

**GENDER, INTERNATIONAL RELATIONS AND THE  
CASE OF THE ILO**

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Much of the work that has been done by feminist International Relations (IR) theorists thus far has been to critique the existing discipline for its obvious inattention to questions of women and gender. It is time now to turn to more substantive work and explore not only the ways in which gender is absent from the study of international relations, but to document also the ways in which gender informs the various institutions and practices of international relations. To this end, feminist analyses of political economy, militarism, state-building, diplomacy and so on have begun to emerge. The present study is part of this project and seeks to develop an account of gender and international organizations and then apply it to an illustrative study of the International Labour Organization (ILO).

It is argued here that the ILO has made explicit reference to women workers throughout its history, but always in a particular way. Women have required 'special' attention, according to the ILO, whether in the form of protective legislation or through various promotional efforts. While such instruments have served sometimes to benefit women, they also serve to reinforce particular views about women in the workforce, for they begin with the assumption of the male worker as the

'norm'. This view often reproduces the assumption that because women workers differ from the norm they are not 'real workers', and thus not entitled to the same rights, remuneration and obligations as men. Similarly, male workers, as the 'norm', are on the one hand the beneficiaries of that privileged position but also do not exist in ILO policies outside of the role of worker: protective legislation for men, especially around their role in reproduction, is practically non-existent. More recently, ILO policies have begun to reflect the struggles of those concerned with women's equality, and have begun to reassess the impact which previous policies concerning women may have on their role in the family, workforce and society. These arguments will be examined here.

### **ANALYTICAL FRAMEWORK**

Before proceeding to the case of the ILO, it is important to clarify the approach to feminist theory which informs the analytical work to follow. The perspective used throughout this paper attempts to examine the ways in which assumptions about gender and gender relations both inform and are reproduced by the practices of actors, institutions and international organizations. When we examine gender relations we attempt to document the underrepresentation of women in particular spheres or describe the unfair burdens borne by women as a result of particular practices. An analysis sensitive to gender, however, calls for more than simply including women in areas closed to them, or righting previously unfair legislation, for we are interested not only in how women (and men) appear in

international relations, but also why they appear in the ways that they do.

In part, gender means knowledge about sexual difference<sup>1</sup> and so we ask further: what ideas and practices about gender have been used to create, sustain and legitimize the underrepresentation or unfairness we have documented, and where do these ideas come from? What ideas about the appropriate relationship between women and men, about the appropriate role of women in society, about what it is to be a man or a woman, feminine or masculine, inform the practices of particular actors and institutions? And, what material conditions and social forces contribute to the reproduction of those practices?

As Cynthia Enloe writes, contemporary power relations depend upon sustaining certain notions of male and female, masculine and feminine, and the appropriate roles associated with each.<sup>2</sup> It is this claim which informs the questions we ask here of the ILO. Understandings about gender depend in part on the real, material, lived condition of women and men in particular times and places. Understandings about the appropriate role of women and men in the workforce, for example, are informed at least in part by the specific material condition of those roles. Periods of low levels of labour force participation by women have often been reflected in assumptions by individuals and institutions that women are not appropriately a part of the work force. Likewise, women's increasing workforce participation is often reflected in assumptions that women are appropriately a part of the workforce.

Material conditions, however, are more than simply the class or economic location of individuals. Their real, lived conditions are made up of their sex, race, sexual orientation and class assignments, as well as the specific historical situations in which they find themselves. Thus, while norms about women's workforce participation often correspond to the actual levels of their labour force participation, those norms will change depending on these other conditions and circumstances. During times of war, for example, women's workforce participation usually is not only considered appropriate, but it is actively encouraged. More importantly, the 'norms' associated with women's workforce participation do not usually apply to black women and women of colour: African American women, for example, have long participated in the paid labour force regardless of the norms associated with white women's employment. Indeed, assumptions about gender are informed as much by racism as they are by sexism. When we look at material conditions, then, we will be involved in a historical analysis which seeks to uncover aspects of all of these various components.

But gender depends on more than the actual material conditions of peoples lives, for it is not merely reality but the meaning given to that reality that constitutes gender. Gender also, then, clearly refers to the ideas women and men have about their relationships to each other and to the institutions they create. It is the significance given to particular real conditions that make them meaningful to those participating in

them. In any social formation, a whole variety of real differences exist, such as age, race, sex, sexual orientation, and so on. Those differences, however, are not necessarily or naturally political. Rather, it is an important analytical question, to be explored in each particular instance, how and whether these differences are politicized.<sup>3</sup>

In examining gender we must ask also how the particular material conditions and ideas about gender are taken up and expressed in social and political institutions. Individuals operating in particular historical and material circumstances create institutions. These are organizations which are intended to serve some sort of collective purpose, whether that be to make money, distribute health services, provide child care services, establish labour standards, and so on. Embodied in those institutions are the reasons and self-understandings that agents bring to their actions.<sup>4</sup> In those institutions as well are the particular, sometimes hegemonic, power relations available to their creators. As Robert Cox writes:

Institutions reflect the power relations prevailing at their point of origin and tend, at least initially, to encourage collective images consistent with these power relations. Eventually, institutions take on their own life; they can become a battleground of opposing tendencies, or rival institutions may reflect different tendencies. Institutions are particular amalgams of ideas and material power which in turn influence the development of ideas and material capabilities.<sup>5</sup>

While of course Cox does not write specifically of gender relations, the claim here is that institutions encourage

collective images consistent with numerous types and forms of power relations, including those of gender. Those collective images, moreover, are as much subject to debate and struggle as is gender itself. We may uncover the ways in which institutions encourage particular collective images through examining the policy directives, aims, objectives and projects of the institutions under question.

In short, what is being argued is the following: the activists who create international institutions, the bureaucrats who run them and the people who oppose them all hold ideas about gender relations, as they do about many other things. Through their struggles and practices, they privilege some ideas over others, make political or important some meanings rather than others. At the same time, however, they do not make history as they choose. They are conditioned, constrained and sometimes even liberated by the particular material and historical conditions in which they operate.<sup>6</sup> Assumptions about gender which prevail in any given time or place will be reflected in international institutions as much as they are domestic ones. An international relations theory which is sensitive to gender must look to the articulation of all these factors to discover the ways in which knowledge about sexual difference is manifest in international relations. Such an account both provides an analysis of the ways in which knowledge about sexual difference is sustained by international institutions and the possible avenues for changing those understandings. The history of the ILO will be reviewed

while remaining sensitive to the ways in which the ideas, material capabilities and the policies of the institution itself reflect and contribute to certain assumptions about gender relations.

### **GENDER AND THE ILO: THE EARLY PERIOD**

Traditional histories of the ILO all recount a similar story.<sup>7</sup> Attempts at international labour legislation had long preceded the establishment of the ILO in 1919, whether on the part of philanthropists or particular governments such as Switzerland. Prior to the First World War a number of small advances were won, most notably the adoption of two conventions in 1906 at the International Association for Labour Legislation's meetings in Berne, one limiting the night work of women and the other prohibiting the use of white phosphorous in the production of matches. But the creation of the ILO was greatly facilitated by a number of very specific concerns on the part of the Allies after World War I. These were that widespread social unrest would follow the cessation of hostilities, and that the revolutions of the Soviet Union might spread to the West.<sup>8</sup> The advanced industrial countries sought a mechanism through which organized labour could participate in reforms within capitalism rather than from without.<sup>9</sup>

After much negotiation, the ILO was established through the Versailles Peace Treaties in 1919. Britain and the United States were particularly influential during the formation of the ILO, but that influence would shift as the United States did not

ratify the Peace Treaties and French representatives, rather than British, came to lead the ILO.<sup>10</sup> ILO history has been rich and varied, not only in terms of its shifting membership but also with respect to its substantive concerns, which have focused at different times on protective legislation, unemployment, the promotion of workers, the promotion of developing countries, and so on.

Most traditional histories of the ILO do not often note the ways in which women have been active within the ILO or the ways in which much ILO policy has focused on women workers. However, this kind of analysis can and has been developed. Carol Riegelman Lubin and Anne Winslow have provided extensive documentation to demonstrate the involvement of women and attention to women within the ILO.<sup>11</sup> Where the present work differs from Lubin and Winslow's is to explore the manner in which particular assumptions about gender, and the historical and material conditions which give rise to those assumptions, permit and restrict treatments of women and men within the ILO.<sup>12</sup>

Starting as Lubin and Winslow would, we note that the ILO's treatment of gender has revolved around the perennial debate between what they call the "protectionists and the equal righters."<sup>13</sup> This debate focused on the role of protective legislation for women workers. Protectionists argued that women workers required special protection from the hazards of the workplace, either because of their roles in childbearing or because of the various other ways in which women differed from

men (i.e., physical strength, role as mothers, and so on). Equal righters argued, on the other hand, that establishing special protective measures for women meant that employers would be less likely to employ them and thus they threatened women's equality on the labour market. Protective measures, moreover, detracted from the overall aims of labour legislation by protecting only women workers instead of all workers.

The debate emerged in different ways. Prior to the establishment of the ILO, in the 1906 Berne Conventions, for example, there was little debate at all: the prohibition of women's work at night was chosen because it was considered so uncontroversial. This convention (along with the prohibition of white phosphorous) was chosen specifically because its easy and straightforward adoption would produce some speedy victories in international labour legislation.<sup>14</sup> At the first International Labour Conference (ILC) in Washington, however, debate over prohibiting women's night work was more vociferous. As Betzy Kjelsberg of Norway argued in Washington, night work adversely affected young boys and elderly men as much as it did women, and "good labor laws" must aim at protecting all unnecessary night work.<sup>15</sup> British trade union and Labour party representatives as well as the International Congress of Working Women held in Washington prior to the ILC also supported the equality rights position. However, it was rejected by the international socialist movement, the international trade unions, and the International Council of Women.<sup>16</sup>

The debate around protective legislation that emerged at the first ILC reflected the complex and contradictory understandings of gender with which the ILO was forced to grapple. The ILO was created by a variety of state, labour and employer groups, and was influenced by the lobbying efforts of many more groups. As a result, no single understanding of the appropriate role of women and men in the workforce was presented to the ILO in this early period, but rather a variety of different and competing understandings surfaced and, in different ways, were reflected in ILO policies.

Jane Jenson has argued, for example, that at the turn of the century many countries sought to enact legislation to protect maternal and infant health. Her examination of the cases of Britain, France and the United States indicates that in each case there was an interest in reducing infant mortality rates but the manner in which they sought to achieve this aim differed markedly. In France, state policies usually were informed by the assumption that women did and should work, and as such their working lives must be reconciled with other roles such as childbearing. Protective legislation in this case often attempted not to remove women from the workforce, but to find ways in which their return to paid labour could be facilitated. In Britain and the United States, by contrast, the gender ideology reflected in state policies tended to assume that women, like children, should not work. As a result, protective legislation tended to focus on excluding women from particular workplaces, or the workforce

entirely, by virtue of the primacy given to women's role in reproduction. In this case, there was no apparent need to reconcile the protection of mothers and infants with work, assuming that the role of motherhood should always be privileged.<sup>17</sup>

The ILO was established primarily out of the activities of these three states, Britain, France and the United States and as an international organization, the ILO was to some extent expected to reflect these different understandings. Likewise, it was also lobbied by different women's organizations around the question of equality versus protectionism.<sup>18</sup> There was, as well, a history of intergovernmental labour legislation that ILO officials turned to, which although brief, also reflected the protectionist position.<sup>19</sup> In the end, these different and sometimes contradictory understandings about women's appropriate role in the workforce were reflected in ILO policies and pronouncements. Although greater emphasis was given to the protection of women, attempts were made within the first few months of the ILO's existence both to promote the equality of women and at the same time to call for their protection and prohibition from certain areas of work.

Efforts aimed at promoting women's equality included the principle of equal remuneration for work of equal value, affirmed in the ILO Constitution in 1919. At the same time, however, drafters of the Constitution also noted that in addition to the usual protections accorded all workers, women (along with

children) deserved additional protections.<sup>20</sup> In part to reflect this, Recommendation No. 4, adopted in 1919, set standards to prevent the lead poisoning of women and children.<sup>21</sup> Similarly, at the first ILC, the adoption of Conventions No. 3 and 4 provided women with maternity protection and prohibited their work at night.<sup>22</sup> Maternity protection reflected both elements of the debate. On the one hand it was intended to protect women workers in the immediate post-partum period. But, on the other hand, by ensuring that they could return to work after a period of six weeks' rest, and by encouraging employers to pay women benefits "sufficient for the full and healthy maintenance of her child," Convention No. 3 also assumed that women could be both workers and mothers.<sup>23</sup>

The approach to women's work, then, was quite mixed, and the balance of that mix changed throughout the history of the ILO. During this early period, there was more formal legislative attention accorded to the 'protectionist' position, in terms of maternity protection, night work and lead poisoning, however the 'equality' position clearly was also represented in a number of forms, such as equal remuneration. In part, the greater emphasis given to the protection of women reflects the greater importance of protection for those most active in the ILO during this early period--those, in other words, whose ideas about gender had gained greater resonance. The American and British, who operated on protectionist assumptions, were the most influential states in the formation of the ILO at the Peace Conference, and even set

the terms of the agenda of questions which would be considered at the first ILC. Activists from women's organizations, although not entirely homogeneous in their views, also tended to support the protection of women workers during this early period and likewise the history of intergovernmental labour legislation had until that time favoured protectionist policies.<sup>24</sup>

#### **THE SPECIAL CASE: PROTECTION AND PREGNANCY**

The vast bulk of ILO protective legislation aimed at women addresses their role in reproduction. As one ILO spokesperson wrote in 1935: "Women's constitution has certain peculiarities as compared with man's, and legislation must take these into account."<sup>25</sup> The ILO has long prided itself on its maternity protection conventions. The first international standard for maternity protection was adopted by the ILO in 1919 as Convention No. 3, as was noted above. It established for women workers their right to maternity leave, cash benefits during that leave, nursing breaks, and the right to retain employment throughout pregnancy, childbirth and childrearing. In 1952, the International Labour Conference adopted the Maternity Protection Convention (Revised) No. 103 which set a minimum rate of maternity cash benefits. At the same time, the ILO adopted Recommendation No. 95 which proposed a longer period of maternity leave, increase in cash benefits and additional benefits and facilities for women who were breastfeeding.<sup>26</sup>

Underground work was prohibited by Convention in 1935. Women also have been prohibited from working with dangerous substances

such as lead (Recommendation No. 4, 1919 and Convention No. 13, 1921), radiation (Recommendation No. 114, 1960), and benzene (Convention No. 136, 1971). Since 1967, the ILO has established a maximum weight Convention in which it is urged that women be prohibited from lifting, and if this is not possible, that the weight or duration of the lifting be reduced for women. A maximum weight Recommendation prohibits a pregnant woman from being assigned to jobs requiring heavy lifting or carrying during the ten weeks after confinement.<sup>27</sup>

Thus women, by virtue of their childbearing role, require special protection from hazardous substances and activities, and moreover require that their employment remain secure during times of pregnancy and in the post-partum period. Such assumptions rest on the prevalent understanding of women and childbearing. Women do bear children, and it was and still is assumed that this role in reproduction makes them more vulnerable to physical stress, toxic chemicals, and so on, than are men by virtue of their role in reproduction.<sup>28</sup>

Such protection is, of course, laudable in many respects. As Zillah Eisenstein notes, pregnancy is engendered; women do, or may, bear children. This fact already structures their choices within the labour force, and protective legislation which recognizes pregnancy may protect some women from further discrimination based on it.<sup>29</sup> But at the same time, a number of tensions emerge. For one, protective legislation which removes women from reproductive health hazards leaves men subject to

those same hazards. As early as 1860, the reproductive effects on men exposed to lead were documented with indications that their wives had a very high incidence of spontaneous abortion. More recently, lead and other substances have been linked to low sperm counts, childhood cancers, heart defects, genetic damage to sperm and chromosomal aberrations.<sup>30</sup> By assuming that only women play an important enough role in reproduction to require protection, it becomes clear that men's role in reproduction does not entitle them to any sort of special consideration--they become, in effect, invisible.

Secondly, the hazardous substances from which women must be protected are usually those found in industries dominated by men, such as in metals and chemicals. As Michael Wright notes, women beauticians, women in the dry cleaning industry and airline flight attendants are all exposed to various contaminants and hazards.<sup>31</sup> Operating room personnel such as nurses, technicians and anesthesiologists report a higher rate of miscarriages and malformations in their children. Teachers have been exposed to German measles for centuries, and even with immunization programmes outbreaks continue to occur.<sup>32</sup> In none of these cases has the prohibition of women from these professions ever been considered. As Carolyn Bell notes: "Clearly, female elementary schoolteachers will not be replaced--we rely on them too heavily and it would be too costly--yet female vinyl chloride workers are denied jobs."<sup>33</sup> These hazards tend to be ignored, in part because it is simply inconvenient or considered inappropriate to move

women out of these industries. Thus women's difference is a double one which is recognized not merely through the fact of pregnancy and childbearing, but through their entry into non-traditional (i.e., male) sectors of the economy.

Finally, and most importantly, the ILO, because of its emphasis on protective legislation for women as childbearers, virtually ignores women who are not pregnant. Surprisingly few ILO health and safety regulations indicate important differences between standards for women and men workers, except insofar as women require special protection as a result of childbearing. Outside of reproductive health, women are seldom accorded 'special' status, although they may in fact require it. Specifications for safety wear, for example, seldom reflect different size or proportion requirements to adequately meet women's specific needs.<sup>34</sup> Women as workers gain special protection by virtue of their special role as childbearers. However, once outside of that role, women as a specific category of worker requiring special attention drops away altogether. Women, by this view, have been recognized only insofar as they are different from men, and different only in ways deemed important by men or the state.

These examples point to the effects which particular assumptions about gender may have. In this case, policies which protect the pregnant woman are pursued only when they are consonant with prevailing assumptions about women's and men's appropriate role in the workforce. Men are workers first and

fathers only secondarily, while female workers are protected when they find themselves in non-traditional employment or when they are having babies. Women are ignored and not provided protection when they are no longer easily situated within the role as real or potential mother. It is in these ways that the particular ideas associated with women's and men's role in reproduction, along with the actual conditions of those roles, are reflected and legitimized in ILO policies.

### **FROM PROTECTION TO PROMOTION**

While the ILO would always promote the protection of women workers by virtue of their role in reproduction, by the late 1920s and the 1930s, the 'mix' of equality versus protection had begun to shift so that many ILO initiatives toward women reflected attempts to promote women's equality within the workforce rather than protect them by virtue of their childbearing and rearing roles.<sup>35</sup> On the one hand, there was an already existing institutional predisposition to an equality rights discourse, as laid down in the Constitution and first ILC. In addition, this period saw a marked increase in activism against protective legislation: women's organizations either lobbied the ILO directly or indirectly through governments which exercised influence within the ILO, to abandon protective policies for women. Finally, women's increased workforce participation after the Second World War also facilitated the adoption of promotional policies over those concerned with protectionism.

The first and most dramatic indication of the shift to a greater emphasis in promoting women's equality came with the ILO's treatment of women's unemployment during the Depression. The ILO estimated in 1935 that there were some four million women unemployed globally. This reflected not only general economic trends, but the increasing use by national governments of legislation restricting women's employment.<sup>36</sup> In contrast to the efforts of many national governments, ILO publications during this period criticized the resort to restrictive legislation in order to alleviate the unemployment of men. As Henri Fuss, Chief of Unemployment, Employment and Migration wrote: "The outstanding problem, therefore, is not to find ways of ousting women from their jobs in order to replace them by men, but rather that of a general reduction of unemployment among women as much as men."<sup>37</sup>

The ILO did not, during this time, abandon its position on the necessity of protective legislation for women in order to ensure their (childbearing) health. Rather, the ILO opposed restrictive legislation on any grounds other than this. Legislation intended to "make room for men in vacancies produced by the exclusion of women," could not be justified.<sup>38</sup>

This shift to the promotion of women's equality reflected the increasing activism of women's organizations from the mid-1920s onwards which aimed at promoting equal rights. These groups became increasingly organized in opposition to ILO protective labour legislation. The National Woman's Party (NWP) in the

United States had opposed protective legislation within the American context for over a decade and by the mid-1920s began to direct its energies internationally. From 1928 onward it was active in trying to get states and organizations to adopt the Equal Rights Treaty, which addressed both women's right to work and the extent to which protective legislation violated that right.<sup>39</sup>

In 1927, an organization comprised mainly of British activists began to meet to discuss workplace equality for women and in 1929 formally constituted itself as the Open Door International. Its aims were the promotion of equal access to employment for women, equal protective treatment of women workers as workers, and the freedom for women to choose the paid employment of their choice. Another British organization established in 1930 was Equal Rights International. Finally, the Women's International League for Peace and Freedom also lent its support to the NWP's Equality Treaty in 1931.<sup>40</sup>

At the same time, and in opposition to these groups, numerous organizations attempting to maintain and promote the protection of women workers also sought to extend their activities to international organizations. Most important among these was the League of Women Voters (LWV) in the United States which was the NWP's chief rival. Individual women in policymaking positions within governments or the ILO itself also were active in supporting protectionist policies. Mary Anderson, for example,

headed the Women's Bureau in the American Department of Labor and opposed the NWP within the United States and at the ILO.<sup>41</sup>

By 1935, this struggle erupted at the League of Nations and the ILO. The NWP had been trying to get the League to examine the Equal Rights Treaty and, hopefully, to adopt it in some form. When consideration of the Treaty was placed on the agenda of the 1935 Assembly of the League of Nations, LWV members prepared a formal protest which was delivered through the World YWCA. Once at the ILO, the pressure was applied by both the LWV and the NWP and their respective supporters. Mary Anderson lobbied for the importance of protective legislation through Grace Abbott, one of the American delegates to the ILO, and Harold Butler, at that time Director of the ILO. The LWV's president Marguerite Wells also lobbied Frances Perkins, the US Secretary of Labour, who instructed the American delegation to oppose the Treaty and promote protective legislation.<sup>42</sup>

The LWV discovered, however, that there was little support for their position outside the US delegation. Abbott suggested that with the rise of Nazism and Facism in Europe, many women anticipated even greater prohibitions to their employment and were therefore more likely to support the Equal Rights Treaty.<sup>43</sup> The same could also be said of the Depression: during periods of massive unemployment, a right to work clearly had some appeal for working women and their representatives. While the Equal Rights Treaty was not adopted in its entirety in ILO Conventions and Recommendations, it did inform the shift to the adoption of

instruments aimed at promoting women's equality. This coincided with changing conditions of women's work experience: not only were ideas about women's employment being challenged by the efforts of women's organizations, but the actual material conditions of their lives were also changing.

While unemployed during the Depression, women's workforce participation in advanced industrial countries rose steadily from the Second World War onwards and it was the entry of married women into paid labour that most uniquely characterized this period. For some, this was explained by the impact of women's war work on their consciousness and expectations of employment. More likely, however, it was the changing nature of the global economy that created this burst of women's employment. The expansion of the services sector, which had been taking place since the turn of the century, continued to increase after the war. Most women were drawn into clerical work, which had expanded as a result of expanding welfare state bureaucracies, businesses and commerce.<sup>44</sup>

As women were drawn increasingly into the workforce during the Second World War and during the post-war period, and as ideas about protective legislation were increasingly challenged within the ILO by different women's organizations, so too did the policy prescriptions of the ILO change to reflect this changing status. Assumptions about women as workers became increasingly the 'norm'. ILO response to both the changing fact and perception of women's employment was to reformulate the 'woman's problem' as one of human rights and a demand for equality of opportunity for

both women and men. This included the adoption of non-discrimination legislation and, of course, equal pay. More than this, however, ILO policies began to reflect a reconsideration of women's 'special' status. Where previously women's special status had required their protection, in the post-war period women's special status required their promotion. ILO policies reflected the realization that women's equality required more than equality rights legislation, it required active intervention on the part of governments to remedy the various structural impediments to women's full and equal access to the workforce. While the protection of women's reproductive health remained important, in the post-war period women deserved 'special' attention in the form of training, apprenticeship and employment programmes.<sup>45</sup>

### **EQUALITY RIGHTS**

While the ILO had always been committed to the principle of equal pay, it was in 1950 that Ann Godwin, the British worker's delegate to the ILO, said: "Now, after thirty-one years, we are asking you to take the next step."<sup>46</sup> The ILO noted that because of the increasing importance of women in the paid labour force, equal remuneration was required not only to promote social justice, but to enhance labour mobility and efficient utilisation of the labour force.<sup>47</sup> In 1951, Convention 100, Equal Remuneration, was adopted. This required governments to "promote" the principle of equal pay for women workers for work of equal value and to "seek to ensure" it by appropriate methods. The associated Recommendation set out the manner in which appraisal

of salary levels might be achieved, and a suggested timetable for the implementation of the Convention.<sup>48</sup> Over one hundred countries have ratified Convention 100, making it almost the largest number of ratifications of ILO legislation, but because of perceived difficulties in actually achieving equal pay, it may also be one of the least implemented of ILO conventions.<sup>49</sup>

Other efforts to promote women's equality included the 1958 Convention (111) and Recommendation (111) aimed at preventing discrimination in employment and occupation in both the public and private sectors;<sup>50</sup> the 1962 non-discrimination Convention (117) aimed at eliminating discrimination against workers in a whole variety of areas, including conditions of work, vocational training, health and safety, and so on.<sup>51</sup> In 1964, the ILO adopted the Employment Policy Convention (No. 122) aimed at ensuring full employment and freedom of choice of employment and the promotion of equality of opportunity for all workers.<sup>52</sup> Also

in 1964, the ILC adopted a resolution to address women workers in a changing world which was aimed at placing the problems of women from developing countries on the ILC agenda.<sup>53</sup>

In 1965 the ILO adopted Recommendation No. 123 outlining the various measures to be taken by governments and employers in order to facilitate women's double day. These included efforts to determine with greater accuracy the real problems faced by these workers, and to pursue public education campaigns in this regard; the provision of child care facilities; the provision of vocational training for women and girls, and services to

facilitate women's entry and re-entry into the workforce after raising children.<sup>54</sup>

The shift to an equality rights discourse, however, was not without its critics. Although the promotion of women workers was considered an improvement by many observers, it continued to promote a particular vision of women's roles in society and the family. Recommendation 123 was strongly criticized, especially by the United States and Scandinavian countries, who argued that the ILO continued to privilege the role of women in childbearing and rearing roles.<sup>55</sup> It continued to assume that women were the primary caretakers of children, but that they must be promoted despite their role in childbearing and childrearing.<sup>56</sup> Rather than attempt to transform unequal power relations between women and men within the family, this argument suggested, ILO legislation sought merely to alleviate that inequality while at the same time accepting it.

The gendering effects of an equality discourse had a similar impact on men as did the discourse around protection: it rendered them invisible. As was argued above, protective legislation ignored men because their roles in childbearing and childrearing were not considered as important, or as fragile, as that of women. Men were rendered invisible through equality legislation, by contrast, because they were the comparison group. As that group which women were trying to achieve equality with, men existed only as workers. It is part of the contradictory nature of the way in which gender is constructed that this is both a

privileged and invisible situation in which to be. For, while women always find themselves compared to men as normal workers and so in this way always subordinate, men find that they do not exist at all, except as workers.

### **SINCE THE 1970s**

The 1970s was an active time for the ILO in a number of respects. It suffered its most significant crisis of the post-war period when the United States began to withhold portions of its budget contribution in the early 1970s and then in 1977 gave notice that it would withdraw from the ILO. Two years later it did withdraw, but returned in 1980. For our purposes, the 1970s also marks the greatest burst of ILO activity concerning women. The focus by the seventies was almost exclusively on an equality rights discourse, and a number of important groups pressured the ILO in this regard. For one, the so-called second wave of the women's liberation movement emerged in numerous national contexts and focused on equality legislation. By the late 1960s, equality rights also had the support of the international trade union movement. Finally, as Bob Reinalda argues, the last and perhaps most important coalition partner for women was representatives of 'Third World' countries who by 1970 had led to UN acceptance of a "programme of concerted international action for the advancement of women," and by 1975 had been instrumental in the UN's organization of International Women's Year.<sup>57</sup>

As part of the symbolic significance of this shift, ILO policies again began to reflect a re-evaluation of some of its

original measures concerning women. As part of its activities around the United Nations International Women's Year, the ILO adopted a Declaration and two resolutions on equality of opportunity and treatment for women workers. The Declaration noted that all forms of discrimination on the grounds of sex were unacceptable and must be eliminated, and that measures must be taken to eliminate discriminatory legislation, educate the public, and provide equal access for boys and girls to basic education and vocational training.<sup>58</sup>

In 1977, the ILO began publishing Women at Work: An ILO Newsbulletin, which survived for more than a decade. Women at Work provided information on official ILO policy towards women, as well as critical commentary on that policy and the extent to which it was being observed in member countries. The ILO also began to note the extent to which its own policies sustained the inequality of women, and the extent to which women's absence from certain areas contributed to their inequality. For example, in 1977, an ILO study entitled "Equality Between the Sexes in the Field of Employment and Special Regulations on Women's Work," suggested that many ILO instruments originally intended to protect women actually served to discriminate against them.<sup>59</sup>

Women at Work also provided sustained analyses of women's involvement in trade unions, the impact of maternity and other forms of protection, and so on. In 1981, the editors of Women at Work noted that despite the centrality of demands for a New

International Economic Order from developing countries in the preceding decade, the subject of women had been largely excluded from these negotiations.<sup>60</sup>

A resolution adopted by the International Labour Conference in 1975 had requested the ILO to consider revising the Employment of Women with Family Responsibilities (no. 123), 1965.<sup>61</sup> In 1981 the ILO adopted two new policy instruments, a Convention (156) and a Recommendation (165) requiring equal treatment for men and women workers with family responsibilities.<sup>62</sup> As Krishna Ahooja-Patel noted: "... the ILO instruments indicate that responsibilities of home and family are not the exclusive monopoly of working women and that other members of the household (male and female) might equally share them."<sup>63</sup> In this way, the ILO attempted to overcome some of the earlier limitations of equality rights legislation, and spent much of the 1980s reviewing conventions and recommendations based on assumptions around special protection.<sup>64</sup>

In 1985, as part of the Nairobi Forward Looking Strategies that emerged at the end of the United Nations Decade of Women, the ILO also adopted a Plan of Action on Equality of Opportunities and Treatment of Men and Women in Employment, which focused in part on increasing women's participation in development, to improve child care facilities for both women and men, research on women's employment during the recession, and so on.<sup>65</sup> The ILO also began a two-year project in 1992 called the Interdepartmental Project on Equality of Women in Employment

which will examine existing equality rights legislation, obstacles to women's employment and strategies for addressing these problems. Research emerging from this project will be presented in 1994 at an ILO sponsored International Forum on Equality for Women in Employment in a Changing World: Challenges for the Future.<sup>66</sup> Most recently, the ILO issued a report in early 1993 calling for the increased participation of women in trade unions arguing that "women's participation in trade unions is generally perceived to be one of the essential efforts that need to be made to achieve equality for women in employment."<sup>67</sup>

What these new policy prescriptions and emphases suggest is that rather than simply adapt to women's unequal status, the ILO has begun to recognize the need to transform that status. By acknowledging that both women and men may be involved with, among other things, childcare, these instruments assume neither that women are solely responsible for these tasks, nor that men have no place in them. While this is the effect of changing policy emphases, it is important to note that these struggles are not entirely resolved. Ann Therese Lotherington and Anne Britt Flemmen report that notions of women's and men's equality have not been adopted within the ILO without resistance. Many ILO managers and bureaucrats do not understand the full significance of these changed directions, and when they do they have tried in numerous cases to avoid or ignore them. As well, advocates of these new directions find that they must present arguments in terms which are explicitly 'de-sexualized' and in which the

feminist implications are removed.<sup>68</sup> Thus even when the outcome is one of greater visibility for both women and men, the strategies used to get there often must reproduce the silencing it was intended to recover.

### **CONCLUSIONS**

This paper has illustrated the ways in which ILO policies have reflected particular and changing understandings of gender relations and has examined some of the different implications of those constructions. It also highlights the extent to which gender relations have been unequal relations, for women as a category or group do not exist independently of men in our example of the ILO. They are defined according to men, and moreover, when they can be seen to be like men they disappear altogether. Important differences between women and men are also very specific ones, for they are concerned solely with women as childbearers. Other differences which might be useful to acknowledge through protective legislation are simply ignored. Identifying women only insofar as they are childbearers reproduces traditional assumptions about the appropriate role of women as childbearers and only as childbearers, and moreover makes men's role in reproduction invisible. It ignores the multitude of ways in which women participate in society which are not concerned with their reproductive function and ignores men insofar as they are involved in reproduction.

This case also illustrates well the historical specificity of the construction of gender and the different ways in which

'women' may be understood across time. The relationship between women and reproduction, or the assumed standards of women within the home or the workplace were not fixed, and indeed varied considerably, especially given the relatively small segment of time under consideration here. Finally, and most importantly, our examination of the ILO demonstrates the importance of international institutions in reflecting assumptions around gender and gender relations. As Cynthia Enloe notes, there is a 'package of expectations' associated with being either a man or a woman, masculine or feminine.<sup>69</sup> As we have shown here, ILO policies reflected those expectations, and in so doing provided an institutional legitimacy to those assumptions. It is in this way that particular assumptions around gender are further reinforced. Moreover, we discover that assumptions about the appropriate role of women (and men) in society, workforce, family and reproduction inform much of ILO policy. Expectations about what women will, would and should do inform international activity. Thus far from being inappropriate to the study of international relations, feminist concerns can be seen to highlight some of the complexities of international practices in ways previously unexplored.

## NOTES

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3. Jenson, "Paradigms and Political Discourse: Protective Legislation in France and the USA Before 1914," Canadian Journal of Political Science, 22(2), 1989, p. 238. See also Jane Jenson, "Gender and Reproduction: Or, Babies and the State," Studies in Political Economy, 20, Summer 1986.
4. This is a modification of Alexander Wendt, "The Agent-Structure Problem in International Relations Theory," International Organization, 41(3), Summer 1987, p. 359.
5. Robert W. Cox, "Social Forces, States and World Orders: Beyond International Relations Theory" Millennium, 10(2), Summer 1981, p. 136.
6. See Wendt, "The Agent-Structure Problem," pp. 335-370; Jane Jenson, "Paradigms and Political Discourse," p. 236; Anthony Giddens, Central Problems in Social Theory, (London: MacMillan Press Ltd., 1979), p. 2 and chapter 2, **passim**.
7. See for example, R.W. Cox, "ILO: Limited Monarchy," in R.W. Cox and H.K. Jacobson, (eds.), The Anatomy of Influence: Decision Making in International Organization, (New Haven: Yale University Press, 1974); David A. Morse, The Origin and Evolution of the I.L.O. and its Role in the World Community, (Ithaca: Cornell University, 1969); G.A. Johnston, The International Labour Organisation: Its Work for Social and Economic Progress, (London: Europa Publications, 1970); James T. Shotwell, The Origins of the International Labor Organization, Vol. I, (New York: Columbia University Press, 1934); Antony Alcock, History of the International Labour Organisation, (London: Macmillan, 1971), pp. 5-6.
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9. Robert W. Cox, "Labor and Hegemony," International Organization, 31(3), Summer 1977, p. 387 and **passim**.
10. Alcock, History of the International Labour Organisation, p. 38.

11. Carol Riegelman Lubin and Anne Winslow, Social Justice for Women: The International Labor Organization and Women, (Durham: Duke University Press, 1990).

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13. Lubin and Winslow, Social Justice for Women, p. 30.

14. Alcock, History of the International Labour Organisation, p. 12.

15. Lubin and Winslow, Social Justice for Women, p. 30.

16. Bob Reinalda, "Women as Transnational Political Force in Europe," Paper Prepared for the Inaugural Pan-European Conference of the EPCR Standing Group on International Relations, Heidelberg, Germany, 16-20 September, 1992, p. 7. See also Lubin and Winslow, Social Justice for Women, pp. 21-22, 30.

17. Jenson, "Gender and Reproduction."; Jenson, "Paradigms and Political Discourse."

18. See Susan D. Becker, The Origins of the Equal Rights Amendment: American Feminism Between the Wars, (Westport: Greenwood Press, 1981), chapter five and ILO, Special Protective Measures for Women and Equality of Opportunity and Treatment, (ILO: Geneva, 1989), chapter two.

19. Reinalda, "Women as Transnational Political Force in Europe," p. 7.

20. "Final Texts of the Labor Section," in J.T. Shotwell, (ed.), The Origins of the International Labor Organization, pp. 424 and 449.

21. Lubin and Winslow, Social Justice for Women, p. 95.

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