





# DIALOGUE ON GENDER AMONG MINISTRIES OF LABOR

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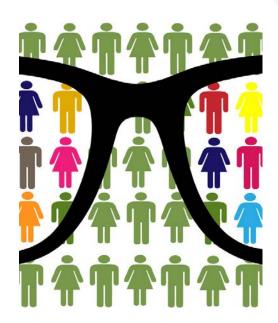


Inspection with a Gender Approach experiences and challenges



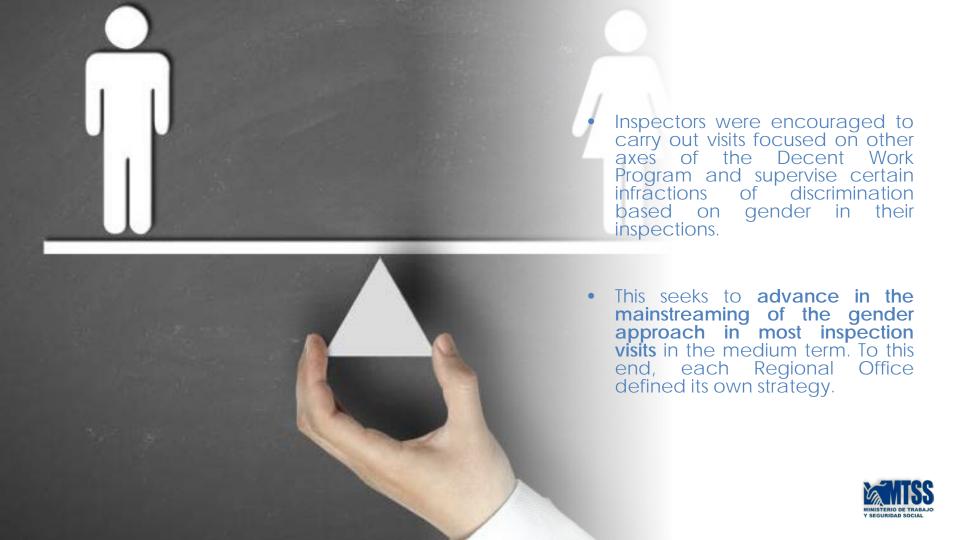
- The Decent Work Program and New Approach of the Labor Inspection of Costa Rica (PTDNE).
- The National Policy for Gender Equality and Equity.
- Interinstitutional Alliance: National Directorate of Inspection, Gender Unit and the National Institute for Women INAMU.
- 2015 Starts with the process of training/sensitization and construction of inputs, the development of Instruments and the pilot plan.





 The approach given by the inspectors, that this type of inspection requires a different treatment than other breaches, in terms of disclosure, awareness and information to both, the employer and the worker.







- The National Inspection Directorate creates a group of labor inspectors specialized in gender, with representation in the six regional offices. A labor inspector specialized in gender matters, trained and sensitized from this group, promotes that the labor inspection work has a preventive role before the employer.
- Group that develops research on the subject, and implements good practices in companies, with the aim of advising and transforming, at a cultural level, gender equality in the workplace; achieving significant progress in terms of women's rights.



Manual to apply the instruments of the "Guide for a gender-responsive labor inspection"

Manual didáctico para la aplicación de los instrumentos de la

Guía de Inspección del Trabajo con Enfoque de Género







#### **OBJECTIVE:**

- It serves as a quick guide for the inspectors on the meaning, usefulness and how the instruments are linked to the protection of the rights of workers without discrimination.
- The Manual is organized in two parts:
  - Description of the different instruments.
  - Review of the contents of the instruments.



# Description of the instruments







1. Application of the Employer Interview.

2. Document request.

3. Interview with the worker.





4. Visual Inspection of the Facilities.

5. Employer Summons.





### **Contents**

Access to Employment: selection, recruitment and hiring.

Labor relations: wage differences, modification of working conditions ius variandi, conciliation of family, personal and professional life.

Health and Safety at Work

Sexual Harassment.

Workplace Harassment.







- Catalog of new infractions on gender matters was developed in parallel to the Guide for a Gender-responsive Labor Inspection.
- At the beginning of 2016, 22 infractions are incorporated into SILAC as the gender discrimination component, whose numbering starts from infraction 150.
- In total, 18 new gender violations are added to the Infractions Catalog of the DNI and consequently to SILAC, as a result of the implementation of inspections with a gender focus (highlighted in green in the following table). This come in addition to several existing infractions related to the protection of women's labor rights (highlighted in orange in the following table).

No. De infracción	Nombre de la infracción
12	Hostigamiento sexual (no existe procedimiento o no se divulga)
29	Trabajadora embarazada (despido ilegal)
30	Trabajadora embarazada (restricción de derechos)
150	Discriminación en el proceso de contratación (reclutamiento, selección, nombramiento e inducción) género.
151	Prácticas discriminatorias en los ascensos.
152	Discriminación por oportunidades (capacitación, becas, permisos, giras, participación en la toma de decisiones, entre otras).
153	Discriminación en la evaluación de desempeño.
154	Discriminación entrega de incentivos.
155	Diferencias salariales (Brecha salarial).
156	Ausencia de local para lactancia.
157	No cuenta con las condiciones necesarias (local para lactancia).
158	No cuenta con visto bueno de Oficina de seguridad e Higiene del Trabajo (Local para lactancia).
159	Inseguridad física en el acceso a los servicios sanitarios (servicios sanitarios en lugares inseguros, distantes, falta de iluminación, falta de privacidad, entre otras).
160	Ausencia de servicios sanitarios diferenciados para hombres y mujeres.
161	Vestidores diferenciados entre hombres y mujeres.
162	Modificación en las condiciones de trabajo (Restricción de derechos) * lus variand abusivo por género*.
163	Solicitud o exigencia de pruebas de embarazo.
164	Condiciones de trabajo (equipo, herramientas, entre otros) en perjuicio de la persona trabajadora por género.
165	Condiciones de trabajo medio ambiente y espacio físico, entre otras) diferenciadas en perjuicio de la protección integral de la salud de las mujeres.
166	Falta de adecuación de las condiciones de trabajo para protección de la salud de la persona trabajadora (Dictamen médico).
167	Restricción para asistir a las gestiones médicas.
168	Limitación en el uso de servicio sanitario (horarios para el uso del servicio, acceso físico, entre otros).
169	Prácticas discriminatorias en la aplicación de procedimientos de hostigamiento sexual.
170	Prácticas discriminatorias en la aplicación de procedimientos de Acoso Laboral.
199	Discriminación por género (uso de lenguaje circulares, comunicados escritos).





# **Actions**



- Inclusion of the action in the national plans.
- Align plans at the inter-institutional level (Women's Mechanism and the Ministry of Labor).
- Support from higher authorities (constant feedback).
- Have a budget assigned to execute the action.
- Gender Unit of the Ministry constituted and gender liaisons identified.
- Training methodology through a trial-and-error process.
- The technical experience of inspectors and legal advisers is the foundation to mainstream a gender approach.
- Continuous improvement of the inspection guides, the catalog of infractions and training applied to the team of specialized inspectors.



# **Training-capacity building**

Gender Theory:
Employment
discrimination based on
gender and gender
analysis to identify gaps
in the workplace.

Sensitization processes based on inspection management itself (ILO Training Manual).

Analysis and resolution of specific cases (fictional and real).

Identification of labor violations in which women are mainly affected.

Mapping of the national and international regulatory framework to identify the infraction.

Application in the field of the initial guidelines and re-definition based on the acquired experience.

Preparation of technical case files (systematization).





## **CHALLENGES**

- Continue with the training process for the specialized gender team and legal advisors.
- Exercising the multiplier effect to the entire labor inspection.
- Continuous update of gender violations.
- Maintain the support of higher authorities.
- Have a budget for continuous training processes.
- Continuous improvement of the inspection guides, the catalog of infractions and training applied to the team of specialized inspectors





#### **Recommendations**

- Statistical review of infractions to justify the need.
- Negotiate with the authorities the inclusion of the action in the national and institutional plans.
- Training based on institutional processes (include headquarters).
- Have a gender link within the Inspection to coordinate the training-construction process.
- Have support from the Women's Mechanism and related entities.







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