discussion among women workers from the private sector last 11 August 2014 at the LEARN Workers' House. The roundtable was participated by unions in the broadcast industry, garments manufacturing, hotel and its allied industries, metal working industry, hospitals and healthcare industry, and cable television industry. As part of the series of roundtable discussions aimed at crafting a set of women-specific CBA provisions, the first roundtable has the following objectives:

1. Identify the specific gender issues and union responses in the workplace through consultation with women workers.
2. Craft a survey questionnaire to determine the plant-level gender issues. The scope and time frame for the survey shall also be determined during the discussion.
3. Secure commitments from the participants to support the follow-up activities.

Second roundtable: future trends in working condition

A second roundtable discussion with women workers was conducted by the Research Unit. This time, the RTD focused on trends in working conditions and the expected working arrangements in the future. It is important for unions to be informed about these trends so as to help them adjust to the anticipated changes that will occur. Moreover, collective bargaining agreements must be able to address such expectations so as to ensure that the welfare of workers is secured.

An industrial relations expert is invited to discuss the trends in working conditions and employment arrangement from the point of view of industrial relations practitioner.

Background on women workers and the Philippine labor market

Labor market

Women's participation in the labor market lags behind that of men's. Between 2006 and 2009, only half of women participate in the labor force compared with 7-8 for men. Where women are employed most, these are in private households and unpaid family work where women workers constitute 84 percent and 55 percent, respectively.

Table 1. Labor force participation rate and employment of men and women by class of workers, 2006-2012

Year	Labor Force Participation Rate (%)	Distribution of Employed in each type of work by sex (%)						
		Government/ Government Corporation	Private Enterprise	Paid Family- Activity	Private Household	Self- Employed	Employer	Unpaid Family Workers
Men								
2006	79.3	50.1	70.3	71.2	15.1	64.3	78.2	45.3
2007	78.8	49.8	70.3	72.5	16.9	64.2	76.9	45.2
2008	78.8	49.2	70.8	74.5	15.5	64.6	77.6	45.2
2009	78.6	49.4	70.8	72.7	16.0	63.8	76.7	44.4
2010	78.5	48.8	70.6	73.0	15.5	63.4	76.4	44.2
2011	79.0	48.5	70.6	69.6	15.6	63.0	75.8	43.4
2012	78.5	47.5	70.9	71.1	15.7	62.2	74.8	43.4
2013	78.1	47.0	70.4	72.4	16.2	61.8	75.9	43.3
Women								
2006	49.3	49.9	29.7	28.8	84.9	35.7	21.8	54.7
2007	49.3	50.2	29.7	27.5	83.1	35.8	23.1	54.8
2008	48.6	50.8	29.2	25.5	84.5	35.5	22.4	54.8
2009	49.4	50.7	29.2	27.3	84.0	36.2	23.3	55.6
2010	49.7	51.2	29.4	27.0	84.4	36.6	23.5	55.8

2011	50.4	51.5	29.4	30.4	84.4	37.0	24.2	56.6
2012	50.0	52.5	29.1	28.9	84.3	37.8	25.2	56.6
2013	49.9	53.0	29.6	27.6	83.8	38.2	24.1	56.7

Source: BLES

Where women are employed, they are mostly employed in the services industry. Table 2 shows the employment by industry classification of men and women. Agricultural and industrial activities are dominated by men with share of employment. In agriculture, men occupy on average 82 percent of all employed. In the industries, the activities except for manufacturing are strongly dominated by men. In manufacturing, women have sizable share of employment at 45 percent.

Table 2. Employment by industry classification and by sex, 2012 (in thousands except rates)

Industry classification		Men	Women	Total	Percent Men	Percent Women
Agriculture	Agriculture, Hunting and forestry	7,698	2,962	10,660	72	28
	Fishing	1,301	131	1,432	91	9
Industries	Mining and quarrying	228	22	250	91	9
	Manufacturing	1,727	1,385	3,112	55	45
	Electricity, Gas, Steam and Air Conditioning Supply	73	17	90	81	19
	Water Supply; Sewerage, Waste Management and Remediation Activities	45	14	59	76	24
	Construction	2,185	47	2,232	98	2
	Wholesale and Retail Trade; Repair of Motor Vehicles and motorcycles	2,720	4,144	6,864	40	60
Services	Transportation and Storage	2,529	87	2,616	97	3
	Accommodation and Food Service Activities	646	925	1,571	41	59
	Information and Communication	214	124	338	63	37
	Financial and insurance Activities	189	248	437	43	57
	Real Estate Activities	78	93	171	46	54
	professional, Scientific and Technical Activities	103	86	189	54	46
	Administrative and Support service Activities	622	314	936	66	34
	Public Administration and Defense; Compulsory Social Security	1,147	811	1,958	59	41
	Education	317	883	1,200	26	74
	Human Health and Social Work Activities	133	304	437	30	70
	Arts, Entertainment and Recreation	216	111	327	66	34
	Other Service Activities	624	1,525	2,149	29	71
	Activities of Households as Employers; Undifferentiated goods and Services-Producing Activities of Households for Own Use	52	515	567	9	91
	Activities of Extra-Territorial Organizations and Bodies	1	1	2	50	50

Source: BLES

In the services, the presence of women are most pronounced in the following activities: (1) wholesale and retail trade; (2) Accommodation and food service activities; (3) financial and insurance activities; (4)

real estate activities; (4) education; (5) human health and social work; and, (6) activities of households as employers.³

Table 3. Average daily basic pay by sex in activities dominated by women, 2012 (in Php, except rates)

Industry classification	Men	Women	Difference (Men - Women)	Percent Difference
Wholesale and Retail Trade; Repair of Motor Vehicles and motorcycles	293.09	267.58	25.51	10%
Accommodation and Food Service Activities	311.27	249.99	61.28	25%
Financial and insurance Activities	568.14	587.97	-19.83	-3%
Real Estate Activities	458.45	530.88	-72.43	-16%
Education	637.45	691.98	-54.53	-9%
Human Health and Social Work Activities	500.62	477.71	22.91	5%
Other Service Activities	258.6	155.15	103.45	67%
Activities of Households as Employers; Undifferentiated goods and Services-Producing Activities of Households for Own Use	121.93	113.67	8.26	7%

Source: BLES

Among activities dominated by women, women receive lower pay than men in wholesale and retail, accommodation and food service, and human health and social work. However, the bigger picture shows that in 2012, the total daily wage bill remains distributed in favor of men with men earning 50 percent more than women.⁴ The determinants of this wage differential between sexes have been an explored area with literatures pointing to the apparent subordination of women, the lack of participation of women in productive work, and the various other reasons.

Table 4. Employment by occupational group and by sex, 2012 (in thousands except rates)

Occupation group	Men	Women	Total	Men	Women
Officials of government and special interest organization, corporate executives, managers, managing proprietors and supervisors	2,941	2,667	5,608	52%	48%
Professionals	578	1,229	1,807	32%	68%
Technicians and associate professionals	534	495	1,029	52%	48%
Clerks	798	1,318	2,116	38%	62%
Service workers and shop and market sales workers	2,240	2,313	4,553	49%	51%
Farmers, forestry workers and fishermen	4,478	819	5,297	85%	15%
Trades and related workers	2,057	454	2,511	82%	18%
Plant and machine operators and assemblers	1,768	246	2,014	88%	12%
Laborers and unskilled workers	7,354	5,193	12,547	59%	41%
Special occupations	100	17	117	85%	15%

³ Women also dominate other service activities. The 2009 Philippine Standard Industry Classification defines this sector as "activities of membership organizations, the repair of computers and personal and household goods and a variety of personal service activities not covered elsewhere in the classification," (PSIC, 2009: S-1).

⁴ The disparity in earnings between men and women may not be directly observable phenomenon in the workplace. Often times, even workers themselves would argue that in their respective workplaces, men and women receive the same level of compensation.

Source: BLES

In terms of occupation group, there are more women workers among professionals and in clerical work. Meanwhile, women's share in various managerial and supervisory positions, as well as service and market sales work is comparable to that of men's. In general, women have high participation in high level occupations. It is ironic, however, that despite the presence of women in high level positions, their earnings remain falling short of that of men.

Table 5. Union membership by sex (in percent)

Year	Membership	
	Men	Women
2010	62.1	37.9
2012	63.8	36.2

Source: Computed based on data from 2013 Gender Statistics on Labor and Employment. Bureau of Labor and Employment Statistics.

Female marginalization in society is also present among unions and this is exemplified by relatively small membership and occupancy of leadership positions. Table 5 gives the percentage share of women in union membership in 2010 and 2012. In 2010, women constituted 38 percent of total union membership which slid down to 36.2 percent in 2012. While this does not necessarily mean that women participation in unions decreased, slow growth of the number of women in unions is more plausible explanation for this trend especially that reported union membership growth is positive. Meanwhile, leadership posts in unions remain concentrated among men. In 2010, BLES reports that there were 4,521 women occupying leadership positions in unions. This figure constitutes 21 percent of all officers in unions. In 2012, this increased to 5,019, or 23 percent. The share of women occupying top post (union presidency or chairpersonship, etc.) is smaller. In 2010, there were only 275 women presidents out of 2,306 which grew to 439 constituting 17 percent of total number of union presidents. The limited participation of women in unions and leadership positions reflect the marginalization of women in the Philippine society and the effect of passivity and submissive culture of Filipinos (Edralin 2003).

An overview of CBA provisions

Edralin (2003) classifies collective bargaining provisions into two types: economic and political. Economic provisions include the following:

- (1) Salaries and wages, which includes provisions concerning across-the-board wage increases and premium payment for time worked like overtime, and night differential;
- (2) Job and wage scales, which includes the number of job levels, base rate of lowest level, and wage gaps;
- (3) Health and safety benefits, including provisions on medical and dental clinics, emergency medical material or medicine, annual general check-up, group

life and accident insurance, hospitalization, and sleeping quarters/washroom/lockers, etc; (4) Leaves, including bereavement leave, birthday leave, emergency leave, maternity and paternity leaves, sick leaves, vacation leaves, and special leaves; (5) Post-employment benefits, such as retirement, separation and disability pay; and (6) other benefits, which are either monetary (e.g. Christmas/year-end bonus, mid-year bonus, service/longevity awards, no-absence incentives, service charge distribution, burial assistance, and signing bonus) non-monetary (e.g. rice subsidies, free uniforms, free meals, Christmas party, training and development of employees) benefits, (Edralin, 2003: p.185).

Political issues, meanwhile, are those that strengthen workers' security of tenure and bargaining power. Edralin (2003) defines these as:

The political issues covered in the CBAs are those related to: (1) union recognition/scope and coverage; (2) union security; (3) union rights and privileges; (4) job security/security of tenure; (5) employee discipline; (6) promotions and transfers; (7) hours of work; (8) grievance machinery; (9) labor-management relationship, including provisions on Labor-Management Committee/Council and strikes/lockouts; and (10) other provisions concerning the effectivity, validity, and implementation of the contract, (Edralin, 2003: 216).

Wage issues remain the "core bargaining issue" during collective bargaining (Bitonio, 2012: p30). However not all CBAs stipulate wage adjustments. In some of those where wage increases are absent, Bitonio (2012) finds that companies and unions often agree on a "lump-sum payment in lieu of a wage increase," (Bitonio, 2012: p. 31). In other CBAs that provide wage increases, lump sum payment remains present in the form of "signing bonus". As for the non-economic benefits, Bitonio (2012) finds that leaves, contrary to how Edralin (2003) classified them, were the most popular among the provisions under this category. Provisions on leaves are improvements of existing laws. Other provisions include union security clause, and working time. The analysis of Bitonio (2012) of collective bargaining outcomes does not look at women and gender specific provisions. CBA provisions, both economic and non-economic are treated as gender-neutral provisions.

The Bureau of Labor and Employment Statistics publishes trends in collective bargaining provisions by sector. Table 6 provides the frequency of women-specific CBA provisions among newly signed CBAs in 2011.

Table 6. Common women-specific provisions in new CBAs, 2011

Common Women-specific provisions	Frequency
Maternity Aid	15
Family Planning Service	240
Maternity leave	160
Menstrual leave	-
Birth of Child/Birth Assistance	-

Source: BLES.

Family planning service followed by maternity leave makes up most of the women-specific provisions. Among 326 CBAs filed by 206 federated and 120 independent unions, 240 have family planning service provisions while 160 have maternity leave provisions. These provisions commonly reiterate what is mandated by the law, although some go beyond these minima.

Benchmarking women-specific CBA provisions

Four basic instruments, two local and two international instruments, are discussed in this section. These basic instruments outline the basic rights of women in the workplace.

The Philippine Labor Code

Presidential Decree 442 also known as the Labor Code of the Philippines already set some benchmark women benefits and provisions in the workplaces. These provisions are in the first chapter of "Working Conditions Special Group of Employees." The following aspects of working conditions are included: (1) night work prohibition and the exceptions (repealed by RA 10151); (2) facilities for women; (3) maternity leave benefits; (4) family planning; (5) prohibition against discrimination; and, (6) stipulation against marriage.

Initially, women are prohibited from working between ten o'clock at night and six o'clock in the morning of the following day in the industrial, non-industrial activities. As for agricultural activities, a woman is allowed to work at night only if she is given nine consecutive hours of rest. However, there are exceptions that apply on the following cases:

- (a) In cases of actual or impending emergencies caused by serious accident, fire, flood, typhoon, earthquake, epidemic or other disasters or calamity, to prevent loss of life or property, or in cases of *force majeure* or imminent danger to public safety;
- (b) In case of urgent work to be performed on machineries, equipment or installation, to avoid serious loss which the employer would otherwise suffer;
- (c) Where the work is necessary to prevent serious loss of perishable goods;
- (d) Where the woman employee holds a responsible position of managerial or technical nature, or where the woman employee has been engaged to provide health and welfare services;
- (e) Where the nature of the work requires the manual skill and dexterity of women workers and the same cannot be performed with equal efficiency by male workers;
- (f) Where the women employees are immediate members of the family operating the establishment or undertaking; and,

(g) Under other analogous cases exempted by the Secretary of Labor and Employment in appropriate regulations, (PD 442, 1974).

In 2011, night work prohibition of women was repealed by RA 10151.⁵ While the law repeals previous night work prohibition for women, this law provides alternatives to night work especially for women "before and after childbirth, for a period of at least sixteen (16) weeks". Another important provision under the law is stated in Article 155 which gives workers the right to undergo health assessment without charge. Workers are also entitled to receive advice on how to reduce or avoid health problems associated from night work.

Facilities for women include the following: (a) seats for women during work and in their free time; (b) separate toilets for men and women, lavatories, and dressing room for women; (c) nursery in the workplace for women; (d) minimum age and other standards for retirement.

The required length of maternity leave that employers must grant their women employees who have rendered at least six months for the last 12 months is at least two weeks prior to the expected date of delivery and another four months after normal delivery or abortion, for a total of six weeks. The employee will receive her full regular pay throughout her leave.

Discrimination against women is prohibited. Discrimination may be in the form of payment of smaller compensation and other benefits to women relative to what men receive and favoring men for promotion and other learning opportunities. Employers are also prohibited from requiring their women employees to not get married or dismiss, consider resigned or separated women employees who marry.

ILO Conventions

The International Labour Organization (ILO) also ensures that women workers' rights in the workplace are secured through various conventions. Conventions are ILO instruments that set the standards for member countries. Because these conventions are ratified by governments, these are legally binding especially for those who have ratified them. The conventions that are most relevant to women workers are Equal Remuneration Convention (No. 100), Discrimination (Employment and Occupation) Convention (No.111), Workers with Family Responsibilities Convention (No. 156), Maternity Protection Convention (No. 183), Night Work Convention (No. 171) and Underground Work (Women) Convention (No. 45). The Philippines has ratified Conventions No. 100, No. 111.

CEDAW

The United Nations responded to calls to strengthen the protection for women against all forms of discrimination through the adoption of the Convention on the Elimination of All forms of Discrimination

⁵ RA 10151 is also known as 'An act allowing the employment of night workers, thereby repealing articles 130 and 131 of Presidential Decree number 442, as amended, otherwise known as the Labor Code of the Philippines'.

Against Women (CEDAW) in 1979. It was ratified by twenty countries in 3 September 1981 and entered into force. The Philippines signed the convention in 1980.

A certain chapter in CEDAW is dedicated specifically to employment related concerns of women. CEDAW provides the following in-work guarantees for women:

- (a) The right to work as an inalienable right of all human beings;
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
- (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
- (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction (CEDAW, 1979).

CEDAW adds the following provisions to ensure that women are not deprived of their rights to work because of discrimination on the grounds of marriage or maternity:

- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
- (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
- (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
- (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them (CEDAW, 1979).

Institutions that protect women's rights in the workplaces exist in the form of legally binding instruments at the national and international levels. Since these are legally binding, the government bears the duty to implement these instruments and ensure that workplaces are compliant with these standards.

Magna Carta of Women

Republic Act 9710, also known as the Magna Carta of Women, is a comprehensive law that "seeks to eliminate discrimination through the recognition, protection, fulfillment and promotion of the rights of Filipino women, especially those belonging in the marginalized sectors of the society," (PCW, 2009). The law materializes the country's commitment when it ratified the Convention on the Elimination of the All Forms of Discrimination Against Women or CEDAW. The Magna Carta defines the basic entitlements of women and identifies the government as the primary duty-bearer of protecting women against all forms of discrimination and promoting their rights in all spheres including labor and employment.

Results and discussions

Results of the Roundtable discussion (RTD)

Summary of gender issues in the workplace

Table 7 presents an overview of issues in the workplaces in each of the industries represented during the roundtable discussion. Most of the issues raised by women workers are may be said to be sector-specific. For instance, sexual harassment may be common in the broadcast industry but not very pronounced in others. While companies may have policies against acts considered sexual harassment, implementation of the policies may be a different case. The inactivity of women's committees is a serious problem because women's committees of unions are the primary entities expected to promote the right of women in the workplace and encourage support from unions. A functional women's committee is mostly determined by the level of education among its members. Thus, one reason women's committees are inactive is that women unionists may not have undergone union education activities especially those pertaining to women's rights.

In the garments manufacturing industry, poor ventilation emerged as the primary issue. The garments industry employs mostly women and this problem affects mostly women workers. While companies in the industry provide the basic personal protection equipment, they are not often used by workers because these PPEs add to their discomfort because of the temperature inside the plant.

In hotels and restaurants, women issues are centered on the treatment of women who have just gone through pregnancy. While there are benefits for pregnant women including relief of work and switching of work schedules, after their pregnancy, women are often asked to resume work. Sometimes, even before maternal leave is fully used, women are forced to work. In some instances, some women workers, due to boredom, seek to go back to work immediately. The problem with these practices is

that if the woman worker who has just gone through pregnancy sustains work-related injury over the duration she is considered on leave, the worker may not be compensated by the social insurance (Social Security System or SSS).

In the metal working industry, the problems experienced by women range from problems related to the provision of safety equipment, to issues related to the working environment. Most activities classified as metal working belong to the manufacturing industry, and as in the garments manufacturing, poor ventilation are also experienced by women workers. Sometimes, workplaces do not offer sufficient space for mobility. In some cases, women are assigned to heavy physical work although these are often delegated to workers under contractual working arrangements. There are also delays in the issuance of uniforms for pregnant women. Finally, workers in the metalworking industry are often exposed to chemicals that may have adverse effects on their health. Women workers also share this exposure and unless they are provided with protective equipment, they are prone to acquiring illness.

Sexual harassment also figures in hospital and healthcare industry. In some cases, sexual assault is carried out by patients. Meanwhile in the cable television industry, the most common demand of women workers is the provision of space for lactating mothers.

Presentation of existing women-specific CBA provisions

The LEARN Gender program collected collective bargaining agreements from unions from various industries to examine the existing collective bargaining provisions on women. The provisions were compared across the industries. There are two quick observations from the comparative matrix: first, commonalities are observed among CBAs from the same industry, with minor variances. Second, although there are also commonalities, differences are more pronounced across CBAs in different industries and such differences may emerge from the quality of provisions in terms of values, duration, scope, etc.

The most common provision is maternity leave, followed by provision concerning family planning programs. In general, CBA provisions on maternity leaves are often restatements of the law although in the sampled CBAs, maternity leaves go beyond what is provided by the law. The number of leaves also varies depending on the type of delivery undergone by women workers, with cases involving caesarian deliveries granted longer work time off. Meanwhile, family planning provisions are commonly reiteration of what is provided by the law. In some CBAs, unions are able to negotiate for maternity differential pay, or the amount that women workers must be endowed with so that along with the maternity benefit provided by the Social Security System, the worker takes home an amount close to, or equivalent to her monthly salary.

Table 7. Summary of issues in workplaces

Broadcast	Garments	Hotels and restaurants	Metalworking	Hospitals	Cable television
Women's committees are not active	Poor ventilation	Women who are not pregnant are often burdened with work when there are pregnant women who cannot work. Work force is not expanded to respond the reduced workforce.	Pregnant women are not issued uniform immediately. Sometimes uniforms are not even new.	Sexual harassment.	There is no room for lactation.
Sexual harassment occurs.		Maternity leave is not exhausted. Sometimes women are forced to work right after giving birth.	Women sometimes are assigned to heavy physical work. These tasks are often delegated to contractuels. Women are also exposed to chemicals. Poor ventilation Space not conducive for mobility Rank and file workers cannot use toilet at will Verbal abuse by management personnel often happens.		

Note: The issues presented above were gathered during the first roundtable discussion with women workers.

In most hotel unions, CBAs contain provision that relieves pregnant women of physically strenuous jobs. These CBAs often require confirmation from a physician. In other CBAs, only submission of SSS Maternity Notification is required.

Other provisions include medical, dental and physical checkup for women; gynecological surgery leave; and provisions on work schedule of women. It is interesting to note that one union from the broadcast industry has a CBA provision that grants victims of violence against women and their children in accordance with the law (RA 9262) leave benefits.

There are also CBA provisions that are related to the interest of women. For instance, along with maternity leave benefits, unions also negotiate for paternity leave benefits with an average of one week. Meanwhile, two CBAs have solo parent leave in accordance with the Solo Parent Welfare Act (RA 8972). Unions from the food manufacturing industry were able to negotiate for a feeding scheme. The program provides free formula milk to parents (including those with illegitimate children).

Table 8. Common provisions and other women-related CBA provisions

Common Provisions	Other provisions
Maternity Leave	Paternity Leave
Maternity Differential Pay	Solo Parent Leave
Emergency Loans	Family Welfare
Family Planning	Family Leave
Leave for Women Victims of Violence and Their Children (R.A.9262, Section 3 and 43)	Provision and Maintenance of Comfort Rooms.
Women's Gynecological Surgery Leave	Feeding scheme
Relief of pregnant women	
Work Schedule of Women	
Medical, dental, and annual physical check up	

Crafting of a survey questionnaire and survey results

To gather more information, a survey among the unions about the compliance of companies and unions as regards existing laws on women shall be conducted. A questionnaire is drafted based on a checklist provided in "Handbook on Women's Rights" by the Alliance of Progressive Labor. The survey aims to determine whether a certain condition exists as a company policy or as part of collective bargaining agreement.

The results are shown in tables 9 and 10. These two sets of results correspond to the degree by which company policies and collective bargaining agreements meet the basic rights at work of women. Table 9 shows the degree of compliance of SENTRO affiliates with labor policies on women. Based on the responses, collective bargaining agreements are less able to incorporate provisions that guarantee certain facilities such as lactation stations and day care facilities. Eight percent of the responses disclose that their CBAs provides for a lactation space for mothers. Meanwhile, there is still no CBA that provides for day care for children of workers.

Table 9. Compliance of collective bargaining agreements of SENTRO affiliates with labor policies on women

		Yes	No	Yes	No
Q1	Security of Tenure	13	0	100%	0%
Q1.1	Termination is based on just or authorized cause	20	0	100%	0%
Q1.2	Employee has been given notice and hearing prior to termination of employment	17	0	100%	0%
Q2	Hours of work	8	1	89%	11%
Q2.1	Women employee is <i>not</i> made to work beyond eight (8) hours in a day.	10	9	53%	47%
Q2.2	Women employee is given a meal break not less than one hour, which is not compensable.	15	2	88%	12%
Q3	Pregnancy is not a ground for termination or demotion.	9	5	64%	36%
Q3.1	Pregnant women employees may be reassigned to light work.	10	7	59%	41%
Q4	There is a family planning program implemented by the company	14	6	70%	30%
Q5	The employee is entitled to a maternity leave, extendible but without pay, as the case may be.	15	4	79%	21%
Q6	Lactation stations are available in the workplace (unless exempted by DOLE).	2	15	12%	88%
Q6.1	Lactation breaks are compensable working hours.	2	16	11%	89%
Q6.2	Pregnant employees are given information on how to combine breastfeeding and work once they return to work.	4	16	20%	80%
Q6.3	Space is provided for lactating women	5	15	25%	75%
Q7	Women in need of surgery due to gynecological disorders	5	7	42%	58%
Q7.1	The employer grants a woman employee the special leave benefit for every instance of surgery caused by gynecological disorders for a maximum period of 60 days every year.	5	11	31%	69%
Q7.2	The special leave benefit is given <i>on top</i> of leave entitlements under special laws.	6	10	38%	63%
Q7.3	The special leave benefit is not taken from sick or vacation leave credits of the company.	6	9	40%	60%
Q7.4	The employee enjoys the right to undergo a health assessment without charge.	12	3	80%	20%
Q8	Night work for women workers	4	4	50%	50%
Q8.1	The employee receives advice on how to reduce or avoid health problems associated with night work.	5	10	33%	67%
Q8.2	Pregnant and nursing employees are given alternatives to night work, such as:	5	9	36%	64%
Q8.21	transfer to day work, if practicable	7	10	41%	59%
Q8.22	social benefits	10	6	63%	38%
Q8.23	extended maternity leave	9	4	69%	31%
Q9	Facilities for women	3	5	38%	63%
Q9.1	First-aid facilities are available.	10	5	67%	33%
Q9.2	Eating facility with potable drinking water is provided.	8	5	62%	38%
Q9.3	Facilities for transportation and/or separate properly ventilated sleeping quarters.	7	6	54%	46%
Q9.4	Day care for children of workers is provided.	0	14	0%	100%
Q9.5	Lactation stations for mothers.	1	12	8%	92%
Q9.6	Comfort rooms are provided.	7	6	54%	46%

Q9.7	Women employees can use comfort rooms anytime.	7	4	64%	36%
Q9.8	Uniforms for pregnant women are provided.	3	9	25%	75%
Q9.9	Safety equipment and protection against harmful chemicals and substances are provided.	4	9	31%	69%
Q10	Victims of violence against women and children (VAWC) and sexual harassment	5	3	63%	38%
Q10.1	Woman workers who are victims of VAWC are entitled to a paid leave up to ten (10) days.	2	11	15%	85%
Q10.2	There is a company/union policy against sexual harassment	7	6	54%	46%
Q10.3	There is a committee on decorum	7	6	54%	46%
Q10.4	Republic Act No. 7877 is properly disseminated in the workplace	5	8	38%	62%

Table 10 shows the compliance with labor policies on women of companies with SENTRO affiliates. The responses show that companies are providing the basic rights of women workers on the average, except in the case of day care facilities for children of workers. Although it appears that most companies comply with prescriptions of laws, there are still some companies that fail to grant women workers their rights.

It is important to note the obvious discrepancy between what CBAs provide and company policies. The responses show that CBAs are unable to cover some of the prescriptions of the law, however, the responses also show that companies are also compliant with most of these prescriptions. For instance, while CBAs may not provide for some welfare benefits such as the provision of lactation space, there is a sizeable number of companies that provide them. One explanation why this happens is that companies may have been providing these benefits voluntarily that unions think they no longer need to negotiate for these during collective bargaining. Moreover, since these policies concern mostly mandatory benefits and facilities for women, there is an assumption that unions need not bargain for the implementation of these policies at the workplace, after all, it is the job of the government to ensure that such policies are implemented. Although companies have been voluntarily complying with labor standards on women, it remains important for unions to actively promote these practices in all companies, expand the coverage of benefits, institutionalize and go beyond these benefits through collective bargaining. The gap between company policies and the labor standards for women suggests that there is inadequacy both on the part of the government (because they are the primary implementers of labor standards) and of the union (because they have the capacity to influence company policies). Articulating the interests of women is expected of a union that displays a high degree of gender sensitivity. Thus, the failure of a union to accomplish this implies that there is a need to reassess the awareness of the union especially its leadership and its bargaining representatives.

Table 10. Compliance of companies with SENTRO affiliates with labor policies on women

		Yes	No	Yes	No
Q1	Security of Tenure	10	1	91%	9%
Q1.1	Termination is based on just or authorized cause	13	7	65%	35%

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Q1.2	Employee has been given notice and hearing prior to termination of employment	17	3	85%	15%
Q2	Hours of work	6	4	60%	40%
Q2.1	Women employee is <i>not</i> made to work beyond eight (8) hours in a day.	9	13	41%	59%
Q2.2	Women employee is given a meal break not less than one hour, which is not compensable.	16	6	73%	27%
Q3	Pregnancy is not a ground for termination or demotion.	13	5	72%	28%
Q3.1	Pregnant women employees may be reassigned to light work.	16	6	73%	27%
Q4	There is a family planning program implemented by the company	8	13	38%	62%
Q5	The employee is entitled to a maternity leave, extendible but without pay, as the case may be.	17	5	77%	23%
Q6	Lactation stations are available in the workplace (unless exempted by DOLE).	7	13	35%	65%
Q6.1	Lactation breaks are compensable working hours.	8	12	40%	60%
Q6.2	Pregnant employees are given information on how to combine breastfeeding and work once they return to work.	8	14	36%	64%
Q6.3	Space is provided for lactating women	10	12	45%	55%
Q7	Women in need of surgery due to gynecological disorders	10	3	77%	23%
Q7.1	The employer grants a woman employee the special leave benefit for every instance of surgery caused by gynecological disorders for a maximum period of 60 days every year.	9	13	41%	59%
Q7.2	The special leave benefit is given <i>on top</i> of leave entitlements under special laws.	13	9	59%	41%
Q7.3	The special leave benefit is not taken from sick or vacation leave credits of the company.	13	10	57%	43%
Q7.4	The employee enjoys the right to undergo a health assessment without charge.	16	5	76%	24%
Q8	Night work for women workers	7	3	70%	30%
Q8.1	The employee receives advice on how to reduce or avoid health problems associated with night work.	8	14	36%	64%
Q8.2	Pregnant and nursing employees are given alternatives to night work, such as:	15	5	75%	25%
Q8.21	transfer to day work, if practicable	19	4	83%	17%
Q8.22	social benefits	12	10	55%	45%
Q8.23	extended maternity leave	14	7	67%	33%
Q9	Facilities for women	9	3	75%	25%
Q9.1	First-aid facilities are available.	19	3	86%	14%
Q9.2	Eating facility with potable drinking water is provided.	17	2	89%	11%
Q9.3	Facilities for transportation and/or separate properly ventilated sleeping quarters.	10	10	50%	50%
Q9.4	Day care for children of workers is provided.	1	20	5%	95%
Q9.5	Lactation stations for mothers.	8	12	40%	60%
Q9.6	Comfort rooms are provided.	19	2	90%	10%
Q9.7	Women employees can use comfort rooms anytime.	18	3	86%	14%
Q9.8	Uniforms for pregnant women are provided.	9	9	50%	50%

Q9.9	Safety equipment and protection against harmful chemicals and substances are provided.	13	7	65%	35%
Q10	Victims of violence against women and children (VAWC) and sexual harassment	8	2	80%	20%
Q10.1	Woman workers who are victims of VAWC are entitled to a paid leave up to ten (10) days.	7	11	39%	61%
Q10.2	There is a company/union policy against sexual harassment	17	4	81%	19%
Q10.3	There is a committee on decorum	13	6	68%	32%
Q10.4	Republic Act No. 7877 is properly disseminated in the workplace	10	8	56%	44%

Results of the second RTD

Edralin (2014) discusses the trends in working conditions faced by women.⁶ There is a general trend toward greater flexibility and although this trend is observed in both men and women, women tend to be more vulnerable to it (Edralin, 2014). For instance, because women are expected to become submissive, they are more preferred for temporary employment in subcontractors such as employment agencies and labor “cooperatives” (ILRF, ND), which increases their exposure to precariousness and all the disadvantages attached to it. According to Edralin (2014), workers will be facing terms of employment characterized by the following:

Contractual and project-based work. Workers may be easily enticed by the relatively high pay these jobs offer. In an economy displaying remarkable growth figures, optimistic outlook may influence how workers look at the prospect of easily finding a job when contract expires. Edralin (2014) notes however that although workers may enjoy generous pay in the short run, workers will observe that overtime stagnant level of salaries and benefits may not be offset by the supposedly ease of moving from one job to another. Moreover, once an economy suddenly collapses, its immediate impact will be experienced by workers under flexible arrangements. The loss of employment has serious consequences on consumption spending of households, thus reinforcing economic slump which in turn creates a vicious cycle of stagnation, precarious work and joblessness.

Part-time work. Another form of increasing precariousness is the rise in part-time work. Part-time work is described as work performed by an individual not exceeding 40 hours every week 8 hours per day. Workers who work part-time are often those with other engagements such as schooling, or another work. Underemployment is commonly associated with part time work. The earnings in a part-time work may not be enough, thus a worker may want to look for additional work. In some instances, however, it is the insufficiency in earnings from an individual's main work that forces him or her to accept part time jobs.

Innovative and creative work. Creative work has been on the rise. These jobs refer to those associated with the arts and designs. Edralin (2014) notes that wages in these jobs are highly based on the skills of a worker.

⁶ Edralin, D. (2014). Gender-Responsive Collective Bargaining. PowerPoint presentation made for the Second Roundtable Discussion on Women Workers and Collective Bargaining. 28 October 2014. Quezon City.

Night shift. Off-shoring of work from Europe and the US especially in the business outsourcing sector made work on a night shift common in the labor market. Night shift is the most common working condition in both voice and non-voice BPO firms as workers are required to render service to clients from a different time zone.⁷

Job rotation. This practice refers to shifting of workers from one function to another often in the guise of training. In some cases, workers tend to perform different tasks. Although they should be compensated based on the kind of work they do, salary levels are not adjusted as workers move from one task to another. This is commonly seen in the services industry where workers tend to perform more than one task. For instance, a barista may also be a cashier or something else during the course of his work.

Outsourcing and off-shoring. This practice among firms has been increasing with the pace of globalization. Instead of producing their products in-house, firms tend to outsource them to other countries especially in developing regions where labor is relatively cheap. This is pursued by firms to gain competitiveness and at the same time increase their profit margins. Outsourcing and off-shoring have led to the rise of the BPO industry in the Philippines and other countries.

*Telecommuting*⁸. This refers to work at home. The rise of modern communication technology especially the increasing utilization of the internet created this practice where workers no longer need to report at offices because their home is literally their workplace. Telecommuting is also prevalent in the services sector where performance is output-based. Work at home facilitates the dual role of women as a worker and at the same time housekeeper.⁹

Discrimination against pregnant women. Pregnant women are not often treated well in the workplace. In the past, pregnant workers are commonly married women. However, there is a growing trend of unmarried women getting pregnant. These workers face greater discrimination and unfair treatment in the workplace.

Sexual harassment. Sexual harassment is a common problem in the workplace. It is expected that with precariousness, women workers will become more exposed to it. It is important to note that existing laws have covered sexual harassment cases, however, without appropriate mechanisms in the workplace to ensure that such cases are prevented, protection of women fails.

⁷ Despite the clear need to organize workers who work on a night shift and improve their working condition through collective bargaining, the BPO sector remains as one of the least organized industries.

⁸ In output-based work, work time is no longer significant. This implies has implications on the earnings of a worker especially when a certain work requires more than 8 hours every day to accomplish, thus overtime pay is disregarded in this arrangement.

⁹ Although this may be attractive to some women workers, this arrangement reinforces the idea that women's role is in the house.

Team-based pay. There is an increasing adoption of team-based pay, where compensation is pegged to the performance of a group of workers rather than to an individual's performance.

Early retirement. The so-called "second career" is becoming popular because of early retirement schemes by firms. In some jobs, productivity declines with age. Firms are very much aware of this and thus, because they seek to maximize the productivity of their workforce, will have to replace their aging workforce. Early retirement is an option that firms offer their workers. Some workers may be attracted to an early retirement package, especially women, because they would want to enjoy the fruits of their labor at an early age. However, the increasing adoption of an early retirement package by firms is also a way to replace regular employment with non-regular workers. Such a move allows firms to minimize their labor cost and raise their profits at the cost of worker welfare.

The working arrangements discussed above have been observed in the past, however, their prevalence in the future is highly anticipated. It is important for unions to consider the prevalence of these working arrangements during collective bargaining.

Conclusion and recommendations

Conclusion

This paper looked into the situation of women workers in firms with SENTRO-affiliated unions. Although unions are able to secure the rights of women workers, there is still much to be done to fully address the needs of women workers.

Not all of the labor standards for women as enumerated in various legal instruments are mandatory requirements for firms. However, and especially for those that are not mandatory in nature, unions must constantly secure these rights for women workers. These rights include, but are not limited to menstrual leave, lactation spaces and day care for children of workers.

The purpose of labor standards is to set the minimum benefits and working condition for workers. The goal of the union must be to improve these guarantees through collective bargaining. Thus, while it may not be necessary for unions to bargain for certain benefits that have already been defined by the law, it is expected that they are able to negotiate for better terms regarding maternity leaves and benefits, hours of work for women and compensation, and health and gynecological services.

Unions must actively take part in ensuring that laws for women, such as the labor code and the magna carta of women, are implemented in the workplace. This requires that unions and especially their leadership are aware of these laws. Mere knowledge of the law, however, does not guarantee that union representatives are able to articulate effectively the interest of women workers. Thus, there is a need for constant education of union membership to increase awareness of women's rights and gender sensitivity.

Recommendations

The following are recommended courses of actions for unions:

1. It is important to determine the reason why some laws on women are not implemented at the plant level. The most obvious reason is the lack of knowledge of laws by the management and even by the workers. It is true that governments must ensure that firms comply with the law however, workers will not be able to take advantage of these entitlements if they will not assert their rights. Thus, it is important for unions to engage in education activities for women to ensure that women workers are informed about their rights and are able to assert these rights in the workplace.
2. Some unions especially those that already have so-called women's committees already have education programs that tackle gender issues. The results of the survey show that despite the presence of these programs, women are still marginalized in the unions and this can be observed not only in terms of the number of women who occupy decision-making positions in the union, but also of the degree by which collective bargaining agreements meet the needs of women workers. Because union structures and the design of gender programs of each union is extremely important in mainstreaming women issues, it is important for unions to evaluate their respective gender programs and women's committees in the following dimensions: women in leadership position, collective bargaining provisions for women, and the extent of coverage of gender education among both women and men unionists.
3. The Alliance of Progressive Labor prepared a handbook for women workers. The handbook outlines the entitlements and benefits that every woman worker must enjoy based on existing legal instruments. The handbook also serves as a checklist of the benefits and entitlements that can be accessed by women workers. Unions must take part in distributing this tool to its members.
4. During collective bargaining, unions may negotiate for the following provisions for women workers:
 - a. Menstrual leave. At least a day to three days of paid leave every month is granted to women workers to enable them to rest during their monthly menstrual cycle.
 - b. Lactation spaces and nursery and feeding scheme.
 - i. Management will provide space for lactating mothers to allow them to continue breastfeeding their infant children while at work.
 - ii. Management will also provide a nursery for workers who opt to bring their children at work. The management shall provide child care center, free of charge, for the children of all employees with ages from 1 year and below. The center shall provide all necessary services for the well-being of the children, which shall be under the care of a pediatrician.¹⁰
 - iii. Management will provide workers who have infant children subsidy for infant milk consumption.

¹⁰ Adopted from Edralin (2003).

- c. Go beyond the stipulation of the law on the following benefits:
 - i. Maternity leave.¹¹ Women employees, in case of delivery, legal abortion, or miscarriage, shall be granted maternity leave with full pay (basic plus allowances and service charge) of at least sixty (60) days.
 - 1. Extension. Upon proper recommendation of her attending physician, the women employees shall be allowed extension of her maternity leave beyond the 60-day leave, chargeable to her unused sick leave, if any.
 - 2. Advance payment. Maternity benefit shall be paid in advance, one (1) week after a request is made by the employees concerned.
 - ii. Gynecological health. Women workers who need special treatment shall get paid leave benefits.
 - iii. Hours of work
 - 1. Work schedule of women. The working schedule of women employee/s shall not go beyond 12:00 o'clock midnight without the prior consent of the union and the employee/s concerned.
 - 2. Relief of work for pregnant women. Pregnant women shall be relieved of heavy workload and/or strenuous job from the first month of conception or upon presentation of the laboratory result.
 - d. Unions may also bargain for extension of other benefits and entitlements that are related to women concerns such as paternity leave (at least one week), solo parent leave, and family leave.
 - e. Limit the incidence of contractualization by negotiating for regularization of non-regular workers.
5. Unions must also ensure that the laws against violence against women are implemented in the workplace. Women's committees should take the lead in ensuring that women have safe working environment free from abuses and sexual harassment.

¹¹ Adopted from Edralin (2003).

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Appendix

Appendix 1. NUWHRAIN Women Specific CBA Provisions (Edralin, D. 2003. Collective Bargaining in the Philippines. National Bookstore.)

Article VIII. Hours of work

Section 51. Work schedule of women. The working schedule of women employee/s shall not go beyond 12:00 o'clock midnight without the prior consent of the union and the employee/s concerned.

Article XIV. Women workers

Section 90. Child care center. The hotel/restaurant shall provide child care center, free of charge, for the children of all employees with ages from 1 year and below. The center shall provide all necessary services for the well-being of the children, which shall be under the care of a pediatrician.

Section 91. Menstrual leave. Women employees shall be extended three days menstrual leave with full pay per month.

Section 92. Special maternity privilege. Pregnant women shall be relieved of heavy workload and/or strenuous job from the first month of conception or upon presentation of the laboratory result.

Section 95. Maternity leave. Women employees, in case of delivery, legal abortion, or miscarriage, shall be granted maternity leave with full pay (basic plus allowances and service charge) of at least sixty (60) days.

- a. Extension. Upon proper recommendation of her attending physician, the women employees shall be allowed extension of her maternity leave beyond the 60-day leave, chargeable to her unused sick leave, if any.
- b. Advance payment. Maternity benefit shall be paid in advance, one (1) week after a request is made by the employees concerned.