

## **Strategies for realizing economics rights**

### **Monitoring women's economic rights in the CEE region – case study**

Aleksandra Solik, KARAT Coalition

I would like to thank the organisers for inviting me to this seminar and for giving me the opportunity to share with you KARAT's experiences in enhancing the protection of labour rights of women working in the large super and hypermarket chains in Poland.

Before I start my presentation, I would like to mention that KARAT often finds it quite difficult to use the CEDAW mechanism to address the concrete cases of economic injustice and economic rights violations. For example in Poland, when the working conditions and labour rights are concerned, it is usually easier and more effective to refer to the national legal regulations and to utilize the competencies of such bodies as the National Labour Inspectorate. KARAT's partners in other countries of Eastern Europe and Central Asia also point out several factors that make it difficult for them to use CEDAW to address different cases of the economic discrimination of women. This is particularly true in the case of the procedures under the optional protocol. Among these factors are the difficulties in proving the discrimination and/or its gender dimension, especially when the laws and practices, which have negative impact on women's economic situation, seem to favor them.

Coming back to the situation of women working in the supermarkets: KARAT's has been involved in the activities aimed at improving the situation of female workers of the supermarket chains since the beginning of 2006 when our cooperation with the Association of Persons Wronged by Big Supermarket Chains "Biedronka" (eng. "Ladybird") was established. "Biedronka" is one of the biggest supermarket chains in Poland owned by the Portuguese company Jeronimo Martins. Due to this cooperation we have been quite familiar with the workers' rights violations that women employed in the supermarkets experienced on everyday basis. We have supported the preparation of the report on the observance of the safety and health regulations in 1996-2007 and followed the cases brought to the court by individual employees, mainly for the unpaid over-time hours. The first victory drew the attention of the media and the public opinion to the violations of labour rights in supermarkets. It was a case of a woman working at the position of the manager of one of the "Ladybird" supermarkets. She sued the company Jeronimo Martins for not paying her for the overtime. As a former manager, and thus part of the management system, she revealed the mechanisms of exploitations targeted not

only at common employees but also at members of the managing staff who additionally were forced to implement illegal practices of forging the timesheets under threat of losing their jobs.

It should be emphasized that although several cases had been won, the decisions of the courts did not lead to the evident improvement of the situation of women employed in the supermarket chains. While the position of the trade unions involved was weak, the work schedule as well as other factors were not supportive to women willing to organize for their labour rights. Moreover women's organizations in Poland did not have the capacity to utilize the potential of the courts' decisions to advance the labour rights in the feminized work places and did not feel comfortable when dealing with economic issue such as this. This does not mean of course that they were not concerned about the situation. They were and other stakeholders were interested in improving the working conditions in the supermarket chains. However, they had no means or opportunity to join each others efforts. Therefore KARAT decided to create the platform that would allow different actors to meet, analyze the situation and explore the ways for improvement, develop common recommendations as well as a lobby and advocate for their implementation.

In 2008 thanks to the support of the OSI Human Rights and Governance Grant Program as well as the Friedrich Ebert Foundation we were able to put our plans into practice.

The main objectives of our actions were:

- to identify the “weak points” in the law, including the practice, and to analyze the possibility of strengthening the legal protection of labour rights;
- to empower women employed in the supermarkets to act for their rights;
- to lobby for the comprehensive system of protection against the violation of the workers' rights.

#### Identifying the gaps in the legal system

The process of identifying the gaps in the law was preceded by sociological research aimed at gathering the information about the forms of violations experienced by women working in the supermarkets chains. The finding of the survey added to the information KARAT already possessed and allowed us also to evaluate the influence that the changing situation in the labour market – for example decrease of unemployment – had on the working conditions in the supermarkets and on the practices of the employers. The research was conducted in April 2008 and included 2 focus groups interviews in 2 towns of Poland (Cracow in the southern part of Poland and Olsztyn in the north ). Each focus group consisted of 8 women coming from different supermarket chains. The findings of the research were supplemented by five individual interviews with supermarkets' trade union activists.

The results of all interviews – focus group as well as individual – proved that, despite some improvement in the working conditions in large international supermarket chains, the infringement of the labour code regulation, including the employees' entitlements, is a common practice of the employers, although the nature and scale of these violations differ depending on the supermarket chain. According to the research:

- in all supermarket chains the employees had no influence on the work schedule (shift system), moreover the schedule was often being used as a tool to “discipline” the workers that speak for their rights;
- the norms concerning overtime were constantly violated in the Polish chains; usually there were two work schedules - official, in line with the regulations, and “unofficial, reporting the real work time;
- the overtime hours were often not being paid for – instead of money women received the days off; this was a problem because the workers had no choice of the dates and they would definitely prefer to be paid;
- it happens that women work several (even more than 10) days in a row without one day off;
- the monthly salaries were extremely low and often did not exceed the minimum gross salary;
- the medical examination that the employees go through before starting their employment did not correspond with their everyday tasks; the examinations were relevant to the position “cashier-sales representative” but their tasks were much broader than it might be expected and included unloading the goods, work in the warehouse, shelving the goods, cleaning the store;
- the relations between the employees and the direct superiors were very bad; lack of good will of the managers towards the employees, ignoring their needs as well as degrading and insulting treatment were reported as usual attitude toward workers.

The research provided KARAT with additional important information: during the interview it became quite obvious that women employed in the supermarkets have problems with defining the meaning of ‘discrimination’ which is commonly confused with mobbing. Their gender awareness is also very low and knowledge about the trade unions, their mission and competencies very limited.

The outcomes of the sociological research ([Report "Situation Of Female Employees In Super- And Hypermarkets"](#)) constituted the main basis for the analysis aimed at identifying the weak points in the legal system of the workers rights protection. The analysis was conducted by the Strategy

Action Advise Body (SAAB) established by KARAT as a platform for cooperation of stakeholders interested in improving the observance of the rights of women employed in the supermarket chains. It should be emphasized that we managed to bring together people representing different area of expertise. Due to that an analytical report was developed as a result of the cooperation ([Work conditions and respecting of employees' rights in supermarkets in Poland from the gender equality perspective](#) ) and further led to the development of recommendations supported by all members of the SAAB. The members of SAAB included:

- representatives of the trade unions active in supermarket chains;
- women leaders of 2008 protests in TESCO supermarkets;
- NGOs dealing with labour rights and women's rights;
- labour law experts, including the lawyers representing in court women wronged by "Biedronka" supermarket chains (also the first win case);
- experts dealing with work conditions from:
  - o Central Institute for Work Protection,
  - o Nofer Institute of Occupational Medicine;
- representative of Friedrich Ebert Foundation.

All SAAB meetings were also attended by the representative of the National Labour Inspectorate, the person very sensitive to workers issues and responsible for training for the inspectors. We find it extremely important since the analysis conducted by SAAB pointed to the practice, rather than the law, as the main reason of the workers' rights violations.

#### Empowering women employed in the supermarkets

The cooperation within the SAAB between women's NGOs, trade unions activists and other experts was beneficial to all project partners. It provided the opportunity for sharing of information and expertise on regular basis. For example the representative of National Labour Inspectorate could learn from the supermarkets' trade union leaders about the illegal practices that were hard to reveal during the official inspections. He also received suggestions from them on how to improve the working conditions control system. The trade union activists became also the resource persons for the researchers who could utilize their experience to verify their own methodology for examining the working conditions and situation of persons employed in the supermarkets.

The female leaders of the trade union had the opportunity not only to improve their knowledge about their rights and to gain new contacts but also to establish cooperation between each other. Although there are several trade unions working in the supermarket chains, it was the SAAB as well as the training for trade unions organized by KARAT Coalition that provided them with the opportunity to integrate and share experience. The training which consisted of two parts – gender awareness raising sessions and labour law session – was also a good occasion for the women’s NGOs trainers to promote the international women’s rights documents and mechanisms, with special focus to CEDAW and the Beijing Platform for Action.

#### Lobbying for the comprehensive system of workers’ rights protection

Winning the experts representing various social actors was important not only for the process of developing the recommendations aimed at improving the working conditions in the supermarket chains but also for the effective lobbying campaign. Apart from common actions (seminars, roundtables, letters, press conference, etc.), the SAAB members have also been using their own contacts to reach the institutions and decision makers – the addressees of the recommendations. On the other hand being the member of SAAB empowered them when they pushed for changes that they found important for the number of years. The lobbying tools developed within the project have also been helpful (sociological report, legal report, leaflets and brochures). Important achievement and the added value of the common actions was the wide media coverage of the problems related to the working conditions in the supermarket chains.

#### Conclusions:

The project has been implemented in Poland but we would like it to serve as a model for other organizations approaching similar problems in the labour market in other countries. We have already been addressed by CEE Bankwatch network who uses the TOR developed by KARAT for addressing the situation in the supermarket chains in other countries in the CEE region.

More information at: <http://www.karat.org/karat,8,About+the+project,en.html>