

9. Fighting for Women's Rights in Chile

Supporting women workers and promoting women's political participation



Women workers protest against the abuse of their rights on Labour Day

Despite being considered one of the most economically successful countries in Latin America, Chile is marked by high levels of social inequality. Women working in the agricultural and fish-farming sectors are particularly marginalised, and often work in unacceptable conditions, with little opportunity to challenge exploitative practices or to influence political decisions. This paper describes Oxfam GB's strategies to increase women's leadership and participation in economic and political sectors. It looks at the impact of these strategies and presents lessons learned.

Background

Chile suffered a violent military coup in 1973 and was under the military dictatorship of General Augusto Pinochet until 1990. The transition to democracy has been slow, and many aspects of the legal, political, and economic system have been only partially reformed.

The Chilean economy is dependent on the exports of the mining, forestry, wine, fruit, and salmon industries, and the government aggressively pursues a policy of open trade relations,¹ and attracting external investment in its main export sectors and service industries. Poverty rates are relatively low, but Chile remains a very unequal society, with power concentrated in the hands of a small elite. Economic and labour rights are often seen by the economic and political elites as contradicting Chile's aim to increase economic growth and productivity, and attract and retain foreign investment.

Trade union affiliation is stagnating at low levels after having fallen for many years, and Chile has a fragmented civil society. In general, participation is strikingly low in the Chilean political system and in the design and implementation of government social and economic policies and programmes. Women in particular have traditionally found it very difficult to succeed in the political arena, dominated as it is by the interests of male elites. As a result, women's needs in particular have traditionally not been taken into account or prioritised.

Many women face a range of other problems related to gender injustices: discrimination in the workforce; labour-market segmentation that entails more precarious working conditions for women (especially in low-skilled work in the services or agro-export sectors); high levels of domestic violence; and marginalisation within the political and legal systems.² They overwhelmingly have to bear the burden of unpaid household domestic work, yet employers do not take this into account, and fail to provide adequate measures to ease the pressure on women of this unfair double workload. The election of Michelle Bachelet as president in 2006 has, however, opened up new spaces for political participation. Her election is a powerful symbol of the possibility of change in Chile, and she is an important role model for younger women wishing to attain positions of leadership. Not only is Bachelet a woman, she is also separated, a single mother, and suffered imprisonment and torture during the dictatorship. Though she comes from the same political coalition that has been in power since the transition to democracy, part of her electoral appeal was that she was more distant from the traditional political elite than other candidates, and promised greater concern for the issues faced by Chilean women. Her government has largely continued previous economic policy, but has expanded social spending. As a candidate, she campaigned on an explicit gender

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equality and justice platform, and as president she has introduced important measures to increase gender equality and justice. For instance, her government has increased child-care provision for low-income working mothers and is introducing pension reforms that will ensure a basic pension for all low-income workers (partly as a result of the awareness-raising work undertaken by Oxfam GB's partner ANAMURI, detailed below). This will benefit poor working women in particular, who were for the most part excluded from the previous pensions system. In addition, her government has introduced measures to increase the protection of sexual and reproductive rights by improving access to contraception, including emergency contraception, as well as introducing measures to try and reduce high rates of domestic violence against women.

Bachelet's government is also submitting to congress a draft law that would establish a minimum quota of 30 per cent of candidates from each gender in electoral lists for both congress and the senate, in part thanks to the constant lobby work by Oxfam GB partner Humanas; and her first cabinet had an equal number of women and men ministers.

Oxfam GB's programme in Chile

Oxfam GB has been operating in Chile since the 1960s. In 2000, Oxfam GB in Chile shifted from providing institutional support to partners carrying out work at a local level to a more focused and strategic approach aimed at bringing about change through advocacy and campaigning. Promoting gender justice has been the main focus of this work, as Oxfam GB has sought to build alliances across political and ideological divides, integrate gender justice into broader agendas, and link national work with regional and global work.

Currently, Oxfam GB in Chile has a dual strategy for gender justice in the Chilean and the South American context, based on:

- 1 Increasing the leadership and participation of women workers with precarious employment conditions in the agriculture sector, and encouraging respect of their labour rights.
- 2 Increasing women's leadership and participation in politics and decision-making in Chile and in South America more widely.

The strategies complement and support each other. On the one hand, Oxfam GB is supporting some of the most marginalised women in Chile – women working as seasonal labourers in agriculture and the salmon industry – to organise and obtain better working conditions. On the other hand, it is providing support to women's organisations working to change political systems to increase the participation of women in decision-making, and to influence lawmakers and governments to increase the protection of women's rights in the workplace and beyond. The first strategy is producing valuable

information about working conditions within these sectors, which is then being used in the design of draft legislation and lobbying activities undertaken in the second strategy. The latter impacts positively on all women, but in particular the most marginalised, who have most to benefit from improved working regulations and social assistance provision. It is also helping to create an improved framework to provide effective protection of women's rights, and new spaces for real participation in decision-making; both key resources that can be used by marginalised women attempting to improve their living conditions and fight gender inequality.

The programme work on labour rights and women's leadership in the economic sphere takes place in the regions in the centre and south of Chile, and in specific areas of other South American countries, where export industries producing fruit, vegetables, flowers, and fish are concentrated. The programme work on political participation and leadership is being implemented at a national and regional level, at the level of government, legal systems, and regional organisations.

Strategy 1: Upholding women's rights and promoting women's leadership in the agricultural and fish-farming sectors

Context and challenges

Recent years have seen a significant growth in the agricultural and salmon-export industries, with large numbers of women entering the workforce. Women working in the agricultural-export sectors in Chile and across South America are usually employed on an informal and seasonal basis. They often have no contracts, and are hired on a daily basis by itinerant intermediaries who work for farmers who sell to the big agro-export companies. Working conditions are frequently bad: workers receive insufficient protection against the sun and against pesticides and other chemicals used in agricultural work; they are expected to work longer hours than the legal limit in their respective countries and receive no pay for overtime; and they are not allowed sufficient breaks to eat or go to the bathroom. In addition, they have no access to adequate child-care, and have no, or limited access to state health care and pensions systems. The working conditions of women are usually worse than those of men in the same line of work, and women face segmentation into more mechanical and low-paid activities. Women agricultural workers often come from rural areas, and some have to leave their homes for several weeks or months to go and work during the season for a particular fruit or vegetable, or travel from place to place in the agricultural areas looking for work. There is little public awareness of the economic contribution these women make to the success of these

high-profile industries, or of the conditions in which they have to work.

In Chile, these informal workers have no trade unions. This is because Chilean legislation does not allow them to form trade unions (since they do not work for one employer), and any attempt at organising themselves or making demands for improved working conditions leads to blacklisting by the intermediaries, and to the loss of work. Moreover, traditional trade unions and workers' organisations have usually ignored the situation of seasonal women workers, because the temporary, seasonal, and informal nature of the work makes it difficult to organise these workers. The one exception is the salmon sector, where there are trade unions operating along more traditional lines.

In response to this, in Chile many small groups of women agricultural workers and small-scale producers have emerged, which have now come under a national network called Asociación Nacional de Mujeres Rurales e Indígenas (National Association of Rural and Indigenous Women), or ANAMURI.

Programme activities and impact

Oxfam GB has supported specific activities carried out by the ANAMURI network to organise, lobby, raise funds, receive technical assistance through NGO partners, build alliances with other civil-society organisations, and contact and build alliances with women agricultural workers in other countries. In Chile, these activities have been successful. The women active in the ANAMURI network have managed to raise public and political awareness of their existence and precarious working conditions, gathering and making public information obtained through their network of members. They have managed to place their demands on the public agenda and negotiate with the ministries of health, labour, agriculture, and women, all of which now recognise their organisation as a valid interlocutor.³ For instance, members of ANAMURI played a key role in highlighting the large number of workers not covered by the current pensions system. The awareness they raised and the technical input they provided to the Pensions Reform Commission in 2006 has helped to shape the new pensions law which is currently going through congress, that establishes a minimum pension for poor Chileans,⁴ regardless of whether or not they have managed to save sufficient funds in their individual pension account. This will mean that many low-income, subcontracted women workers will have access to basic pensions for the first time, including those working in agriculture, commerce, and service industries. Similarly, ANAMURI have raised awareness of the negative impact of subcontracted labour relations on working conditions, and thanks in part to their lobbying, this practice is now more regulated. Companies that use subcontracted labour now have legal obligations towards these workers (in terms of

health and safety, and social-security contributions), even if no direct contractual relationship exists. Members of ANAMURI have also participated in provincial, national, regional, and international networks and discussions.

In other countries (Ecuador, Bolivia, Colombia, Peru) it has been more difficult to form as wide or successful a network of women seasonal agricultural workers as in Chile. However, there are some indications that women seasonal agricultural workers are beginning to organise. In Peru, for instance, the Aurora Vivar organisation has been trying to co-ordinate a network similar to that of ANAMURI in Chile.

Oxfam GB has also encouraged and supported labour and environmental 'observatories'. These bring together different workers' organisations, labour-rights NGOs, and environmental NGOs in a particular geographical area to analyse labour conditions and the environmental impact of a particular industry (in this case, fruit and salmon export industries), and to raise awareness of these through the media and other communications activities.

Observatories also offer opportunities for lobbying and advocacy in congress and special government commissions to improve labour conditions and reduce the environmental impact of these industries, and for dialogue between workers, local communities, and provincial and local authorities and businesses. Lobbying, awareness raising, and dialogue have centred around such issues as: the substandard application of safety regulations, leading to above-average rates of accident and death, especially among subcontracted workers; forcing workers to work more than the legal maximum number of working hours per day; continuing operations when port authorities have ordered that they should cease (in the case of the salmon industry); harassment and discrimination against women, especially pregnant women and working mothers; failure to provide child-care facilities, when required by law; and anti-trade union practices. Oxfam GB assisted in the organisation of these observatories, and has helped to integrate a gender perspective, and to ensure that the working conditions of women workers in particular are considered. Oxfam GB has also helped to manage the media and communications strategy for the observatories, as well as provide support with campaigns: these are usually weak areas for organisations that work in this context.

Oxfam GB is also supporting the development of a regional (Andean) network of agro-export workers' organisations to promote and defend workers' labour rights in this sector in the region. It has also supported women's organisations that have organised public tribunals in Chile and several other South American countries to highlight gross abuses of economic, social, and cultural rights. These public tribunals have generated media attention and increased public awareness, and have also led to cases being brought to trial in several

countries, with some success. These have included the improved protection of women agricultural workers from pesticides in the agro-export industry in Chile.

Lessons learned

In contexts such as those of the agro-export industries in Chile, where trade unions are weak or non-existent, or otherwise are not providing adequate support to the increasing number of women workers, it is important for organisations committed to women's rights in development to support new and alternative forms of workers' organisations, including women workers' organisations such as ANAMURI. Like trade unions, these worker organisations can often be traditional in their hierarchical structure. Oxfam GB has encouraged more participatory approaches to leadership through supporting annual congresses, for instance. However, in this context, the scope for supporting changes in ways of working is determined by the nature of Oxfam GB's support of ANAMURI, which is limited to supporting specific activities and facilitating links with other organisations.

In the salmon industry, work is less seasonal in nature, making it easier for formal trade unions and labour-rights NGOs to act on behalf of workers. Oxfam GB has sought to promote the leadership and participation of women in these mixed workers' organisations and trade unions through the labour and environmental observatory of Chiloé island, but this has been a challenge. For example, in December 2006 at the Chiloé observatory, Oxfam GB supported the election of a young woman worker as the head of a large confederation of trade unions; by June 2007, she had resigned, due to overwork and lack of support. This indicates how much support and ongoing training is needed by women elected to leadership positions in such male-dominated environments, in order to carry out their work. As a result, Oxfam GB is providing support and training to women workers in the salmon industry in order to promote their leadership skills and strengthen the incorporation of a gender perspective in their work, to enable them to identify and make visible the specific needs and rights of women workers. In addition, Oxfam GB recognises that work needs to be done with male leaders within the trade unions, to ensure that they are ready to work with their female counterparts so that the latter are able to participate fully in collective negotiations and other decision-making processes.

Working at the local and regional level through observatories has allowed alliances between different organisations around specific issues (labour conditions, environmental impact) in specific industries. The observatories have had an impact on specific processes at the local and provincial level (e.g. specific collective negotiation processes), and they have enabled dialogue forums with local authorities and the private sector, where women workers have

also participated. Moreover, they have managed to gain media coverage and place the issues on the public agenda. However, the work of the observatories has not yet led to broad, sustainable improvements in the working conditions of workers in the agricultural export sectors, or to respect for labour legislation. In addition, there have been difficulties in maintaining functional working relationships between the different observatory partners.

In response to this, a campaign will be developed on working conditions in the salmon industry in 2008–2009 that will test the effectiveness of the observatory platform at a national level.

Strategy 2: Increasing women's leadership and participation in politics and decision-making in Chile and South America

Context and challenges

Traditionally, Chile's political and governance systems are characterised by limited citizen participation. Political decisions are often taken with elite interests in mind, and those social policies aimed at poor and/or excluded sectors of the population are usually neither designed nor implemented with their participation. The military dictatorship left an electoral and representative system that artificially induces and perpetuates the existence of two broad coalitions. On one side, there is the politically broad socialist/Christian/liberal democrat governing coalition of several political parties that has been in power for 17 years, since the end of the dictatorship. This coalition is characterised by the lack of a unified political project, and very diverse positions among the different factions. They have maintained the neo-liberal economic policies established during the dictatorship years, but have added measures to serve as social safety nets. This has succeeded in reducing poverty, but has made no significant progress in tackling the high level of inequality. On the other side, the right-wing coalition, the political heir of the dictatorship, is formed of two parties. One of these has more grassroots support, and both have strong support among the conservative economic and political elite. Under the electoral system inherited from the Pinochet dictatorship, the opposition coalition is over-represented in both congress and the senate. Fifteen per cent of representatives in the lower chamber of congress are women, while in the upper chamber the figure is just five per cent.

Surveys of women in Chile carried out in 2006 and 2007 and supported by Oxfam GB indicated a low level of political engagement among women. They showed that 52 per cent of women surveyed did not identify with any of the political parties, while 63 per cent showed no interest in obtaining information on the work of their representative in congress. Of the 37 per cent of women who declared

an interest in the work of their representative, around a quarter (23 per cent) did try and engage with their representative in some way or another. The women surveyed did have clear ideas about the urgent need to reform certain legislation, such as that relating to child support from absent fathers, the lack of child-care facilities for working parents, and the need to introduce a mechanism that would guarantee equal access for women and men to elected positions – issues that have been taken up by the Bachelet government and were part of her electoral platform. Over half of the women surveyed did not feel that either coalition sufficiently promotes their interests as women, though the governing coalition obtains better marks, and Michelle Bachelet obtains good marks for her concern for women’s issues.⁵ That said, over 80 per cent of those surveyed indicated that the election of Michelle Bachelet had not increased their interest in politics, though 64 per cent do expect that at the end of her presidency, their rights would be better protected.

The surveys also asked women to indicate what they thought were the main obstacles women faced in terms of occupying leadership positions. In the 2007 survey, 70 per cent of women respondents identified the principal difficulty facing women decision-makers as a lack of respect for their decisions, due to stereotypical assumptions that men should be the ones to make decisions. The previous year, women surveyed had identified the principal difficulties as having to prove themselves more than men (36 per cent), having more household obligations (29 per cent), and facing discrimination in political parties (20 per cent). Over 80 per cent of the women surveyed thought that there should be laws establishing parity between the number of men and women in decision-making positions in congress, the senate, the judiciary, ministries, provincial governors, the army, and public administrators.⁶

Some of the specific challenges that Oxfam GB faces in its work in this area are the lack of communication between women’s organisations and other civil-society organisations, and the low overall priority (despite Michelle Bachelet’s leadership) given by the government, the private sector, and mainstream civil society to issues regarded by women as a priority.

Programme activities and impact

Oxfam GB initiated the creation of, and provides ongoing support to, a coalition of organisations in Chile, including feminist organisations, academics, and governance NGOs, through a parliamentary observatory. This monitors the work of both congress and the senate, and lobbies to improve draft laws and encourage their approval so as to have a direct, positive impact on women’s participation and the protection of their rights, across all levels of society. The observatory has worked on a number of draft laws, including one which aims to establish minimum quotas for both genders in electoral lists (now

under consideration in congress), another that establishes penalties for discriminatory conduct, and a draft law that would enable Chile to ratify the Rome Treaty of the International Criminal Court.⁷ Other draft laws are related to making government in Chile more transparent and accountable, and the establishment of a human-rights institute.

The parliamentary observatory has been successful as one of the first unified civil-society initiatives to scrutinise the work of congress and the senate, and raise awareness of the closed and non-transparent manner in which they work. It has also succeeded in raising awareness of the low priority that is given to draft laws that impact on women's rights and political participation, by lawmakers and the government. The observatory platform has been successful in bringing together a variety of actors and organisations working on governance and women's rights and political participation, and in increasing the importance of women's political participation on the civil-society agenda. Finally, it has also lobbied to improve draft laws and accelerate or increase the probability of these draft laws being approved.

Oxfam GB has also supported a range of organisations in the region with work at national and regional levels aiming to increase women's political participation. One such example is supporting several organisations to survey women on their perceptions of the political systems and the level of discrimination in their respective countries (Argentina, Bolivia, Chile, Ecuador), then to carry out a regional seminar to compare results. The results of these surveys have helped raise awareness across the region of the opinions of women and their exclusion from politics and decision-making. They have been used by women's organisations to lobby for reforms to political systems to ensure or encourage the greater participation of women, as well as specific measures to combat discrimination and violence against women. They have also helped women's rights organisations to devise strategic plans to follow up on the results of the surveys and carry out advocacy towards improving respect for the economic, social, and cultural rights of women in individual countries and in the region.

Oxfam GB in Chile has provided key support to an alliance of NGOs operating at the regional level to lobby for an increase in the participation of women with a progressive gender perspective in regional organisations, such as the Organisation of American States (OAS), MERCOSUR,⁸ and the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights. This included lobbying OAS regarding the appointment of new judges to the Inter-American Court of Human Rights, raising awareness of the need for judges to have an understanding of the specific rights of women. And Oxfam GB has also supported regional women's organisations to lobby regional inter-governmental institutions on

key regional issues facing specific groups of women, such as women migrant workers, and women paid domestic workers (many of whom are migrant workers), in the region.

Lessons learned

The main strengths of the parliamentary observatory are that it has brought together a politically diverse range of organisations, it has managed to raise the importance of women's rights on the agendas of organisations that do not have a gender perspective in their work (e.g. NGOs working on governance issues), and it has carried out important advocacy and lobby work towards specific draft laws in Parliament. However, at times it has been difficult for those involved in the observatory to maintain interest in sharing a common platform, rather than pursuing individual institutional interests. The observatory has been successful in lobbying for specific draft laws (e.g. gender quotas in electoral lists), and has had partial success in getting media coverage and raising public interest. It has also succeeded, both through its activities as well as through its support for legal changes to increase transparency and women's participation in politics, in opening up new spaces for participation, that in turn can be used to push for improvements in the protection of women's rights (for instance, work on labour rights and social protection for low-income women workers). The limited success in raising public interest is a feature of lobby and advocacy work in a closed political system: the aim of the observatory is that with increased transparency and formal and informal mechanisms for participation, there will be increased interest from the public in general, and women in particular, in the work of Parliament that the observatory monitors.

The other regional work, including the surveys and regional lobbying work, has been successful in what it aims to do: raise awareness among governments and regional organisations, lobby for legal and administrative measures that facilitate an increase in women's participation, and as such encourage, indirectly, changes in the negative attitudes of both men and women towards women's political participation and leadership. This regional work has also been successful in building stronger alliances between organisations in different countries in the region.

Key learning points

The two strategies outlined above support each other. An example is the work on labour rights that highlighted the situation of women workers in the seasonal agricultural export industries, where information obtained from women workers about their working conditions was used to inform the lobbying strategy for work on draft laws that impact on labour rights (e.g. pension reform). Awareness-raising about the indiscriminate use of pesticides without

adequate safety provisions led to tougher regulations to protect workers (mostly women). Similarly, the work on labour rights in the salmon industry has become a political issue. Workers' representatives have gone to Parliament to participate in a designated commission on the social and environmental impact of the industry (where women worker leaders participated), in part enabled by the leadership skills gained through participation in the observatory and associated training activities. There is the potential for increasing this sort of overlap in the future, for instance ensuring that political and lobbying work at provincial or local levels is informed by the local work on labour rights undertaken by the labour observatories. Another strategy will be to encourage the participation of marginalised women workers in political debates on laws that affect them, at a regional level.

One of the key learning points that Oxfam GB in Chile has drawn from its work on women's participation and leadership is that different strategies are necessary to obtain concrete improvements in the lives of women. Work on improving labour conditions has a direct positive impact on the lives of some of the most marginalised women in South America. But to have sustainable improvement in respect for women's rights, political systems and cultures have to be changed to enable the increased participation of women. Monitoring and lobbying work by women's organisations and alliances is a key part of that effort. On the other hand, lobbying and political work is more legitimate if it is based on the needs of poor and excluded women, as identified by those women themselves. As such, these strategies complement each other to achieve their common objective.

In addition, Oxfam GB's work in Chile has shown that work at the national and regional levels is mutually reinforcing, providing legitimacy to both, and a stronger platform from which to implement advocacy work. Finally, creating alliances between non-traditional allies (including women's organisations and other civil-society organisations) is key to obtaining positive political changes for women's participation and the protection of their rights in a fragmented environment, although these alliances are fragile and effort is required to maintain them.

Notes

¹ Chile has signed the highest number of free-trade agreements of any country in the world.

² In surveys undertaken by Oxfam GB partner Humanas in 2006 and 2007, the vast majority (88 per cent) of the women surveyed considered that women are discriminated against in Chile, and consider that discrimination is particularly prevalent in the context of work, sexuality, access to justice, politics, the media, and family life; over 60 per cent of all the women surveyed said that they suffered in their daily life as a result of such discrimination. The vast majority (95 per cent) of women surveyed indicated that they felt that violence against women by their partners is frequent or very frequent in Chile, and 64 per cent identified violence against women as an extension of Chile's macho society.

³ In Chile, ANAMURI members have participated in the following government-organised institutions: the Agriculture Ministry's Agricultural Export Council and Agricultural Area Council, the Health Ministry's Dialogue Committee on Social Determinants of Health, the Labour Ministry's Public-Private Council, and the Women's Ministry's Rural Women National Roundtable.

⁴ Pensions are means-tested and subject to residency requirements. The minimum pension will be low (around half of the minimum wage) but nonetheless very significant for those who had no access to a pension before this reform.

⁵ In the same surveys, 63 per cent of women agreed that Bachelet has a strong or very strong concern for the problems faced by women. Women surveyed also gave her good marks for taking concrete measures to improve access to contraception methods (76 per cent) and to promote the equal participation of men and women in positions of power (72 per cent); and medium marks in terms of promoting the equal distribution of household responsibilities between men and women (55 per cent), and equal salaries between men and women (54 per cent).

⁶ The recent draft law on gender quotas in electoral lists should partly address this, if it is approved by Parliament.

⁷ This is the first international legal instrument that considers sexual violence and gender violence as crimes against humanity. This has specific relevance in Chile given the human-rights abuses, including sexual violence and torture, that occurred during the dictatorship.

⁸ MERCOSUR, or *Mercado Común del Sur* is a regional market integration body formed in 1985. Current members are Argentina, Uruguay, Paraguay, and Brazil. Venezuela is in the process of joining. Bolivia, Chile, Colombia, Ecuador, and Peru are 'associated states', and Mexico and Nicaragua have observer status.

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For further information please email: publish@oxfam.org.uk

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Oxfam GB

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Oxfam House
John Smith Drive
Cowley
Oxford
OX4 2JY

Tel: +44.(0)1865.473727
E-mail: enquiries@oxfam.org.uk
www.oxfam.org.uk