

Gender equality: The new agenda of the „old“ social partners?¹

Monika Čambáliková²

Institute for Sociology Slovak Academy of Sciences, Bratislava

Gender Equality: The New Agenda of the „old“ Social Partners? The research focused on analysing the content of gender mainstreaming in collective agreements at company and sectoral levels, in the activities (especially collective bargaining) of social partners – particularly the trade unions – in the surveyed companies or sectors. The contents of relevant collective agreements (company and sectoral collective agreements) were analysed, and semi-standardized interviews were conducted with the respective collective bargainers in the Slovak Republic (SR).

The research shows that social partners in SR, especially unions, rank themselves among the leading partners in the processes, and are aware of their specific role and function in those processes. They have been acting in the area of principles and practices concerning reconciliation between work and private (family) life for a long time and at a standard European level. They included the agenda of equal opportunities in their objectives and principles. Now they are learning how to effectively include the agenda in their day-to-day activities, especially the life of their company's employees. The surveyed Slovak collective agreements are, in principle gender neutral (in the formulations as well as in the content). They generally go beyond the framework of the law in providing more rights and advantages for the employees. In general, the surveyed collective agreements established more specific instruments and measures for reconciliation between work and family (private) life than for implementation of equal opportunities for men and women. Instruments and measures aimed at reconciliation between work and family are connected especially with the use of the social fund of the enterprise and guarantee to the employees more paid free days (for e.g. caring for sick family member, wedding or funeral in the family, accompanying child to school on child's first school day) than provided under the Labour Code, application of the flexible working time and organising of various cultural, sport, leisure and recreational activities for families of the employees.

Sociológia 2007, Vol. 39 (No. 3: 191-213)

Key words: *social partners; collective agreements; collective bargaining; reconciliation between work and private (family) life; equal opportunities for men and women; company and sectoral levels; measures*

Introduction

Social partners as agents, and social partnership institutions as instruments to shape the labour market

Social partners and social partnership institutions have an important role to play in the post-World War II democracies with socially oriented market economies. In addition to their contribution to social stabilisation of the society and participation

¹ The study was conducted under the grant VEGA 2/6031/26 Agenda, Strategy and Identity of Social Partners in Slovakia: Continuity and Change and under the CIP EQUAL Slovakia on the Way to Gender Equality project (No. 81/04-1/33-4.1) co-funded by the European Union through European Social Fund. In supplemented edition was published in: Píscová (Ed.) Slovakia on the Way to Gender Equality. Bratislava 2006, p. 141-181 and In: Čambáliková: Rovnosť a zosúladzovanie v kolektívnom vyjednávaní a zmluve. ERPA, SÚ SAV, Bratislava 2006.

² Address: PhDr. Monika Čambáliková, CSc., Sociologický ústav SAV, Klemensova 19, 813 64 Bratislava 1, Slovak Republic. Phone: +421-2-5296 4355, key 105, fax: +421-2-5296 1312, e-mail: monika.cambalikova@savba.sk

of employee and employer associations in (co) decision-making and control at a company level through to the national level, they co-shape the labour market, employment, social, and especially corporate social policies.

Social partners now at times have to struggle to keep their powers, social roles and actual influence. Processes such as liberalisation, globalisation, production and labour restructuring shape the current situation and bring about internal and external changes that weaken the bargaining and organizational power of the „traditional“ social partners, especially trade unions. Certain effects of those processes, however, namely the pressures resulting from the European Union integration and criteria may have positive (at least formal and institutional) effects on the position and role of the social partners. The Member States, under the pressure of those criteria, are encouraged to strengthen their democratic institutions, including social partnership, and to adopt an approach preferring consensus and agreement – which is exactly what the social partnership institutions can do.

The role and position of the „traditional“ social partners operating under modern circumstances are strengthened also with the adoption of „new“ agenda. Besides the traditional agenda such as higher wages, better working and living conditions for workers, the social partners are (can be) the implementers of the principles and practices of equality (including gender equality) and equal opportunities in labour and employment, and reconciliation between work and family (private) life.

There are instruments that social partners can use, namely their „traditional“ institutionalised forms of exerting influence, namely collective bargaining and collective agreements. Collective bargaining and collective agreements are instruments that can be used by social partners to safeguard and implement the equal opportunities principle in all relevant policies since collective bargaining plays an important role in setting the working conditions, employment and working conditions, and is a crucial mechanism for gender mainstreaming of industrial process in its broadest sense.

For the above reasons the research covered the following:

1. SOCIAL PARTNERS as AGENTS or (non)implementers of equal opportunities and work and family (personal) life reconciliation;
2. COLLECTIVE BARGAINING and COLLECTIVE AGREEMENTS as INSTRUMENTS for or way of (non)implementation of equal opportunities and reconciliation of work and family/personal life.

The *research was focused* mainly on content analysis of gender mainstreaming in collective agreements and activities (particularly collective bargaining) of social partners, primarily trade unions, at the workplace or in the area of equal opportunities, and reconciliation between work and private life.

The *research covered*:

- a) Social partners – negotiators of collective agreements:
 - at company level
 - at sectoral level; and by them negotiated (concluded)
- b) Collective agreements – 11 company and 6 sectoral collective agreements (so-called Collective Agreements at Higher Tier) valid and effective in the SR in 2006.

Research instruments and techniques:

- a) Content analysis of collective agreements;
- b) In-depth semi-standardised interviews with collective negotiators.

Due to the fact that the collective bargaining is realised especially at the sectoral level in Slovakia and potentially all enterprises operating in the relevant sector/branch of the economy might be covered by the relevant sectoral collective agreement (as the extension of the sectoral collective agreements is enabled), we have tried to cover wide range of economic sectors when choosing the sectoral collective agreements to be analysed. We have analysed so called high-feminised sectors of the economy (e.g. sector of the education, health care, social services and culture) as well as sectors with the lowest representation of female workers (e.g. the mining, construction works, production and distribution of electricity, gas and water)³. Considering the fact that company collective agreements are based on the sectoral collective agreements that (sectoral collective agreements) represents a “minimum standard” for company collective agreements (i.e. obligations of the employer and benefits for the employees can be extended, but cannot be limited under the company collective agreement in comparison with the sectoral ones), we have tried to sample also enterprises with the very different number of employees, with different portion of female workers, from different sectors of economy and with different ownership structure. During the analysed period there has been operating a trade union in each of the analysed enterprises (save for two of the analysed enterprises where two trade unions have been active, but proceeded jointly in the collective bargaining processes) and the valid and effective company collective agreement was entered into. The regional perspective was of a secondary importance. Preliminary – relatively surprising – finding is that the content of the analysed collective agreements was almost the same in respect to analysed characteristics. Similarly, despite of the “more informed and knowledgeable” statements/representations of negotiators (especially negotiators

³ In 2004, there worked in education 78.6% female workers out of all workers in education in Slovakia and 83.2% female workers (out of all workers) in sector of health and social care; while in mining it was only 7.8% female workers, in construction only 8.5% female workers and in production and distribution of electricity, gas and water it was 22.4% female workers. Source: Statistical yearbooks of the SR 1998 – 2004. Bratislava, Štatistický úrad SR/The Statistical Office of the SR 1999 – 2005.

of sectoral collective agreements) in respect to the gender equality declared during the in-depth semi-standardised interviews these (statements/representations) were not reflected into the content or respective clauses of the collective agreements in principle⁴.

The sampling of the economy sectors and enterprises *de facto* determined also the sampling of negotiators – these were those who were active in the position of the negotiators in the relevant sector/enterprise. In general, the chairmen of the company trade unions are those persons who collectively bargain (and enter into the collective agreements) on the company level. Among all 11 analysed enterprises there were seven (7) female chairmen/negotiators and four (4) male-chairmen/negotiators on the company level. However, on the sectoral level, the portion between male and female representation is turned: out of six (6) negotiators only two (2) are female.

I.

Collective bargaining and collective agreements as instruments for implementation of equal opportunities, and reconciliation between work and family (personal) life: EU-principle and examples of "good practice"

Social partners (together with governments of the EU Member States) under the European Employment Strategy bear their share of responsibility for the following areas:

- increasing the employment rate and employability of women,
- balancing the representation of men and women in certain sectors and jobs,
- improving women’s career promotion opportunities,
- facilitating reconciliation between work and family (private) life,
- facilitating integration and reintegration of women in labour market.

(Source: Employment directive, Document: The European Employment Strategy EU9909187F)

The equal opportunities policy, as a matter of principle, has to be implemented and developed within the framework of all policies, at all levels, and in all relevant areas. Since the issues covered by collective bargaining and topics of collective agreements encompass setting and specification of working conditions in their broadest sense – including employment conditions, employment and remuneration, collective bargaining is (can be) the key mechanism for gender mainstreaming in the industrial process particularly at respective workplaces (companies).

⁴ Number of analysed collective agreements, however, does not enable us to correctly analyse influences of analysed characteristics in a full range. It represents only the first surveys probe into the surveyed/analysed issue. Questions that cannot be answered by it could be a motivation and inspiration for further, more extensive survey.

The importance of collective agreements having the status of complementary legislation has to be underlined. It is collective agreements where measures and provisions can go beyond the statutory provisions. Collective agreements give opportunities and room for the development of positive, and temporarily „higher standard” measures – including equality advancement – especially when they respond to the past disadvantages or are intended to counterbalance past or present discriminatory practices.

It becomes apparent that the gender differences and unequal opportunities are rooted in the „gender“ nature and the ongoing stereotype within organizations – it is assumed, for example, that men do not run the household and do not take care of family members, and work traditionally done by women is undervalued. That is the reason why there is a need to conduct a critical review of organizational structures and cultural patterns, first of all, and only then to adopt relevant specific measures against that background.

„Good“ (gender-sensitive) collective agreements cover primarily those obstacles to equal opportunities principles and practices that are embedded in culture and in the structure of organizations. Such agreements do not only focus on specific issues, but they outline and set up positive action programmes, fix short- and long-term goals, are very specific about procedures for accomplishment of those goals, and provide for their funding. In other words, collective agreements that can serve as „examples of the best practice“ consistently integrate equal opportunities in their human resources policy and employment policy.

Those who negotiated such collective agreements understand equal opportunities, and adopt the principle as a general integral aspect of employing and employment, business and flexibility.

„If collective bargaining lacks a gender perspective, it is very likely that agreements will institutionalise discriminatory practices, entrench rather than challenge gender segregation of work, and operate on a male norm of employment, to the obvious disadvantage of women.“ (Source: Equal Opportunities, Collective Bargaining and European Employment Strategy)

What are the general features of a „good“ (gender-sensitive) collective agreement in terms of implementation of the equal opportunities principle?

A „gender-sensitive” collective agreement typically:

- contains *elements* such as elimination or at least reduction of gender pay gap, horizontal and vertical gender segregation in the jobs or positions structure, support of a more even distribution of paid and unpaid work between men and women,
- and it clearly reflects the *idea*: Seeking to change organizations rather than simply „adapting women“.

When it comes to implementation of equal opportunities, the European social partners focus mainly on the following areas:

1. Recruitment, promotion, and training,
2. Reconciliation between work and family life,
3. Integration and reintegration in the labour market.

1. Recruitment, promotion and training

Signs of „gender-sensitive” collective agreements:

a) Recruitment and selection:

- elimination of gender stereotyping in job descriptions and advertisements,
- offering/giving opportunities to work part-time,
- inviting female candidates for interview or putting female candidates on the short-listing for jobs/positions in which they are under-represented, at least in proportion to the percentage of women among the applicants for the job or position.

(Preferential recruitment of women for jobs or positions in which they are under-represented is in accordance with the Amsterdam Treaty.)

b) Policy and criteria related to promotion

- studying the gender composition of the workforce,
- identifying obstacles to (professional/career) promotion of women,
- mapping out career paths to facilitate access by women to higher posts.

c) Education:

- equal or preferential access (of women or previously disadvantaged or less participating groups of workers) to training and work experience,
- balanced use of education funds and opportunities, securing balanced women participation also by reserving jobs for women or other previously disadvantaged groups,
- arrangements for care facilities for dependent family members during trainings or courses.

2. Reconciliation between work and family life

The opportunity to combine paid work (job) and family life is important for women and men employees at different stages of their lives owing to their need to take care not only of their children but also of their senior relatives. The European employment directives, in order to promote a better reconciliation between work and private life, underline the importance of family-oriented policies such as career (employment) interruptions, parental leave, leave to care for a family member or part-time work in combination with provision, improvement and availability of social services (including services and facilities providing care for children, sick or elderly persons). The aim is to offer workers an opportunity to

choose what best suits their individual needs or their specific work or family situations at the given time of their lives.

The negotiations of that kind of collective agreements draw from the idea that provisions relating to the reconciliation of work and family life must be available for both women and men. Otherwise the traditional unequal distribution of family responsibilities (or unpaid work) would be reinforced and constitute a barrier to equal opportunities in paid employment.

Features of „gender-sensitive“ collective agreements (examples of „good practices“) regarding reconciliation between work and private life:

- accentuation of „family-friendly policy“ and measures facilitating the reconciliation between work and family (private) life of employees – parental leave, leave to care for a family member, part-time work,
- also in combination with availability of social services and facilities, pre-school facilities, and spare time facilities,
- holiday (paid free days) beyond the minimum standard,
- cultural, recreational, sport and other activities for employees and their families.

The specific measures also draw from the adoption of the mentioned general idea, namely: Social partners successful at implementation of equality in the concerned areas realize that the „traditional“ (i.e. unbalanced distribution of family responsibilities) frequently is a barrier to equal opportunities in a paid job (public area) and purposefully try to eliminate it.

3. Integration and reintegration in the labour market

Vocational training and (life-long) education rank among important measures for better employability. Supporting measures and projects responding to specific situations of disadvantaged groups such as ethnic minorities, young or older people, and women after their parental leave, help these groups reintegrate in the labour market. Those kinds of projects can be currently supported with the European funds.

The European Employment directives stress the need to modernize the organization of labour. They suggest doing so through flexible working patterns such as working time reduction, part-time jobs, and particularly life-long education. The directives stress the balance between flexibility and labour market security. Increasing flexibility in an undertaking is frequently at the cost of less security for the employees. The „flexible“ workers such as part-time workers or temporary workers, often have lower pay and worse working and social conditions than other workers, and they also enjoy less industrial protection regarding the job security.

„Gender-sensitive“ collective agreements cover the following:

- training measures during parental leave and in relation to reintegration into employment,
- ways of maintaining contact while on parental leave (or on leave on grounds of long-term care for a family member),
- building up seniority rights and social security rights during periods of leave.

The mentioned *measures* – collective agreement provisions can be divided in the following *general categories*:

1. *Measures eliminating obstacles*,
2. *Measures with positive effects* (supporting or extraordinary measures introduced for a temporary period, intended to compensate for discrimination in the past),
3. *General supporting measures* (in contrast to the above, these measures such as anti-discrimination measures, education and communication activities, programmes and measures for reconciliation of work and family life, are intended for all workers),
4. *Adjusting measures* (intended to make work, tools and instruments, and workplaces „fit“ for all groups of workers).

(Source: Strengthening and Mainstreaming Equal Opportunities through Collective Bargaining). Inge Bleijenbergh, Jeanne de Bruijn, Linda Dickens, EFILWC, December 1999).

II.

Collective bargaining and collective agreements as instruments for implementation of equal opportunities, and reconciliation between work and family (personal) life in the Slovak Republic in the mirror of the survey⁵

Equal opportunities for women and men in the labour market or in specific companies, and the reconciliation of work and family life in Slovakia were the topics of research and analyses of seventeen valid and effective company collective agreements and sectoral collective agreements, and semi standardised interviews with their negotiators.

The interviews focussed mainly on the following issues:

- How much importance (weight, priority) is given to the issues of: a) equal opportunities of men and women; b) reconciliation between work and family life in their respective collective bargaining, and how were the outcomes of their collective bargaining in these areas reflected in their collective agreements or what specific relevant provisions, measures or commitments were included in their collective agreements,

⁵ Summarization of the survey conducted under the CIP EQUAL Slovakia on the Way to Gender Equality project (No. 81/04-1/33-4.1), co-funded by the European Union through the European Social Fund.

- What is the representation of women in their teams of negotiators,
 - Since when have they been addressing the two topics, namely gender equality and reconciliation of work and family life, within their collective bargaining,
 - How, where, and when did they get the idea or motivation to address those two topics,
 - What obstacles could the collective negotiators identify when they tried to deal with equal opportunities or reconciliation of work and family life,
 - Who and what are their allies in this area and who or what hampers their endeavour,
 - What institutions in our country are most involved, and help promote equal opportunities, mainly equal social status of women, and equal opportunities in the labour market and at work,
 - What specific measures regarding reconciliation of work and family life are, in the negotiators' opinion, the most desirable and the most effective in general (nation-wide), and in their respective companies,
 - What specific activities and measures regarding equal opportunities and reconciliation of work and family life are implemented in their company (are included in their collective agreement), and
 - Which of those would they identify as noteworthy (examples of the „good practice“ regarding the two studied issues under our conditions),
- We also asked the negotiators about their opinion of the following:
- If women and men are equal in Slovakia (if they have the same, smaller or better chance) when they: apply for a job, they get paid wages or bonuses for work, want to keep their jobs at the time of staff shedding, want to be promoted to a higher management post, and when they want to be enrolled in a secondary school or university,
 - When the respondent claimed practical unequal opportunities of men and women in any of those situations, we wanted to know how s/he could assess the fact.

A questionnaire survey into public opinion was conducted by another research team under this project (Piscová – Bahna – Kumanová – Zeman 2006) whereby we can compare certain negotiators' opinions with the opinion of the public and in that way (which sociologically or statistically is not quite correct) to assess to a certain degree, and indirectly, the opinions of those who the social partners – collective negotiators should or could represent at the bargaining table.

II. 1. Equal opportunities and reconciliation of work and family life in the opinions of social partners – collective negotiators in SR: selected findings

A major finding regarding equal opportunities of men and women in collective bargaining in Slovakia is that collective bargaining (as claimed by the surveyed collective negotiators and in the light of analyses of the collective agreements) is almost always gender neutral. The finding can be attested by spontaneous responses by negotiators such as: „*at the bargaining table we negotiate over an employee rather than a man or a woman*“; „*we always refer to a worker*“; „*we do not specify whether we refer to a male or a female worker at the bargaining table*“; „*we do not specifically refer to a man or to a woman*“.

The grounds or reasoning vary. The most frequent (almost all) statements made by the negotiators were: „*There is article 13 of the Labour Code. We understand the principle of non-discrimination ... all are equal. Equality at work as well.*“ „*We honour the non-discrimination law.*“ Frequently their deliberations went along the following pattern: „*Equal position – equal pay, equal demands ... when people are hired in our company, whether the worker is a woman or a man that is not an issue.*“ Another kind of reasoning is about priorities, typically: „*Wages are the crucial issue of collective bargaining. So that issue (understand issue of gender equality – note of an author) – I really hate to put it that way – is a secondary issue. For the time being.*“ Over half of the interviewed negotiators admitted – in a way – their experience of: „*no pressure or demand from employees on unions to tackle that issue.*“ There also was a (self)critical opinion explaining: „*Up until now we have not dealt with the issue very much at collective bargaining because the (union) presidents have been more-or-less trying to avoid that topic.*“

There were a number of collective negotiators who admitted the so-called positive discrimination of women under collective agreements: „*Collective bargaining – as a rule – makes no difference between a man or a woman, the bargaining is for workers. But – to put it this way – in reality most of the time we want to give a little advantage to the woman – mother.*“ Or: „*Women – how to put it – enjoy specific advantages on grounds of being mothers. But we also seek to ensure that those advantages can be enjoyed also by single fathers with children.*“ We could conclude from the quoted statements that not all negotiators have yet sufficiently understood the specific and autonomous nature of the issues of equal opportunities and reconciliation of work and family life. When it comes to equal opportunities, most negotiators, mainly at company level, meant: „*we have not seen that as a priority*“.

The situation is more varied at the level of branch/sectoral trade unions, namely the opinions of negotiators of the sectoral collective agreements exhibited

variety. There were sectoral negotiators who did not consider equal opportunities for men and women an urgent priority, since: „... *we do not tackle that issue because there is nothing to tackle, no problem...*“. Other branch unions held: „...*We try to draw these issues to the fore, raise awareness at bargaining, and incorporate these issues in the sectoral collective agreements. We have been doing this at all levels, including at the international level. We are members of Public Services International and its European branch, the European PSI. We want to address these issues also within these international trade union organizations, including in the European context ... we do not want to lag behind other European countries in this respect. If we compare the legislation in our and the other countries, we think that these issues are well, sufficiently covered.*“

The collective negotiators actually share the same opinion on relevant legislation concerning equal opportunities for men and women (including equal opportunities in the labour market) in Slovakia, believing that the relevant provisions are sufficient and the „European standard“. There are differences between individual negotiators, though. Some of them perceive the legislation as a platform for their action, and others use it as a justification for their non-action.

The opinions of negotiators on ***when have the social partners in the SR started addressing the issue of equal opportunities of men and women*** varies a lot. There are opinions such as: „*This topic has been present for a long time. It is not just a matter of the recent years, as it may appear to someone. As far back as in 1971 the Ministry of Labour issued a decree warning against violation of women's rights to higher posts...*“ or: „*Things started moving along with Slovakia's getting ready for the EU membership*“, or admitting: „*We have not really started tackling that issue in practice.*“ A major part of negotiators claimed: „*We started paying more attention to those issues after the adoption of anti-discrimination law.*“

When it comes to ***reconciliation of work and family life***, vast majority of negotiators agreed that unions (as well as employers and the government) have been generally involved in that area. At company level the involvement goes back to pre-transformation times: „*That topic has always been on the agenda of trade unions. I personally have been involved in that area since I took up this office in 1994. But I was already with the pre-transition trade unions (called Revolutionary Unions), and the topic of work and family was given much attention. I can remember that, since my first job. That times (before 1989), let us say the housing policy was an integral component intended to support and stabilize families. There used to be all sorts of Revolutionary Union benefits for young families... You know, there were many things that were not right in the old system (understand communist regime with the centrally planned economy) but I think that there were many good things in this specific area.*“

The research findings confirm that the area of reconciliation between the work and family life is more deeply rooted and prioritised by negotiators in the company level bargaining process to the area of equal opportunities for men and women, and it is also reflected in collective agreements. Most negotiators claimed: „*That has been the role and mission (understand to support reconciliation between the work and family life) of the trade unions ever since*“, and explained further: „*That in essence is one of the original roles of unions. The bargaining is over the use of the social fund.*“ The latter quotation expresses another essential feature of provisions and commitments related to reconciliation of work and family life in most analysed company collective agreements. Indeed, the commitments are about the generation and use of the company social fund. Most of the agreements provided more holidays, more grounds for allowed absence from work, recreation, cultural, and sport activities for workers and their families.

None of the analysed company agreements exhibited a comprehensive reflection of an „instructed“ statement by a negotiator of a branch trade union regarding specifically the reintegration to the labour market, namely: „*We seek to raise awareness, disseminate the idea to all who then negotiate and implement it in their respective enterprises. We organize meetings for negotiators, conferences and trainings for people from companies, so that they come up with ways to reintegrate women, keep them updated, in touch and aware of new developments as things develop and advance, so that they can keep pace ... That is very important. That is why we make announcements, for example we encourage women on maternity leave to demand activities from their employer. If their employer does not offer things, they should take initiative, exert pressure on their employer, and inquire. We encourage women to be interested, to exert pressure, to push and seek to have those things included in collective agreements.*“ (female member of the team of negotiators representing employees in public and state service) Our research showed, however, that there is a gap, in fact an abyss, between „raising awareness“ and implementation of specific and real measures at the company level. It obviously is unrealistic to expect women to bridge that gap all alone, especially women on maternity leave who act individually, to separately target their demands at their employers. It is more realistic, and more justified – bearing in mind the relationship between unions and their members – to expect the social partners at the company level to include this agenda into the collective bargaining, and to seek optimum ways of its implementation in the bargaining process, particularly through incorporation of relevant specific measures and activities in their collective agreements.

Women's representation in teams of negotiators. It is in line with women's representation in management posts in Slovakia in general, namely: the higher the post, the fewer women. The negotiators also are aware of the fact: *„One could say that more men than women are involved in collective bargaining. Women – as a matter of fact – are reluctant to take up those union positions. I do not know why, they do not want to engage in bargaining. Yet, negotiators, although being mostly men, push through the interests of women. They have to. One could say, they defend both men and women.“* Most negotiators (women and men, irrespectively) explained the situation more-or-less the same way: *„We try to have women represented equally in the negotiating committee; we want gender balanced teams of negotiators. But what happens is that women do not wish to get involved on a larger scale. There are women, of course, who are willing, and come and join us at the bargaining table, but they are – how to put it – so humble or what. They do not hurry to join the bargaining teams.“*

When, where and what inspired unions to address topics of equal opportunities and reconciliation between work and family life in collective bargaining? Most negotiators believe that the initiative came mainly from „inside the trade union“, although many admitted that the inspiration came from the European Union and/or Ministry of Labour, Social Affairs and Family of the SR. Almost all negotiators attributed an important role in this respect to higher trade union bodies, specifically relevant committees with the Trade Union Confederation of the SR (KOZ SR): *„KOZ SR was the driver. They started with a number of conferences on this topic. Those conferences go on, I participate in them owing to my office as a negotiator.“* ...*„KOZ SR came with the initiative, namely setting up committees...“* There were a number of negotiators who perceived the process as a joint effort, overlapping and complementary activities from the grass-roots up, and top-down in terms of membership and union leaders: *„That was interrelated. KOZ SR was pushing, and there was initiative from inside.“* ...*„From individual branch unions and from KOZ SR. There was a joint endeavour.“*

Majority of negotiators **believed that unions are an institution that helps to promote equality of women in the society and at work**, yet there were negotiators stressing the need of collaboration and involvement of all stakeholders and the society in general: *„I think involving unions alone in this area is not enough. All should tackle those issues together. Of course, those issues are our and will be one of our (trade union) priorities but I would certainly welcome if the entire society were more interested in addressing this issue.“*

The responses of negotiators let us conclude that social partners, unions in particular, do not give up their responsibility for implementation of equal opportunities. To the contrary, they believe it is their mission and role especially at their workplaces, but not only there. At the same time they do not perceive equal opportunities just as a matter of equality of men and women. An example of a typical opinion: *„Unions sure could and should help. They do help at safeguarding the ban against any kind of discrimination. It is their role; they rank among those who defend worker interests. Non-discrimination provisions can also be found in introductory clauses of collective agreements – they are literally copied from the Constitution of the SR.“*

Union negotiators nevertheless realize the shortcomings and problems in this area, and they also admit insufficient (bargaining and organizing) power. A typical opinion is: *„Our people, that are our company management, claim that they favour equality, that there is no discrimination over here... We, the unions do our best to make things better. The problem is that our membership has been decreasing. And in the company? The same situation, only large scale counts.“* ...*„We try but we are not sure if we are successful.“*

What obstacles can unions encounter when advancing equal opportunities for men and women? Major obstacles that the negotiators identified are stereotypes in their broadest sense: *„Stereotypes that survive in our minds, we were taught since our childhood what is pertinent and good for a woman, and what for a man...“* ...*„In general, in the Slovak community – certain tradition, stereotypes are the obstacles.“* ...*„Stereotypes hamper advancement. The discussion started, that helps, and now employers started advancing equality.“*

An interesting finding has to be underlined in this respect, namely vast majority of negotiators – men or women alike – refused (to admit) the fact of discrimination against women at their workplaces or in their undertakings. Let us quote two typical comments: *„I know that there are women complaining about pay. I have not come across anything like that in our company. We apply pay scales, and women have so far not complained about earning less or so...“* and *„That may be an issue for licensed traders or private businesses where stereotypes may still persist, since high posts here do not depend on education.“* That kind of position was expressed by a vast majority of collective negotiators in different contexts and relations, but mainly in relation to (non) discrimination of women regarding their pay. This issue deserves a closer examination in the future. The problem is that the above positions given by negotiators are in conflict with findings of relevant public opinion polls, relevant research and projects (for example Gurán – Filadelfiová – Kotvanová 2006; Filadelfiová – Bútorová 2007)

as well as with the outcomes from the questionnaire survey of public opinion poll conducted under this project. (Piscová – Bahna – Kumanová – Zeman 2006)

Who do negotiators see as their *allies in the area of equal opportunities and reconciliation of work and family life, and who (what) hampers their effort*? The most common and typical comment of the union negotiators: „Trade union advisory bodies, and the employer, are our allies regarding the two issues.“ A number of them added (which is a paradox): „At times the workers who are not willing to collaborate with us, hamper the effort.“ And one female negotiator put in more detail: „As if they were scared sometimes. As if they wanted to hide from me when I appear at their workplace. They should respond differently. And I keep encouraging them, via our company bulletin, leaflets, to be more active, to let us know what issues or problems are their priorities, what has to be urgently tackled – covered in our collective bargaining. Bargaining should not be only about things I deem important. I am afraid – the problem is, they are afraid of losing their jobs. One can clearly see that when it comes to pay. They do not know how to assert their pay demands; they choose not to ask their superior why their wage was increased only by so much or so little. And then there are people who expect me to resolve all pay-related issues, all personnel issues, and all problems. As if they were mistaking my office with the office of an ombudsman. On the other hand – I am always there for them“ (female negotiator in a large-scale enterprise of chemical industry with 24% workers being members of the company trade union).

Several negotiators appreciated experts as their allies, namely Ministry of Labour, Social Affairs and Family of the SR, gender equality division and/or occupational safety and health experts, occupational inspectors. About half of the population of the surveyed union bargainers/negotiators highly appreciated NGOs, namely: „civic associations focussing on this topic.“ A negotiator added in regard to NGOs: „The question is whether the promotion, collaboration is coordinated. I get the impression that each civic association has specific activities seeking to dominate and enjoy a status, and sometimes there is no coordination. Coordination and better collaboration, I believe, would help.“

It was already mentioned above that most union negotiators perceived employers as their allies in their attempts to bring equality to day-to-day reality. Employers hamper their effort – negotiators claimed – when they do not recognize unions as their social partner: „Mostly when they refuse to engage in collective bargaining or they do not want to agree to anything reasoning that they must save resources.“

Our research yielded another interesting finding concerning the (non)implementation of equal opportunities for men and women in day-to-day life, something reflecting the experience of certain negotiators who put it in the

following words: „We can see that most employers are men ... although there were situations with women employers or managers, and that was no good“ (female negotiator in the sectoral level collective bargaining in public and state service). Obviously a paradox, but such was the experience of respondents in other areas, too. Women possessing the power to advance equal opportunities (mainly for other women), failed to do so (perhaps more than men). To the contrary, in a number of cases, as if they were less sensitive to gender equality than men.

What institutions help to promote equal opportunities or equal social position of women? What was the experience of collective bargainers? The respondents could choose maximum three institutions from a submitted list – the same list that was given to respondents in the questionnaire survey. The findings of the survey are: Union negotiators believe unions are the most important institution in this area, namely fourteen out of seventeen negotiators ranked trade unions (unions in general or specifically KOZ SR) among the three most important institutions acting in this area. Only 18% of respondents of the representative population sample shared that opinion. The role (maybe success) of unions in advancement of equal opportunities was assessed with more scepticism by the „general public“. There was more harmony between the general public's and negotiators' opinions regarding other institutions, namely they agreed on non-governmental organizations: both general public and negotiators highly appreciate their role. Almost half of the respondents of either of the two groups ranked NGOs among the three most important institutions for advancement of equal status of women. Both groups attributed much importance to the European Commission, namely 37.1% of the general survey respondents, and as many as nine out of 17 union negotiators.

Certain differences in opinion were apparent, namely: the negotiators, as opposed to the general public, had a more favourable opinion of the role of the National Council of the SR and the government (stressing mainly the relevant legislation area), whereas unions perceived the role of the church more negatively than the general public.

Three most important institutions according to the public: 1. NGOs (45.1%), 2. The European Commission (37.1%), 3. Trade Unions (17.9%).

Three most important institutions ranked by union negotiators: 1. Trade Unions (14 out of 17 negotiators), 2. The European Commission (9 out of 17), 3. NGOs (8 out of 17).

What specific measures regarding work and family could help improve the life of women in our society? The collective negotiators could choose again just

three measures from an offered list which was the same list used with respondents in the questionnaire survey. That way we could compare responses of the two groups of respondents.

Three most important/desirable measures selected by respondents from the public were:

1. Create a women-friendly working system and working conditions (flexible working hours, part-time jobs) that would permit women to better reconcile their work and family life (selected by 61.4% of respondents);
2. Increase the state financial benefits to support families (higher tax relief, parental benefits, family allowances) – selected by 58.1% of respondents);
- 3) Increase pay of women for their work, up to pay of men (selected by 56.6% of respondents).

Three most important/desirable measures selected by the negotiators were:

1. Create a women-friendly working system and working conditions (flexible working hours, part-time jobs) that would permit women to better reconcile their work and family life (selected by 12 out of 17 negotiators);
2. Offer more and available services (childcare, senior care, etc.) – selected by 11 out of 17 negotiators.
3. Increase the state financial benefits to support families (higher tax relief, parental benefits, family allowances) – selected by 9 out of 17 negotiators.

The public and negotiators had similar opinions of that issue. That fact is asserted by further comparisons, namely: the measure „Increasing pay of women for their work up to the pay of men“ was ranked third by the public and 4th by the negotiators (chosen by 7 out of 17 negotiators). When it comes to pay gap, it seems that negotiators perceive that issue as a less urgent one than the public, maybe owing to the belief of the negotiators (they frequently expressed that belief) that there is no pay discrimination against women in their company or „has not been observed or proved“.

The priority issue demanded by the public in this area, namely women-friendly working system or working conditions (flexible working time, part-time jobs) to permit them to better reconcile their work and family responsibilities, actually rank among priorities and key issues of collective bargaining between social partners at the company level. The analysis of the collective agreements eventually proved that each of them – one way or another – included relevant measures and commitments.

The social partners, just like the public, expect and demand activity or intervention such as better financial support for families from the state, namely over half of either group of respondents expressed that kind of expectation.

Opinions differed most between the public and negotiators when it comes to more and available services for families. The public underestimated that measure

if compared with the negotiators (measure was selected by just 26% of respondents as opposed to an eleven of seventeen negotiators).

What specific measures could help improve the life of women in their companies?

The most of company trade union negotiators from the production sphere asserted the need of introduction of new technologies into the production and improvement of working conditions. Typical statement in this respect is: *“Hazardous work should be adapted...We are a typical male industry. There are relatively few women; some are employed in offices, others in factories. Some of their jobs are tough; we still have factories where women work hard. It is equally bad for women and for men. What can they do if they want a job? There should be new technologies, and that would help both women and men.”* On the other hand, in the public and state service sector the prevailing opinion is that *„Awareness above all should be improved – awareness, information, more discussion on these topics.“*

There were (four) negotiators who spontaneously mentioned the issue of remuneration, low pay for women, when they were trying to think what specifically would improve the situation of women in their company. That issue appears to be perceived as a matter of low price of particular labour (work done by women or mainly by women) rather than unequal pay for men and women. Relevant comments: *„Mainly the financial situation. Pay for women in the manufacturing sector should go up, it is rather low.“* The following statement/opinion of a negotiator hints at the existence of discriminatory practices, including pay gap between men and women: *„Individual wages should not become a common practice, or the flexible wage component should not dominate over wage scales as wage scales give no room for discrimination.“*

Opinion of negotiators (the public) of whether women and men in Slovakia enjoy equal chances: Both the negotiators and respondents in the questionnaire survey thought that the largest equal opportunities between men and women in Slovakia is when they want to get *enrolled in secondary schools or universities*. The view that chances are equal for both men and women in that situation in Slovakia was shared by almost 80% of respondents and all surveyed negotiators.

This, as well as all other surveyed items, indicated that negotiators made more positive assessments of equal opportunities for men and women; that means they perceive equal chances and mainly women's opportunities more optimistically than most respondents in the questionnaire survey. Once again, major disproportion was in the opinion concerning *wages or pay for work*, namely: only 19.8% of respondents – representatives of the public believes that in the respect of

pay men and women are equal in Slovakia, and as many as 10 out of 17 negotiators do so.

Less than one fifth of the questionnaire-surveyed respondents and as many as half of the surveyed negotiators believe that there are equal chances between men and women seeking *a management post at work*.

Eleven out of 17 negotiators and only 34% of the surveyed representatives of the public believe men and women are equal when they try to *keep their job at the time of redundancies*.

Both groups' opinions converged when it came to equal opportunities for men and women *applying for a job* – about one third of both negotiators and the public believe that their chances are balanced.

An interesting finding was that opinions claiming that women are preferred to men in any of the surveyed situations were very rare amongst the negotiators and the surveyed public. There were multiple opinions claiming that men are preferred to women – or to put it in a different way – men have better chances to succeed in all surveyed situations (important situations and challenges in the labour market or milestones in workers' careers) than women. The conclusion thus is clear, namely: inequality and unequal opportunities for men and women in the labour market in SR are a reality – at least that is what was expressed in opinions and positions of most survey respondents.

The negotiators, if compared with the public exhibited softer assessment of the phenomenon and the degree of inequality between men and women in the labour market – in other words: gender-based inequalities do not exist in the labour market (and specifically in their companies) or if they do exist, they are not as prominent as they appeared in the opinions of the public. The negotiators, however, are much tougher in comparison with the public, when it comes to (in) toleration of the situation. All negotiators stated that if inequality really existed, that is if there was inequality or men were given preference that would not be right, and things would have to change. A typical statement: *„If that is a carryover from no matter when, or tradition, it is not all right, and it has to change.“* Most negotiators very spontaneously responded in reference to that issue, and came up with suggestions ranking from „changing the way of thinking“ through to very specific measures, usually relevant to their company. The public, namely 22.5% of the respondents in the questionnaire survey (more than a fifth of the public) expressed their resignation and giving up to the situation, namely: *„I do not like it, but it has been that way ever since, that cannot be changed“*. Another 6.4% of the public even thought *„it is all right that way, that is natural, justified, and there is no need to change things.“*

II. 2. Equal opportunities and reconciliation of work and family life in the analysed collective agreements and in opinions of their negotiators in the SR: selected findings

What are the activities concerning equal opportunities and reconciliation of work and family life conducted by the surveyed social partners – collective bargainers mainly at company level? What would they want to specifically underline in this area of their activity? We also wanted to know about activities and measures not included (or not explicitly mentioned) in the agreements.

We compared the statements of negotiators, below, with relevant provisions of their collective agreements. If we take the content and substance rather than wording variations of the negotiators' statements, we can see that they truly reflect the relevant provisions and commitments (clauses) of the agreements.

„The company gives single parents the opportunity to ask for flexible working time, so that they can come to work and leave within a flexible three hours' span. ... There are summer camps for workers' children, day-trips for workers and their families, cultural events, recreation and holiday stays in the country and abroad for workers and their families – the company uses the services of a travel agency, and employees get contributions from the social fund, union members also get contributions from the union. This summer there were considerations of providing (operating) a day care for workers' children for at least one month, while day care centres are closed.“ (male negotiator in a large-scale enterprise of electronic industry, with 15% trade union member-density)

„The collective agreement provides additional leave for parents with children, especially for single parents. There also is an additional five days of holiday that go beyond the holiday under the Labour Code. Parents accompanying their children to a doctor or their first graders to school on the first school day can enjoy paid leave. In addition to that we secure rehabilitation, recovery stays, and cultural events for employees and their families.“ (female negotiator in a middle-scale enterprise of food processing industry, with about 50% trade union member-density)

„Women (and also men) with children could apply for reduced working hours, and come to work later. Now we have flexible working time that is welcome by many workers, and they do not have to apply for reduced working hours any more, and that way their wages are not reduced either.“ (female negotiator in a middle-scale enterprise of chemical industry, with about 22% trade union member-density)

„Single parents with children younger than 15 can take one day of paid leave every three months under our collective agreements. They used to have a paid leave day every month in the past but other workers objected to their advantage. I was very surprised when mostly women minded that kind of additional leave.“ (female negotiator in a large-scale enterprise of chemical industry, with about 33% trade union member-density)

„Our collective agreements used to have arrangements about summer camps and family recreation. We do not have that now. Our collective agreement has a clause concerning the employer's support via the social fund for stays of workers in the company recreation facility. The employees and their families pay only 20% of the stay; the rest is covered from the social fund. Employees are entitled to one subsidized stay per year.” (female negotiator in a large-scale enterprise of chemical industry, with about 33% trade union member-density)

„What is positive about our collective agreement – for example we have additional (beyond the Labour Code) three days of paid leave for parents with children younger than 15. Women workers get an additional day of paid leave on the occasion of the International Women's Day. Three additional days of leave are granted to workers who had a death in the family – leave is granted to both men and women.” (female negotiator in a large-scale enterprise of the energy production and distribution industry, with about 50% trade union member-density)

„Our activities are mainly for families. Single employees with children younger than 15 are entitled to an additional day of paid leave every three months. The unions and the employer organize trips for employees and their families. The fee is just a token amount (Sk 50 per person for a day trip that includes transport and admission fee). There also is a benefit for sports, rehabilitation, massage, swimming pool visits, etc. There are the so-called gift checks. Those activities are covered with the social fund that is generated from statutory contributions and a share in profit transferred by the employer into the social fund.” (female negotiator in a large-scale enterprise of confectionery industry, with about 35% trade union member-density)

„For example, we have flexible working time – but you can see that everywhere now, we have benefits and compensations such as leave to take care of family, recreation, cultural events, sports for workers and their families – but those are traditional benefits.” (male negotiator in a sectoral collective bargaining in the sector/branch of mining)

„Our collective agreement secures additional time off work for single parents (men or women). Cultural events, sports, trips for workers and their families are always – at least partially – covered with the social fund. As regards the social fund, we want our collective agreement to specify who in addition to employees can draw from the fund. The social fund is a company fund, in principle and under the law it is earmarked for the employees. We exert pressure and seek to extend the group of persons eligible for benefits from the social fund in order to grant spouses and dependent children the opportunity to enjoy benefits from the social fund. That is our contribution.” (male negotiator in a sectoral collective bargaining in the sector/branch of wood and cellulose processing industry)

The principle and equal opportunities practice are rather rare in the valid collective agreements in Slovakia (at least those that were analysed). We also said that was mainly owing to the fact that the social partners, including collective negotiators try to (according to their representation/statement) *„keep the agreements non-discriminatory.”* This reflects also refusing of the positive

discrimination and also non-reflecting the fact that “sameness” does not have to mean always also “equality”. A number of collective agreements directly include clauses prohibiting discrimination, quote relevant provisions from the Anti-discrimination law or refer to it. Most collective bargainers seem to be aware of the legal irrelevance of explicitly spelling out such provisions in the collective agreement – nevertheless – several of them would like to see them there. There are negotiators with apparent expectations that provisions such as the ones referred to above in a collective agreement would mean more than „just“ a moral commitment or display of joint will of social partners in this area. The following quotation attests to the fact that the equal opportunities principle is not just an idea or words in some cases, but is purposefully implemented by some social partners in SR in a day-to-day life: *„We have regional council of the Confederation. We managed to include in our system a rule under which there must be a woman in at least one of the two offices, president or vice-president.”* (male negotiator in the sectoral collective bargaining in the construction industry)

Conclusion

Collective bargaining in Slovakia is mostly (almost always in the surveyed collective agreements) “gender-neutral” and that can be seen in the analysed collective agreements.

Reconciliation of work and family life is a more complex issue of collective bargaining. The issue is a priority to collective negotiators and their attitude is reflected in the collective agreements. Reconciliation of work and family life ranks among key topics of collective bargaining and it is related primarily to use of the social fund. Social partners (unions) in Slovakia have many years' experiences with the implementation of the idea and practical aspects of reconciliation of work and family life, and their activities in this area are a European standard.

The equal opportunities topic is mostly reflected as a marginalized issue in the activities of collective negotiators. Social partners, especially trade unionists, however, do not give up their responsibility for implementation of the equal opportunities principle in the day-to-day life. To the contrary, they believe it is their mission and role – mainly at the workplace, and elsewhere too. The negotiators perceive equal opportunities in the broader sense, not „just” as equality of men and women. They are also aware of the need of coordinated action by all relevant agents in this area – including or mainly the NGOs.

The collective negotiators' opinions do not differ when it comes to the relevant legislation concerning equal opportunities for men and women (including equal opportunities in the labour market) that is currently valid in SR, and all of them

believe it is sufficient and a „European standard“. There were differences between the negotiators and their perception of legislation: for some it is a platform for action, whereas for others it is a ground to refrain from action.

There is a finding that deserves further examination, namely the vast majority of negotiators – both women and men – refused to admit the fact of discrimination against women at their workplaces, their specific companies, including pay-related (non)discrimination of women. The problem is that this belief of the negotiators is in conflict with findings from relevant research, public opinion polls including the questionnaire survey conducted under this project.

The role of social partners and collective bargaining as a complementary instrument to legal regulation in facilitating reconciliation of work and family life and implementation of equal opportunities is stressed in respective European and national instruments.

Collective bargaining and collective agreements provide a way of giving women and men a voice in the shaping of their own working conditions, enabling them to define their own needs, interests, and priorities.

Commitments, objectives and measures should not be just standards that were set or declarations that were made. The social partners and others should secure that collective agreements include instruments for implementation of equality, monitoring, overseeing, and reviewing principles and measures.

Monika Čambáliková, a graduate of Sociology at the Charles University in Prague, is a Senior Research Fellow at the Institute of Sociology, Slovak Academy of Sciences. Member of Scientific Board of the Institute of Sociology, Editor-in-Chief of the Slovak sociological journal Sociológia. Field of Work: labour market, social policy, industrial relations, social dialogue, social partnership, regional development.

REFERENCES

- BLEIJENBERGH, I., DE BRUIJN, J., DICKENS, L., 1999: *Strengthening and Mainstreaming Equal Opportunities Through Collective Bargaining*. (EFILWCP), December.
- Collective agreements* (17 company or sectoral collective agreements valid in 2006 in the surveyed companies and sectors of the Slovak Republic).
- FILADELFIOVÁ, J. – BÚTOROVÁ, Z., 2007: *Ženy, muži a vek v štatistikách trhu práce*. IVO, Bratislava, 116 p.
- GURÁN, P. – FILADELFIOVÁ, J. – KOTVANOVÁ, A., 2006: *Dodržiavania zásady rovnakého zaobchádzania na trhu práce. Nadácia za toleranciu a proti diskriminácii*, Bratislava, 32 p.
- PISCOVÁ, M. – BAHNA, M. – KUMANOVÁ, Z. – ZEMAN, M., 2006: *Slovensko na ceste k rodovej rovnosti*. Pramenná publikácia. Sociologický ústav SAV, Bratislava, Európska Rómska pracovná agentúra, Bratislava.