

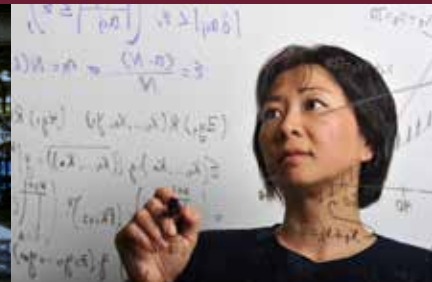


Asia-Pacific  
Economic Cooperation



**USAID**  
FROM THE AMERICAN PEOPLE

# APEC WOMEN @WORK



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## ACRONYMS

<b>ABAC</b> .....	APEC Business Advisory Council
<b>ANSSR</b> .....	APEC New Strategy for Structural Reform
<b>APEC</b> .....	Asia-Pacific Economic Cooperation
<b>EC</b> .....	Economic Committee
<b>GDP</b> .....	Gross domestic product
<b>IFC</b> .....	International Finance Corporation
<b>ILO</b> .....	International Labour Organization
<b>OECD</b> .....	Organization for Economic Cooperation and Development
<b>PPWE</b> .....	Policy Partnership on Women and the Economy
<b>RAASR</b> .....	Renewed APEC Agenda for Structural Reform
<b>USAID</b> .....	United States Agency for International Development
<b>WGEA</b> .....	The Workplace Gender Equality Agency



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## Executive Summary

Economies grow faster when women<sup>1</sup> work, yet globally there are 700 million fewer women than men in formal employment and women face inequalities and barriers to their labor force participation throughout the Asia-Pacific Economic Cooperation (APEC) region. It is estimated that by eliminating barriers that prevent women from working in certain sectors or occupations we can increase labor productivity by 25 percent in some economies around the world (World Bank Group 2018). Within East and Southeast Asia,<sup>2</sup> research shows that identical roles in the labor market for women and men would equate to a 30 percent increase in GDP (McKinsey 2015). Reforms that promote women's labor force participation and foster more equitable and inclusive workplaces generate broader economic returns.

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*McKinsey estimates that if women's role in the labor market were identical to that of men, global gross domestic product (GDP) would increase by **28 trillion** dollars by 2025.*

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While increased legal protections can advance women's labor force participation, laws can also inhibit them from entering, remaining in, and advancing in the formal sector workforce. Laws, policies, and regulations can influence women's labor participation from first job application through retirement—and can affect women's job prospects, economic decision-making, earning potential, career advancement, ability to balance work and family, and safety at work or on their way to and from work.

The economic benefits of inclusive structural reforms are also felt at the firm level. With increased women's labor force participation, firms experience a healthier talent pipeline; retention, development, and advancement of talented professionals; deeper insight into customers and market opportunities; and enhanced reputation and corporate brand, all of which impact their bottom line. For example, a study of 346 companies based mainly in the United States and United Kingdom found that firms in the top-quartile for gender diversity on executive teams are 21 percent more likely to outperform on profitability and 27 percent more likely to have superior value creation (McKinsey and LeanIn.Org 2018). The growth of businesses can feed income and investments back into communities and economies, thereby contributing to domestic and Asia-Pacific wide regional advancement.

Policies and regulations can either serve as barriers to employment opportunities for women or help to ensure that women are able to access the same employment opportunities as men or mitigate obstacles and imbalances. This brief specifically examines how laws and regulations limit or enable women to enter, remain, and advance in the formal sector workforce in the APEC region, with an emphasis on access to wage employment and retention. The brief analyzes how employment and pay discrimination, regulatory employment restrictions, occupational standards, and sexual harassment can limit women's wage employment. It also examines how laws and policies can support working women and working parents to actively thrive and advance in the workplace, and highlights promising approaches and good practices to promote women's labor force participation from both the public and private sectors. The brief also features strategic recommendations that can be adopted through APEC's Economic Committee's (EC) structural

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1. This brief reflects the binary definition of gender apparent across the majority of sources researched as the differences between men and women. It is understood that a variety of other factors can combine to form double (triple, quadruple, or more) discrimination against women, such as age, race, ethnicity, indigenous status, and disability. For the purposes of this brief, we focus on women's discrimination broadly and do not delve into these areas, but encourage further research to examine these important differences.

2. This statistic does not include China.



reform agenda, as well as at the economy level, to improve women's labor force participation and accelerate economic growth across the Asia-Pacific region. The analysis is divided into three sections (labor market access and employment, access to wage employment, and retention) and next steps.

## Highlight of Findings

**Gender discrimination in hiring, promotion, and dismissal creates obstacles for women to obtain work or advance in jobs; it also promotes occupational segregation<sup>3</sup> and a higher concentration of women in low-paying sectors.** Without protection against discrimination, employers can exercise bias when making hiring decisions, which disproportionately and negatively impact women. Despite 18 APEC economies prohibiting the dismissal of pregnant women, women who are pregnant or who have children often experience compounded discrimination because employers perceive them to be less productive, available, and committed to work. To work against this bias, governments can establish or strengthen legislation, while employers, including governments, businesses, labor unions and non-governmental organizations can develop and implement innovative programs and policies to reduce and eliminate discrimination.

**Women's wages are, on average, lower than men's, and while some APEC economies have seen progress in achieving equal pay for equal work,<sup>4</sup> the gender wage gap remains an obstacle.** Much of the legislation and data around equal pay to date does not consider equal work or occupational segregation, but rather focuses on macroeconomic average wages, and does not allow for pay comparisons across companies or industries. Additionally, mothers are often unfairly viewed as less reliable or committed workers and therefore, employers opt to pay them less in many cases (Correll 2007). Just seven APEC economies have laws or regulations guaranteeing men and women equal pay for equal work. To better address the issue of equal pay for equal work, governments can revise and expand current laws and regulations to address the nuances preventing equality.

**While all APEC economies have laws that allow women to work the same hours as men and do not require male permission to obtain a job, some economies maintain laws that prohibit women from working in particular positions or industries.** This exclusion results in diminished economic opportunity for women and their communities and the institutionalization of gender disparity. Economies should consider alternative measures to evaluate job applicant fitness that are gender neutral; actively monitor and limit gender bias; advance access to technology that provides greater access to women applicants, particularly in physically-taxing, male-dominated industries; and consider measures to improve overall health and safety for all employees. To address employment restrictions, governments may consider alternative approaches when assessing potential job candidates and continue the dialogue more broadly across the region to exchange best practices and make reforms.

**There is little conclusive research on women's use of and associated barriers with occupational standards, particularly licenses and certifications.** Occupational licenses and certifications, which aim to protect public safety and afford consumers with quality assurance, are required for a wide range of sectors across the Asia-Pacific region. Extensive financial and time requirements can create barriers for women to

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3. Occupational segregation is the distribution of workers across and within occupations, based upon demographic characteristics, most often gender.

4. Where data and information is available, the analysis focuses on equal pay for work of equal value. However, due to the dearth of data and private sector examples focusing on work of equal value, the remaining information focuses on equal pay.

enter or re-enter licensed professions. Regulatory authorities and gatekeepers can act on their own biases and purposefully or unconsciously discriminate against women's entry. Licenses and certifications can also have benefits for women's employment once they are obtained as they can serve as a "job market signal" in hiring, serving to counter uncertainty, bias, or discrimination, and also can reduce gender wage gaps. APEC economies can help to close the research gap on understanding how occupational licenses affect women and men differently and how occupational licensing reforms impact women's labor market access.

**Policies that help parents return to work and remain in the workforce increase staff retention, reduce turnover, and increase productivity.** Since most economies do not offer or offer a short duration of paternity leave for fathers, their positions are not at jeopardy as much as positions of mothers, who on average, receive longer maternity leave and are out of the workforce for a more extensive duration. Mothers are guaranteed an equivalent position after maternity leave by law in 10 APEC economies. To ensure a smooth transition for mothers returning to work, policymakers can draw on innovative practices from the private sector, including apps to prepare mothers and their managers for their return, fostering resource groups amongst returning mothers, and offering "returnships" (a concept explained later in this brief). Governments can play a prominent role, together with the private sector, to implement incentives for employers to establish programs and policies that help parents transition back to work.

**Policies that support parents to balance formal employment with family commitments are crucial to enabling parents to return to work, remain, and advance in the workforce, while also providing employers with less turnover, which reduces costs.** Paid or unpaid maternity leave is mandated by law in 18 APEC economies. However, regulations that require employers to cover the cost of maternity leave may dissuade employers from hiring women or paying them equitably due to perceived costs (ILO 2014). Economies that provide parental leave could help reduce this type of discrimination since all employees, regardless of gender, would have access to parental leave. Paternity leave is also essential in shifting childcare and household responsibilities to a more equitable sharing by both mothers and fathers. Twelve economies mandate unpaid or paid paternity leave by law (World Bank Group 2019). Access to affordable, quality childcare is a critical part to enabling parents to return to work and balance work and family commitments. Reforms in this area can incorporate various models for financing childcare, including tax incentives to private childcare providers, government-supplied childcare, and parental tax-deductions for childcare expenses. Governments can support parents returning to work by assessing and improving current tax policies related to childcare and establishing standards for various family-friendly policies.

**Sexual harassment in the workplace and on transport to and from work is prevalent across the Asia-Pacific region and disproportionately affects women's employment, job retention, and career advancement.** In addition to the hidden cost of sexual harassment, the explicit costs to employers include legal expenses and settlements, increased insurance costs, compromised reputation, decreased employee productivity and team performance, and attrition. All but five APEC economies have legislation addressing sexual harassment in the workplace. Yet, only four APEC economies have explicit laws prohibiting sexual harassment in public places, which includes transportation to and from work. Governments can work with the private sector to ensure that laws and regulations that prohibit harassment in the workplace are accompanied by strong commitment of employers to invest in internal policies and reporting mechanisms.



## Recommendations, Next Steps, and Ways Forward

This brief provides a number of recommendations for economy-level implementation, covering areas of further research, policy reforms, private sector engagement, investment, and implementation. The following list summarizes next steps and possible actions APEC could take:

- **Quantify the impact of reforms to better equip policymakers in advocating for change.** Develop an economic impact study to demonstrate the economic benefits of implementing inclusive structural reforms to promote women's full labor market participation.
- **Focus the 2020 APEC Economic Policy Report on structural reforms that promote women's economic participation.** As these structural barriers are a key impediment to broader economic growth, greater attention to and emphasis on these issues is warranted outside of the PPWE. The EC has an opportunity to demonstrate the importance of boosting women's economic participation to the broader APEC community.
- **Track progress by systematically documenting future inclusive reforms.** The EC may work with the Policy Partnership on Women and the Economy (PPWE) to develop and institutionalize a mechanism for documenting reforms, which could be institutionalized within the APEC Policy Support Unit.
- **Establish an APEC initiative on reforming and improving tax policies.** As a foundation, the initiative can identify the ways in which tax policies can harm or help both men's and women's economic participation. APEC can then examine the effects of using tax policy to incentivize the private sector to provide childcare and reduce discriminatory practices in hiring and promotion through incentives to address unconscious biases.
- **Provide technical assistance to strengthen childcare policies across the region.** Technical assistance from champion economies may encompass helping other economies to meet minimum quality and maximum cost standards, as well as implementing childcare tax incentives and appropriate implementation mechanisms.
- **Exchange good practices and lessons learned to facilitate economy-level actions.** Host a dialogue to exchange information on some of the good practices detailed in this brief and better understand how to improve legal and regulatory frameworks, policies, and programs. Economies can share their experiences in the structural reform process and challenges faced.
- **Work with the APEC Business Advisory Council (ABAC) to facilitate greater dialogue with the private sector on how the government can support companies in tackling women's labor market issues.** ABAC can facilitate dialogues around what government policies and reforms have worked to incentivize the private sector to promote women's workforce participation, tackle workplace sexual harassment, and encourage better public reporting of sex-disaggregated data around pay and leadership positions.
- **Develop a regional guidance document on different ways to engage women's perspectives and insights in the development and revision of new or existing labor-**

**related policies, laws, and regulations.** The EC can develop a regional resource that provides strategic guidance and highlights key approaches concerning how to incorporate women's perspectives through all stages of policy and legal reform and development for use at the domestic level.

- **Use a pilot pathfinder approach to assess implementation of regulations that enable women's workforce participation,** including around non-discrimination, workplace sexual harassment, and returning to work after maternity leave.

## **A Focus on Labor Market Access and Employment**

### **The Case for Inclusive Structural Reforms**

Structural policies play an essential role in long-lasting economic growth by creating stronger business enabling environments that result in increased job growth and productivity. Removing gender biases from policies, regulations, and legislation, in particular, can reduce barriers to women's participation in the economy and contribute directly to economic growth. To this end, APEC can boost economic growth and prosperity by implementing structural reforms that enhance productivity, raise gross domestic product (GDP), and reduce inequality across the region. These types of structural reforms can achieve these objectives by increasing household income, promoting more formal work opportunities for women, creating more gender-balanced workplaces, and resolving demographic issues.

Structural reforms can increase the income of women, which can have a multiplier effect on their communities and economies. A global study of semi-industrialized economies concluded that with each percentage point increase in share of household income generated by women, aggregate domestic savings increase by 15 percentage points (Lemmon and Vogelstein 2017). Structural reforms that ensure equal pay for equal work can reduce inequality and contribute to women's earnings. With more earnings invested back into communities and economies, the region will enjoy greater financial stability.

Structural reforms have the power to open up more and better-paying jobs. The framework for strong economic growth includes making structural changes to the labor market that address shifting labor demands, mismatches between the skills of workers looking for work and the skills required, and more. These changes are needed to harness human capital and uncover better economic opportunities, which disproportionately benefit women. When women have access to these formal jobs, fewer women are in the informal economy, which lacks decent pay, as well as workplace protections and benefits. With better work environments, women can be more productive workers and the entire economy benefits. The McKinsey Global Institute notes that achieving gender equality in the Asia-Pacific labor market—through a more balanced female-male labor force ratio, an increase in the number of paid hours women work (increasing to full-time employment for women who work part-time), and more women in higher productivity sectors—could yield an additional US\$4.5 trillion in GDP across the region by 2025. This is 12 percent more than if gender equality in the labor market is not achieved (Woetzel et al. 2018). Leveraging this untapped GDP could help the Asia-Pacific achieve inclusive, sustainable, and secure growth and stand as a stronger, more competitive region on the global stage.

Structural reforms also have the power to create more gender-balanced workplaces, which are proven to boost the bottom line for private sector firms. Structural reforms can boost women's labor force

participation, and, in particular, help mothers access the labor market. Reforms that enable women to return to work following childbirth and advance to leadership positions retain women in the workforce; they also result in more gender-balanced companies that are, on average, more productive and profitable (International Finance Corporation (IFC) 2017a). A global survey found that firms with at least 30 percent female leadership at the C-suite level enjoy one percent higher net margins compared to firms with no female leaders (Kotschwar et al. 2016). Those structural reforms that remove restrictions on women working in particular sectors or occupations ensure that women's ideas are heard and that workplaces are more gender diverse, and in turn, prosperous. In a global study by EY, 64 percent of high-performing firms reported that men and women have equal influence on strategy development, compared to just 43 percent in low-performing firms (EY 2015).

Additionally, structural reforms that promote greater access to the labor market for women have macroeconomic benefits by offsetting the demographic issue of an aging working population. Asia's share of the working population is expected to stop growing and to plateau to around 67 percent by 2030 (Park and Takenaka 2019). However, if more women enter the workforce, the tax base will expand, generating additional tax revenue for governments. Similarly, as the region's population ages more rapidly, the policies that boost the proportion of working women can counter the effects of what would otherwise be a smaller and smaller, older workforce (Lemmon and Vogelstein 2017).

Inclusive structural reforms can boost household income, promote more and better work opportunities, generate more gender-balanced workplaces, and resolve demographic dilemmas. In doing so, these reforms—be they institutional frameworks, regulations, or government policies—can reduce inequality, improve productivity, and increase GDP. In this way, structural reforms can contribute to APEC's overarching goal of promoting balanced, inclusive, sustainable, innovative, and secure growth.

## **Structural Reform in APEC**

Since 2004, APEC has prioritized structural reforms to address barriers to trade and investment and to promote more inclusive and sustainable growth. In this APEC context, inclusive growth is achieved when the benefits of economic growth are realized by *all* individuals within APEC economies, including particularly rural or indigenous populations, women, and small and medium enterprises (SMEs). This brief links directly to the priorities of the Economic Committee (EC). APEC's recent structural reform agenda was established through the Economic Committee's APEC New Strategy for Structural Reform (ANSSR) in 2010 and later updated with the 2016 Renewed APEC Agenda for Structural Reform (RAASR), which drives APEC's structural reform work through 2020. Of RAASR's three goals, two focus on deeper participation in those markets by all segments of society, including women, as well as sustainable, non-discriminatory social policies to promote economic efficiency. Additionally, many of the topics examined link strongly to the second approach, focused on pro-inclusion structural reforms, in the *APEC Structural Reforms for Inclusive Growth: Three Approaches*. Finally, this brief ties to the *10 Structural Reform Priorities and Gaps to Fill*, in which the ninth priority focuses on structural barriers inhibiting women from participating in the workforce.

Much of the EC's structural reform work and projects—including around reforms relating to ease of doing business, public sector governance, corporate law and governance, regulatory reform, and competition policy—can influence women's formal employment. For example, corporate laws concerning pay structure and pay equity, as well as pay grades and promotions, affect women's employment, advancement, and retention. This brief also highlights how regulatory reforms in areas such as occupational standards can improve women's employment prospects by reducing uncertainty and bias once women have a license or certification.

The focus of this brief also aligns with Chile's 2019 Host Year priority of "Women, SMEs, and Inclusive Growth." Beyond salience with EC and Host Year priorities, this brief provides an evidence-based foundation for addressing future work on structural reforms and women's economic empowerment in APEC, particularly for the Economic Committee and the PPWE. The recommendations, in particular, can be used to guide further work across APEC.

## Methodology

The focus areas of this brief are drawn from the *APEC Women and the Economy Dashboard*, which provides a snapshot of the status of women in APEC by examining 95 indicators that measure progress in women's participation in economic-related activities and women's inclusion in several aspects of life. Twenty-five of the indicators focus on structural reform-related restrictions on women's employment. While APEC has excelled in tackling some legal and regulatory barriers to women's labor market access, this brief analyzes the top structural reform issues from the dashboard in which APEC has room for growth and improvement. This analysis found that several of the indicators demonstrated that less than half of APEC economies have achieved positive measures for women. These indicators highlight areas where there may be reverse trends or stagnant progress, and where APEC has room to improve. These include:

- non-discrimination in hiring, promotion, and dismissal;
- equal pay for equal work;
- employment restrictions; occupational licensure;
- post-maternity leave return;
- parental leave;
- childcare; and
- workplace harassment.

The findings in this brief are based on an extensive review of the literature from online academic, peer-reviewed journals; economic laws and policies; international conventions; and studies and reports from governmental, international, civil society, and research organizations. The research draws from the APEC Women and the Economy Dashboard, which includes many indicators from the World Bank Group's *Women, Business, and the Law*; economy-level and regional studies; research for donors, such as the United States Agency for International Development (USAID); and multilateral organizations, including the Organization for Economic Cooperation and Development (OECD) and the International Labour Organization (ILO). APEC economies had the opportunity to provide direct inputs to the draft of this brief through the EC and the PPWE. The findings of this brief are supplemented by those inputs.

## Access to Wage Employment

A wide spectrum of policies inhibit women's access to wage employment. Some policies and regulations expressly inhibit labor market access for women, while others do not mention women explicitly but still have a detrimental effect on women's employment. Others are designed to ensure that women are able to access the same employment opportunities as men. Legal restrictions on employment in various industries or occupational licensing requirements can inhibit women from ever accessing certain occupations. However, policies that mandate non-discrimination and equal wages for equal work can help protect opportunities for women and ensure they are compensated at equal levels. Removing discriminatory policies and licensing or certification barriers can open up more opportunities for jobs, particularly in higher-paying sectors and

in leadership positions. Equal pay of men and women can increase women's earnings, which can have a multiplier effect on their communities and economies. These reforms are crucial to enhancing employment and income, thus stimulating broader economic growth.

## **Non-Discrimination in Hiring, Promotion, and Dismissal**

Legal frameworks that do not protect against discrimination in the hiring, promotion, and dismissal of workers particularly impair employment opportunities for women. Gender-based discrimination is widespread across the APEC region. In China, 22 percent of women reported experiencing severe or very severe discrimination when pursuing employment opportunities, compared to just 14 percent of men (HR in Asia 2017). Exclusion of women in the labor market through discriminatory practices leads to a less robust workforce and impedes economic growth.

Eleven APEC economies prohibit gender-based discrimination in hiring (World Bank Group 2018). Without such protections against discrimination, employers can exercise gender bias when making hiring decisions, which tends to disproportionately and negatively impact women (Gerdeman 2017). These biases can also contribute to occupational segregation (a consequence of structural barriers), which is reflected in the concentration of women in lower-paid, lower-skill work, positions, or sectors that often offer less job security (UN Women 2017). When employers exercise bias against women, more women are discouraged from applying to those jobs, which, in turn, indirectly excludes women from certain sectors or jobs. Mandating hiring practices that eliminate the opportunity for conscious or unconscious bias—including using numbers for résumés instead of names and conducting blind interviews—can promote greater access to the labor market for women by eliminating the possibility for negative gender-based stereotypes to influence their candidacy.

Discrimination in hiring can also manifest through questions about a potential employee's family status. This can include questions about whether a candidate is single or married, has children, or is planning to have children. In a 2017 survey in Korea, more than 25 percent of female respondents reported being asked about their plans for marriage or having children during the job interview process (Jeong 2019). A common bias is that mothers are not as productive, committed, or reliable workers, since they must balance caregiving responsibilities with their profession. To prevent these biases from impacting women's chances, regulations that prohibit employers from asking job seekers about family status can help level the playing field between male and female candidates.

### **REDUCING RECRUITING BIAS IN AUSTRALIA**

*Recruit Smarter is an initiative of the Victorian Government in Australia to establish inclusive recruitment practices and reduce unconscious bias through CV de-identification and unconscious bias training. The initiative also mandated the strategic use of language in job advertising, which can influence whether the role appeals to men or women and affect the number of female applicants. Forty-six companies piloted this initiative between 2016 and 2018. They found that women were eight percent more likely to be shortlisted and hired after CV de-identification (Victorian Government 2018).*



**Table 1: Women’s Representation in Leadership<sup>5</sup>**

ECONOMY	LEADERSHIP POSITIONS (FEMALE/MALE RATIO)
The Philippines	0.96
New Zealand	0.67
Australia	0.58
Singapore	0.52
Thailand	0.48
Viet Nam	0.35
Indonesia	0.30
Malaysia	0.26
China	0.20
Japan	0.15
Korea	0.12

Source: Woetzel et al. 2018

laws mandating nondiscrimination based on gender in promotions (World Bank Group 2018). By boosting women in leadership and implementing structural reforms that reduce the impact of stereotypes, economies could realize greater growth.

Women can also lose access to employment opportunities when they are not protected from discriminatory dismissal practices. Ten economies have laws mandating nondiscrimination based on gender in dismissal (World Bank Group 2018). Furthermore, laws in which the burden of proof of discrimination rests on the employer instead of the victim are generally more beneficial for women (ILO 2014). However, some economies in which the burden of proof rests on the victim have successfully employed other mechanisms to enable victims to collect the required proof. In Australia and Canada, equality bodies have strong investigative power, which enables them to help victims establish adequate evidence of discrimination (OECD 2008).

Beyond gender-based discrimination, most economies have legislation that prohibits employers from firing female workers while pregnant, on maternity leave, and for a short time after returning from maternity leave. Dismissal of pregnant workers is prohibited by law in 18 APEC economies (World Bank Group 2018). In addition, several economies have ratified international conventions that address the dismissal of pregnant workers. Peru ratified ILO Convention No. 183, which states that dismissal should be permitted for reasons not linked to maternity. Chile, Papua New Guinea, and Russia ratified Convention No. 103, which calls for an absolute prohibition of maternity-related dismissal. Despite legal protections in some economies, pregnant women remain fearful of unfair dismissal or lack of opportunities. A survey of women workers in Malaysia showed that 30 percent of respondents delay their pregnancies due to fear of losing their jobs or missing out on a promotion opportunity (HR Asia 2016b). Further data collection on the prevalence of maternity discrimination and dismissal can be accessed through domestic court cases, equal opportunity bodies, and trade unions to inform inclusive reforms.

Discrimination also impedes the professional advancement of women. Women are underrepresented in leadership positions across the region. The average ratio of women to men in leadership positions across the Asia-Pacific region is 0.25—worse than the global average of 0.37 (Woetzel et al. 2018). It is widely accepted that companies that have more gender-diverse leadership are more successful and see benefits to their bottom line (IFC 2017a). In a Global Leadership Forecast worldwide survey, the top 20 percent of firms in terms of financial performance had two times the number of women in leadership roles compared to companies in the bottom 20 percent (Global Leadership Forecast 2014-2015). While representation of women in leadership is clearly crucial to business success, discrimination still affects women’s advancement. Negative stereotypes and perceptions concerning women’s ability to lead, their devotion to their jobs, and their ability to balance family and work hurt women’s chances of advancing into senior roles. Yet, just eight economies have

5. Data is not available for all 21 APEC economies.



## Equal Pay for Equal Work

Women's wages are, on average, lower than those of men. In developing economies in Asia, women are paid 77 percent of the earnings of their male counterparts (Asian Development Bank 2017). The gap is smaller in some APEC economies, including China; Hong Kong, China; and the Philippines, where average annual base pay for men exceeds women's by approximately 15 percent (Gentili and Rakyau 2016). The gender wage gap—the difference in wages paid to women compared to men—is influenced by several factors including education level, qualifications, experience, discrimination, and gender stereotypes. Narrowing this wage gap is crucial to achieving lasting economic growth in every APEC economy.

It is important to bring a nuanced understanding to this effort. The traditional method for determining the gender wage gap, which entails comparing average or median earnings across the whole of the economy, provides a limited depiction of the status of earnings. Yet the picture may look different if the gap assessment takes into account hours worked or occupational segregation, which occurs when women are more heavily represented in lower-paying industries. In fact, the gap tends to reduce when taking into account workers of the same numbers of hours worked or within the same industry. This sort of microeconomic analysis provides a more accurate estimate of pay inequalities than macroeconomic data.

However, to date, the legislation and data around equal pay frequently do not disaggregate by occupation or sector, but rather focus on macroeconomic average wages by gender. Even legislation that accounts for equal work mainly applies to comparisons only within companies (Rubery 2016). A number of factors contribute to the gender wage gap, including occupational segregation, hours worked, and education level. Many can be addressed through structural reforms. While some laws aim to reduce discrimination and facilitate employment opportunities for women, women's access to particular jobs or pay increases is sometimes inhibited by employer-imposed requirements that set a minimum number of hours worked. Women face a time burden in balancing formal employment with household and caregiving responsibilities. Because of the higher levels of household and caregiving responsibilities women have, they often must reduce the hours they are able to commit to formal employment. This has significant costs. For example, globally, men are more likely to work longer hours than women, which explains seven percent of the global gender wage

### **MODERNIZING EQUAL PAY LEGISLATION IN NEW ZEALAND**

*New Zealand has had an equal pay law in place since 1972 and the current gender pay gap is just nine percent—15 percent lower than the global average. Currently, the economy is proposing an amendment to the equal pay law that would recognize that women's work is generally undervalued and would provide a process for correcting this undervaluation. The amendment would also establish a bargaining process for equal pay claims. The overall aim of the amendment is to improve the process for workers to bring forward and resolve claims (Education and Workforce Committee 2019).*



gap (OECD 2017). Furthermore, while occupational segregation is decreasing in some economies, allowing women to move into higher-paying sectors, these women do not necessarily earn the same pay as their male counterparts holding similar roles. Additionally, as more women move from the informal to formal labor market, their entry points are most often in lower paying sectors—a reality that can actually widen the average gender pay gap (not taking into account equal work). There is evidence that greater wage equality benefits the lowest earners, who also happen to be disproportionately women (Rubery 2016). Thus, progress in closing the gender wage gap can be difficult to gauge with this confluence of factors.

Some APEC economies have seen progress: gender pay gaps (not accounting for equal work) have closed by more than four percentage points between 2005 and 2015 in Indonesia and Japan (OECD 2017). However, wage inequalities remain, particularly by sector. In the industrial sector in Chile, men are paid, on average, 30 percent more than women (OECD 2017). In the financial sector of the United States, men earn, on average, 40 percent more than women (OECD 2017). Perceptions concerning equal pay have also improved in some economies. The 2015 World Economic Forum Executive Opinion survey found an increase in the perception that women and men are paid the same for similar work between 2011 and 2015 in the Philippines (Woetzel et al. 2018). However, unequal pay remains an obstacle in other economies and in specific sectors. For example, in a global Gallup and ILO survey, respondents from Australia, Canada, and the United States cited unequal pay for equal work as the largest challenge for women who work at paid jobs (Gallup, Inc. and ILO 2017).

It is crucial that policies mandating equal pay for equal work are enacted so women have a means of recourse to address pervasive biases and stereotypes that inhibit them from earning the same pay as their male counterparts. An example of such bias is that women may be viewed as less capable than men in particular sectors, such as science, technology, engineering, and mathematics (STEM). A 2014 study from Yale University found bias amongst both male and female professors responsible for hiring at six research institutions in the United States. The salary offers to female candidates were nearly US \$4,000 lower, on average, than offers to male candidates (Moss-Rancusin, et al. 2013).

In addition, mothers are often viewed as less reliable or committed workers and, therefore, employers opt to pay them less in many cases (Correll 2007). Mothers are also penalized when they drop out of the workforce or work part-time and return to full-time work years later. This time out of the workforce also contributes to wage inequalities. Mothers may also experience a “motherhood wage penalty” while fathers

## **ENFORCING PAY EQUITY IN AUSTRALIA**

*The Australia Workplace Gender Equality Agency (WGEA) requires the publishing and annual report of pay data through its Employer of choice program. Employers are required to report base salary and total remuneration including bonuses, allowances, and other supplemental pay. Ninety-nine percent of companies comply with the data requirements under the EOCGE (WGEA 2018). The data cover more than four million employees from over 11,000 companies and organizations. This is roughly 40 percent of Australia’s workforce.*



## **EQUAL REMUNERATION IN THE PRIVATE SECTOR**

*Private sector employers have also helped to fill the regulatory void by using job evaluations with gender-neutral and objective criteria, conducting pay audits, and publishing and being transparent about employee wages.*

- *Cisco: Conducts annual audits to detect gender pay gaps and adjusts employee salaries accordingly*
- *CitiGroup: Investors—notably Arjuna Capital—persuaded the company to publish its pay information, exposing a stark gender pay gap of 29 percent (as of early 2019).*
- *Zillow Group: Conducts annual pay equity audits and has reported that women make US\$1.01 for every US\$1.00 a man makes in the same position. It also disaggregates data by race and publishes the pay gap between male employees and Asian, Black, Hispanic, White, and other women.*

*Woetzler, et al. 2018, Nelson 2019, and Bastian and Spaulding 2019.*



experience a “fatherhood wage bonus”: whereby women’s earnings decrease when they have a child while men’s earnings increase after having children. A study by the University of Massachusetts, Amherst concluded that men’s wages increased more than six percent and women’s wages decreased by four percent for each child they had (Miller 2014). Additionally, women who are mothers earn less than women who are not mothers. For example, in China, mothers face a wage penalty of 37 percent compared to women with no children (Samman et al. 2016).

Just seven APEC economies have regulations guaranteeing men and women equal remuneration for work of equal value (WBL 2018). The laws in seven economies include a distinction between equal work and the value of the work performed. This enables workers in positions of equal value, which may not have identical tasks, to receive equal pay. Since women and men are often segregated into various occupations and leadership levels, the convention encourages economies to confront this occupational segregation by looking beyond identical tasks and responsibilities to the true value of each role (Gallup, Inc. and ILO 2017).

Economies such as the United States have also joined with the private sector to create initiatives to spur pay equity. In 2016, AT&T, eBay, The Estée Lauder Companies, InterContinental Hotels Group, MasterCard, Square, Yahoo, and Zillow Group signed onto the White House Equal Pay Pledge, which “commits companies to conducting annual company-wide gender pay analysis; review hiring and promotion processes and procedures to reduce unconscious bias and structural barriers; and embed equal pay efforts into broader enterprise-wide equity initiatives” (The White House 2016). Additionally, some states in the United States have banned employers from asking job seekers for salary history (Berman-Gorvine 2018). These two examples exemplify how economies can work with private sector employers to foster wage equality.

The absence of legislation at the domestic level is in some cases partially addressed through guidelines from economy-level labor organizations, such as Singapore’s Tripartite Alliance for Fair and Progressive Employment Practices. In addition, international organizations have helped to fill legal and regulatory

gaps around equal pay with innovative and creative solutions. In Singapore, the UN Women Singapore Committee created the #stoptherobbery campaign to raise awareness of the gender pay gap (UN Women Singapore Committee 2018). While employers and organizations like these have implemented innovative solutions to reduce wage inequalities, there is still a critical need for more structural reforms that enable broader comparison across organizations and sectors to protect women workers from pay discrimination.

## Employment Restrictions

Some of the clearest structural barriers to women's employment are laws and regulations that directly prohibit women from working in specific industries, from having night shifts, or from holding positions that society deems "inappropriate." No such restrictions are placed on men's employment; they are solely gender-based. While governments often justify them by citing social norms concerning job suitability or claims of concern for protecting women's health and safety, such restrictions have a profoundly negative effect on women's agency and choice. When enacted, these prohibitions remove women's ability to choose their preferred career paths and perpetuate gender inequality. Similarly, workplaces and positions restricted to only male employees are unable to benefit from women's unique contributions. Moreover, many restricted positions are in high-growth, high-wage sectors, thus limiting women's ability to earn competitive wages. The effects from such discriminatory laws result in decreased workplace effectiveness, diminished economic opportunity for women and their communities, and the institutionalization of gender disparity (ILO 2017). Also, these restrictions can result in unintended negative consequences, such as labor shortages. If women are unable to participate in specific jobs, changes in the labor market can result in a shortage of qualified individuals who are trained in the skills necessary for job completion. For example, in many economies, legal restrictions bar women from working in particular transportation-related jobs, yet many economies are facing a trucking shortage due to an aging workforce and women are barred from offsetting the resulting shortfall.

There are four main types of legal employment restrictions:

1. Limitations stemming from permission-based regulations in family or civil law;
2. Restrictions that limit the time of day women can work, such as late-night or overnight shifts;
3. Prohibitions on jobs that are "hazardous, arduous, or morally inappropriate," such as operating heavy machinery; and
4. Industry-based restrictions, specifically in the least diverse industries, including mining; construction; manufacturing; energy; water; agriculture; and transportation (World Bank 2018).

### **TECHNOLOGY FACILITATES OPPORTUNITIES FOR WOMEN**

*Over the past two decades, technology has been one of the primary drivers of equalizing workplace capabilities, especially in physically taxing industries, such as manufacturing, transportation, mining, and construction. For example, 550-ton trucks can be equipped with power steering for driving ease and automated excavators can be controlled from a workstation far from the mining pit. These advances reduce the physical burden, increase efficiency for all workers, and provide access to a larger talent pool for employers (Whitlock 2017).*



In the first two categories (whether women need permission to start a job and time-based constraints on when women can work) APEC economies do quite well. All 21 economies have legislation that allows women to participate equally in these areas. In the latter two categories, however, the picture is more mixed. Some APEC economies have legislation that prohibits women from working in particular positions due to perceived inappropriateness or other factors (World Bank 2018). More specifically, five economies have laws that deem certain positions as “hazardous, arduous, or morally inappropriate” for women and eight economies prevent women from working in the same industries as men (World Bank 2018). Many times the explanation for these regulations stems from a protective nature whereby governments are attempting to regulate workplaces to keep them from exploiting or overworking women, especially women who are pregnant or lactating. The result, however, creates a blanket ban for women and removes women’s ability to decide their own life courses.

While maintaining healthy environments for all employees should be a goal for all economies, the impact of banning women from particular positions or industries is profound and has reverberating negative effects on income equality, formal employment opportunities, and economic growth. As alternative to gender-based employment restrictions, economies should consider how to regulate adaption for workplaces to be safer for all employees, regardless of gender. Economies may also want to consider other ways to assess fitness for physically demanding jobs, such as fitness tests that are fair to both genders. It is important to note that biases often interfere with traditional physical fitness tests in ways that unfairly favor men and such tests are not the only comprehensive measure of job fitness. For instance, many fitness tests rely on muscular and cardiovascular strength, where women underperform men on average. Alternatively, workplaces could utilize tests that feature muscle quality, which is an equally appropriate measure of strength, which is more gender balanced (Levin 2018). Lastly, governments can work together with the private sector to encourage technological advancements in industries where work has historically been based on physicality, such as transportation and mining. These advancements increase the productivity of all workers and benefit the overall well-being of the industry workforce in that the less physically burdensome a job is, the more health and safety conditions improve.

## **Occupational Standards**

Occupational standards, meaning licenses or certifications obtained for particular industries or positions, are required for entry and retention in a wide range of professions and aim to protect public safety and provide consumers with quality assurance. In most licensed and certified occupations, it is illegal to work for pay without possessing a license or certification from either the government or affiliated professional association. Occupational licenses are often required for professions that involve significant education, such as medicine, accounting, engineering, and law. However, occupational licenses are often also required for hundreds of occupations suitable for individuals with limited education who are entering or re-entering the labor market. For instance, professional licenses or certifications are required for makeup artists, nail technicians, massage therapists, school bus drivers, teacher assistants, athletic trainers, interior designers, home entertainment installers, landscape contractors, and carpenters. Licensing requirements are regulated by occupational laws or local ordinances that prescribe entrance exams, minimum lengths of training or apprenticeships to qualify for licensure, continuing education hours or exams to maintain licensure over time, and fees or dues to professional organizations or state bodies.

This issue affects a significant portion of an economy’s workforce. In Japan, nearly 40 percent of the working population use occupational licenses in their current jobs, particularly those who work in the service sector (Morikawa 2017). There has also been a sharp increase in the number of professions that mandate



## HAIR BRAIDING IN THE UNITED STATES

*There are 700,000 licensed hairdressers and cosmetologists in the United States, and 94 percent of them are women (Johnson et al. 2016). In Arkansas and Missouri, 1,500 hours of training, costing about US\$16,000, are required to obtain licensure. These two states, along with a dozen other states, require hair braiders to obtain a hairdresser license, even though the training does not cover braiding. Regulations are viewed as burdensome, and many, particularly women of color, do not seek a license. Instead, they work in the informal economy, which can limit their earning potential. In Louisiana, there were only 32 licensed braiders in 2012. In contrast, in neighboring Mississippi, there were over 1,200. Although similar business opportunities and demand exist in these two states, 500 hours of training is required in Louisiana, while Mississippi requires registration, but lacks training requirements (Nathan Associates 2018b; Carpenter et al. 2017).*



occupational licenses in the United States: rising from 5 percent of workers in the 1950s to 25 percent of workers in 2017 (Carpenter et al. 2017). In the United States, there are more employed women (28 percent) than employed men (23 percent) in professions that require occupational licenses (Dohen 2017).

The majority of existing research on occupational standards has paid little attention to how these requirements affect women in the labor market, and what little research is available has been largely concentrated in the United States. With a limited investment in this research, the existing literature is also complicated and often presents contradictory conclusions about occupational licenses and certifications affect labor market access and supply for women. The prevalence of occupations that require licenses has mixed effects on women's labor force participation on economies across the region. In Japan, licensing is positively associated with labor force participation amongst women, particularly after having children (Morikawa 2017). In the United States, research is less conclusive. Research from 2009 that reviewed nine decades of data found that the number of female engineers, pharmacists, and plumbers increased more in states that licensed positions than in ones that did not (Law and Marks 2009). The study reviewed nine licensed occupations (accountants, barbers, beauticians, engineers, midwives, pharmacists, plumbers, practical nurses, and registered nurses) and found that licensing did not harm entry into the professions for young women workers and often increased it (Law and Marks 2009). In contrast, more recent research using a newer sample found that occupational licensing reduces the labor supply for white women (Blair and Chung 2018a).

Extensive occupational standards make it more costly—both financially and time-wise—for women to meet requirements in seeking or re-entering employment. This is especially true for women with limited means or significant family responsibilities (Law and Marks 2009; Nunn 2018). Women who are returning to the labor market after having children or caring for family members, might find re-entry into licensed professions particularly cumbersome, with additional training requirements and fees creating a barrier to entry and re-entry (Johnson 2016). Many occupations even require paying ongoing fees or dues, regardless of whether the license is active, for it to be maintained for current or later use. These types of requirements for entry



and re-entry can also prevent women from working in the occupations they desire or push women into informal markets, leading to mismatches of human capital and preventing women from reaching their full economic potential (Kleiner and Soltas 2018; Nathan Associates 2018b).

In some instances, licensing and certification could represent a deliberate or unconscious attempt to exclude minorities, including women. Many industry insiders and associations lobby for the creation of professional licensing boards and are then appointed to such boards, which allows them to control the rules that restrict entry into the profession (Johnson 2016). Professional organizations have an incentive to restrict entrance to the profession to limit competition and promote higher fees and income. When professional associations self-regulate the entrance to the profession, regulatory authorities and gatekeepers can act on their own biases and purposefully or unconsciously discriminate women's entry.

Occupational standards can also negatively affect mobility, which can disproportionately affect women. In the United States, each state regulates its occupational licensing regime, with different licensing requirements in each state. For many professions and occupations, the license from one state is not recognized in another state. Instead, licensed workers may need to pay high fees for re-licensure and/or take additional training or tests. Consequently, interstate mobility, which increases job access, can be difficult. State-specific licensing laws reduce interstate mobility of workers by 36 percent and apply to both to high-income and high-education professions and to lower-income jobs that require less training (Blair and Chung 2018a; Johnson 2016). Research in Australia suggests that migrants entering jobs regulated by professional associations obtain positions that are more junior than the positions they held before migrating. It also found that migrants experience both occupational downgrading and lower wages relative to working in non-licensed occupations. Interestingly, women migrants are more likely than their male counterparts to enter licensed occupations that correctly match their education levels, possibly because many women work in high-demand health or educational professions (Tani 2018).

Across APEC economies, migration is not an individual decision. It is often made on the basis of overall household or familial well-being. Trailing spouses—spouses who move because their partner obtains a better job—who work in licensed occupations might have to switch careers or forgo work entirely in the case of an inter-state or international move (Johnson 2016). For example, a woman might not be able to find new employment in the same professional field if her husband relocates the family to a new state or economy

### **SNAPSHOT: ADVANTAGES AND DISADVANTAGES OF OCCUPATIONAL STANDARDS FOR WOMEN**

**Advantages:** Licenses and certifications can signal credibility and demonstrate that women meet entry standards, serving to counter uncertainty, bias, and discrimination. They can also reduce gender wage gaps.

**Disadvantages:** Occupational standards can serve as a barrier to entry and re-entry for women into professions, with high time and financial costs to gain licenses. They can make domestic and international mobility more cumbersome. for employers (Whitlock 2017).



with different licensing requirements, or requirements are deemed too time-consuming or costly to meet. These limitations can be especially pronounced in contexts where husbands are perceived as the household decision-maker and a husband's economic productivity is given priority.

However, once obtained, licenses can benefit women's employment. Recent research in the United States indicates that, like education, occupational licenses can serve as "a job market signal." In these cases, licenses counter uncertainty, unconscious bias, and/or discrimination, as those making hiring decisions rely less on observable characteristics such as gender and race and rely more on the knowledge that minimum entry standards, such as job-specific training and criminal background checks, have been met (Blair and Chung 2018b). Licensing can increase women's chances of getting a job, particularly in occupations where women are traditionally underrepresented and information on worker quality is costly to obtain.

Occupational licenses also play a role in reducing gender wage gaps. The returns to occupational licensing are consistently higher for women, with white women and black women receiving higher license premiums than licensed white men at 13.7 percent and 15.9 percent, respectively. This reduces both the racial and gender wage gaps for licensed workers compared to the gaps experienced by their unlicensed counterparts (Blair and Chung 2018b). The gender wage gap for licensed women is 40 percent lower for white women and 36 percent lower for black women than unlicensed white and black women (Blair and Chung 2018b). As a result, licensed women, as well as minorities, experience smaller wage gaps than their unlicensed peers. Research in Japan also found that wage gains amongst license-holders applied to part-time workers, many of whom are women and might be working part-time to balance work and family commitments (Morikawa 2017).

While there have been attempts in some economies to reduce the number of required occupational licenses to stimulate job creation, deregulation is typically met with resistance from organizations representing licensed professionals (Thornton and Timmons 2015). If licensing is removed, wage losses would occur more quickly than the wage gains due to people entering the profession at a faster rate than others leave it (Millsap 2017). Yet, there has been some progress in easing restrictions on occupational licenses for certain jobs. For example, in the United States, Florida and Nebraska implemented reforms to make it easier for military spouses who are licensed in certain fields in other states to work if they relocate with their spouse. These reforms have potential to promote women's employment and re-entry into the workforce after a move, but should be expanded to reach other populations of women. Additionally, the adoption of reciprocity agreements between states lowers re-licensure costs, and has been found to increase the interstate migration rate of lawyers (Johnson 2016).

Some policymakers and researchers have suggested that voluntary certifications can be used instead of licenses for many professions to signal credibility to consumers (Nunn 2016). However, while voluntary certifications would be less time-consuming and costly to obtain, some of the research indicates they might not benefit women. In Japan, one study found a stronger positive association with women's labor force participation for licenses than certifications (Morikawa 2017). In the United States, researchers found that certification is a viable alternative to occupational licensing for white men, but not for women, who experience significantly larger wage gains from occupational licenses than certificates (Blair and Chung 2018b). These findings may not be applicable to the entire region, however. For example, based on market research, Canada is currently investing almost \$20 million Canadian dollars to pilot test a new apprenticeship incentive grant program for women to be certified in Red Seal skilled trades that do not require licenses and in which women are currently under-represented, such as plumbers, construction workers, and electricians (Government of Canada 2018).

There is a need to invest in research across APEC economies on differential effects of occupational standards on men and women in the workforce, with research examining women's entry, reentry, and mobility. Research on gender, mobility, and occupational licensing would be particularly useful given trade agreements in the region that provide for the free movement of workers (Nathan Associates 2018b).

## Recommendations

### NON-DISCRIMINATION IN HIRING, PROMOTION, AND DISMISSAL

- **Decrease discrimination through reduced bias in recruiting processes.** Provide financial or tax policy incentives for companies to develop inclusive recruitment practices and address unconscious bias in recruitment.
- **Require or incentivize public reporting of data on women in leadership positions in the private sector.** While companies in some economies report the composition of their entire workforce by sex, many do not differentiate by level. By requiring, or finding ways to incentivize, companies to share data on women in leadership positions, regulations can nudge companies to remove discriminatory promotion processes and increase the number of women at senior levels.
- **Amend existing nondiscrimination legislation to further support victims.** Governments can modify legislation to ensure the burden of proof rests on employers in pregnancy dismissal cases. The establishment of equal opportunity bodies can re-enforce legislation.

### EQUAL PAY FOR EQUAL WORK

- **Use regulations to redefine pay.** Define pay as all compensation received, including bonus payments, overtime, allowances, and other payments. Implement regulations that encourage or mandate that employers have only one grading or pay system in each workplace.
- **Expand current equal pay laws.** Extend laws to enable equal work comparisons across organizations and companies, and provide tax incentives for companies that conduct annual pay audits and act on the results.

### EMPLOYMENT RESTRICTIONS

- **Share economy experiences and cultivate best practices in the region on how to address gender-based employment restrictions.** Often these regulations have been enacted for a long period of time and it can be difficult for governments to determine how to lift these regulations and foster public support for those changes. Exchanging lessons learned throughout the region can be a powerful tool to facilitate dialogue and action in domestic contexts.
- **Consider alternative tests to measure appropriateness for potential job candidates,** rather than banning women from certain positions and sectors.

### OCCUPATIONAL STANDARDS

- **Study the effect of occupational licenses on labor market training, entry, advancement, and pay for women and men in APEC economies.** Such research should build on existing evidence of the effects of occupational licenses on women and men in the United States to highlight whether occupational licenses pose a problem in labor markets and how occupational licensing requirements affect women and men differently.
- **Conduct an impact assessment on licensing reforms to understand how reforms benefit women's labor participation and earnings.** This evidence will help inform and facilitate effective, gender-sensitive licensing reforms that benefit working women.

## Retention

Employee retention is critical to both firm level and broader economic growth. Yet, certain obstacles, such as workplace sexual harassment and balancing work and family commitments, make it hard for women to maintain workforce participation and advance their careers, often serving to push women out of the labor market. Since most economies offer little or no paternity leave for fathers, their positions are less at risk as positions of mothers, who on average, have longer maternity leave and are out of the workforce for more extensive time. Governments can play a role in addressing these barriers. For example, they can advocate for policies that help mothers return to work, such as parental leave and childcare policies. These measures enable parents to work as their children age, and are crucial to both women's retention and advancement. In addition, sexual harassment in the workplace and on the way to and from work creates unsafe working environments, negative physical and psychological health effects, and declines in productivity; they also drive women out of the labor market. To counter these effects, institutional frameworks, regulations, and government policies can enable parents to balance work and family responsibilities, while similar steps to address sexual harassment can boost retention of the female labor force across the region.

### Post-Maternity Leave Return to Work

Workplace policies and programs that support mothers in returning to work following childbirth enable women to be productive employees and allow companies to maintain a competitive workforce. Governments can support mothers by implementing domestic laws to enable them to return to the same position following maternity, ratifying international conventions, and establishing return to work programs. Mothers are guaranteed an equivalent position after maternity leave by law in ten APEC economies (World Bank Group 2018). The ILO Maternity Protection Convention of 2000 includes principles that promote women's return to work following maternity leave. The convention also states that women have the right to return to the same or a similar position with the same pay. Peru is the only APEC economy, and one of just 34 economies globally, to ratify this convention (ILO 2015). Some economies also require employers by law to offer return to work programs. For example, Australia's State Insurance Regulatory Authority issued guidelines to all New South Wales employers requiring that return to work programs comply with certain criteria, including having a dedicated return to work coordinator and conducting consultations with employees before implementing a program (Willis Towers Watson 2019).

#### **PARTNERING WITH THE PRIVATE SECTOR TO HELP SINGAPORE'S MOTHERS RETURN TO WORK**

*The National Trades Union Congress (NTUC), in partnership with government entity Workforce Singapore, offers a "Returner Work Trial" program for men and women who took a minimum of two years out of the workforce to care for a child or family member. Returning workers are offered six-month positions and employers are required to train the workers and pay them a monthly allowance, which is subsidized by grants from Workforce Singapore. Employers are also encouraged to provide flexible work arrangements. Employers who retain the returning parents are offered a retention bonus of US\$3,000 if staff stay for at least three months after the six-month trial period (Employment and Employability Institute Pte Ltd 2019).*

The private sector is also increasingly employing innovative practices to ensure a smooth transition for mothers returning to work from maternity leave. These policies increase staff retention, reduce turnover, and increase productivity. This translates to cost savings for employers and, in turn, the economy overall. A New Zealand-based company, Clear Communications, estimates that recruiting and training new employees to replace mothers who quit their jobs following maternity leave cost an average of US\$75,000 per woman (Maven Clinic 2019). For example, in Japan, MUFG Bank, Ltd. has an app that helps prepare mothers and their managers for their return to work. It enables mothers to use and preserve their skills during maternity leave and reminds managers to prepare for their return. The company trains managers on how to increase their own awareness of the mothers' needs and how to encourage dialogue with returning mothers. The company also has a policy that allows parents to work reduced hours until their child is nine years old. This exceeds the legal requirement in Japan of reduced hours until a child reaches age three (IFC 2017b).

Healthcare company Johnson & Johnson's United States workforce is 45 percent female, with 46 percent of management roles held by women. The company established an internal social community entitled "J&J Moms Return to Work" to facilitate the exchange of tips and strategies for transitioning back to work after childbirth, including topics such as childcare and work travel. Other United States companies, like American Express, IBM, LEGO Systems, Marriott International, and MetLife offer employee-resource groups for working parents (Working Mother 2019).

Some mothers drop out of the workforce entirely when having children and return to labor market years later. In the United States, GoDaddy and Instacart provide "returnships" to professionals returning to work following extended time out of the workforce caring for a child or relative. These programs enable returning professionals to rebuild their networks as they search for full-time positions. These 18-week paid internships provide both men and women an opportunity to network and re-adjust to working full time (Woetzel et al. 2018). MasterCard offers a similar return to work program in several locations, including Russia (2019), and Goldman Sachs offers "returnships" in Hong Kong, China and Singapore (Babcock 2013). An integral part of these and other return to work programs is flexible work arrangements—a concept further detailed in the section below. While the private sector is a model for the public sector in supporting returning mothers, governments can encourage more widespread implementation of these practices by incentivizing the private sector or collaborating with the private sector to carry out these practices and programs.

## **Enabling Parents to Work**

Supportive, family-friendly policies are critical to enabling women workers to balance childrearing and household responsibilities with formal employment. Since childcare and household responsibilities often fall to women, they are left to balance a double burden of work and family and household responsibilities. "Governments can play an active role in providing this enabling environment through supportive parental leave, childcare, and flexible work policies. When women are deciding whether to return to work after having a child, these policies make a difference: enabling women to remain in the workforce and providing employers with reduced turnover and increased consistency. One tangible example of these benefits comes from Singapore, where the women's labor force participation rate more than doubled between 1970 and 2016, which is attributed in part to a number of family-friendly policies including paid maternity leave, childcare subsidies, and increased tax relief for parents (Woetzel et al. 2018).

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6. Beyond caring for children, women often leave the workforce to provide eldercare. This issue is not covered in the scope brief.



## PARENTAL LEAVE

Maternity leave, paternity leave, and parental leave all promote retention of women in the labor market. Governments can support the implementation of leave policies that help to ensure that both women and men have access to paid leave to spend time with their children following childbirth. Not only can governments mandate that leave be paid, policymakers can also establish standards for leave duration and wage replacement rates (meaning the amount of wages paid to the employee during leave). Policies around paid leave also designate who is responsible for funding leave. Across APEC, there is a mix of employer-paid and government-paid leave (World Bank Group 2018).

Paid maternity leave enables women not only to be with their newborn children, but also to fully recover, so they are able to return to the workforce in good health. Evidence from the United States shows that mothers who have access to paid maternity leave are 93 percent more likely to be in the workforce nine to 12 months after childbirth than mothers not offered paid leave (Knox 2018). Paid or unpaid maternity leave is mandated by law in 18 APEC economies and all but one specify a minimum duration (World Bank Group 2018). In most APEC economies, women receive full (100 percent) wages during maternity leave (World Bank Group 2018). For the economies in which paid maternity leave is mandated, the average length is 13.61 weeks, just below the ILO's minimum standard of 14 weeks or more of maternity leave. Viet Nam's legal mandate provides the longest maternity leave across APEC at 180 days (World Bank Group 2018). In early 2019, the Philippines extended its 60-day paid maternity leave to 105 days for all women workers, including those in the informal economy. Women have the option of taking an additional 30 days of unpaid leave and women who are single parents are given an additional 15 days of paid maternity leave.

However, regulations that require employers to provide and shoulder the cost of maternity leave, which is normally longer than paternity leave, can have unintended consequences. Employers sometimes view the requirement to pay for maternity leave as too high a cost and, in turn, may be reluctant to hire women or likely to reduce women's salaries to compensate for the cost of higher leave benefits (ILO 2014). Thus, some economies provide parental leave, detailed later in this section, either in place of or in addition to paternity or maternity leave. Economies that provide parental leave could help reduce this type of discrimination since all employees – not just women – have access to it.

## **ADOPTION LEAVE IN THE ASIA-PACIFIC**

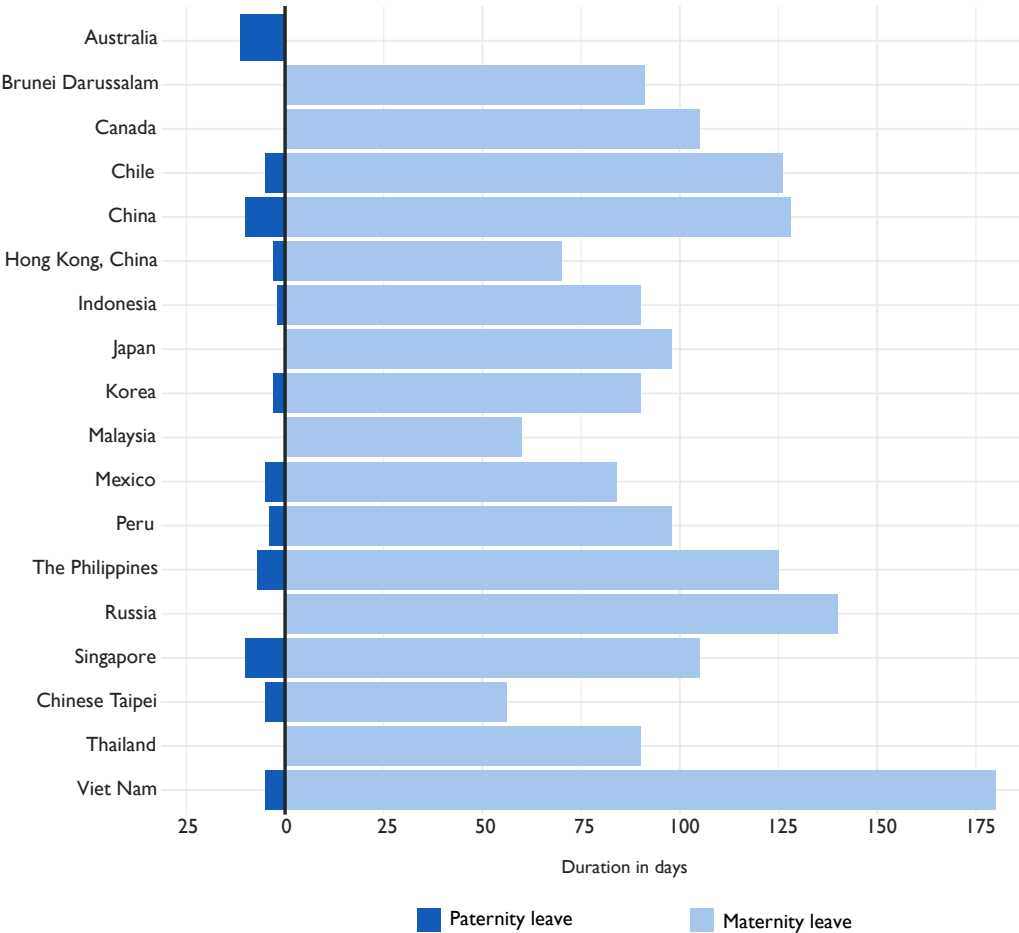
*Adoption leave is covered by law in some economies. In other instances, it is covered in parental leave policies of specific employers (Employment Law Alliance 2018). In the Asia-Pacific, 22 percent of firms provide adoption leave in excess of what is required by law (Mercer 2016). Amongst economies with the highest percentage of employers providing adoption leave above the legal requirement, five of the top ten economies in the world – Australia, Canada, Mexico, Singapore, and the United States – are within APEC (Mercer 2016).*





Paternity leave is crucial in shifting childcare and household responsibilities from solely mothers to both mothers and fathers. This shift in social attitudes and expectations—to an understanding that the mother is not solely responsible for childcare and household duties—enables more women to remain in the labor market following childbirth. Fourteen economies mandate unpaid or paid paternity leave by law (World Bank Group 2018). In the last few years, Singapore increased its paternity leave duration from five to ten days while Viet Nam instituted five days of government-financed, paid paternity leave (World Bank Group 2018). Australia, China, and Singapore provide ten days of paternity leave, which is higher than the global average for economies that mandate paternity leave of a particular duration (World Bank Group 2018). The Philippines provides seven days of standard paternity leave, with an optional seven days of leave that a woman can choose to share with the father of the child from her 105 days of maternity leave. Women’s labor force participation is, on average, seven percent higher in developing economies where paternity leave is provided (Amin, Islam, and Sakhonchik 2016). Despite these benefits, in many APEC economies taking paternity leave is not the cultural norm. Twenty-one percent of men surveyed in the United States reported being afraid of losing their job if they used the full amount of paternity leave offered (Promundo and Dove Men+Care 2018). While use of paternity leave is still relatively low in many APEC economies, uptake is improving slowly. In Korea, 4,874 men took paternity leave in 2015, when there were 438,000 births. This is an increase from just 208 men who took paternity leave one decade earlier (Steger 2017).

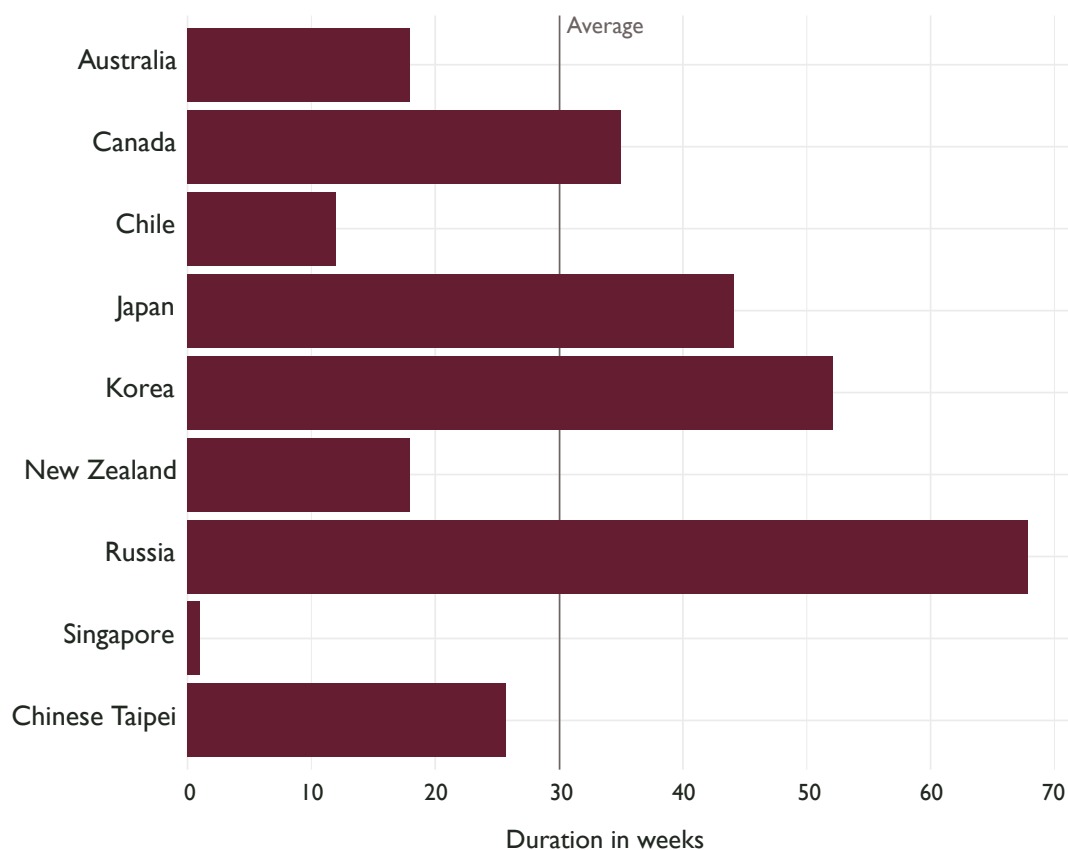
**FIGURE I: DURATION OF PAID PATERNITY AND MATERNITY LEAVE ACROSS APEC**



Source: World Bank Group 2018

Parental leave is shared leave that is offered to both parents and can be used by one parent at a time. In some economies, a certain duration of the parental leave is reserved for use by mothers or fathers (OECD Family Database 2017). However, mothers use parental leave more often than fathers (World Bank Group 2018). Ten APEC economies require paid or unpaid parental leave by law (World Bank Group 2018). Parental leave encourages gender equity in childrearing responsibilities and supports all working parents, not just mothers, by giving parents time to be with their children. Parental leave also has other benefits, including the potential for reduced intimate partner violence (Schappell D’Inverno et al. 2018). One study in Australia found that women who received paid maternity leave were less likely to report having experienced intimate partner violence in the first year following childbirth, as compared to women who were working and not offered paid leave and women who were not working at all (Gartland 2011).

**FIGURE 2: DURATION OF PARENTAL LEAVE ACROSS APEC**



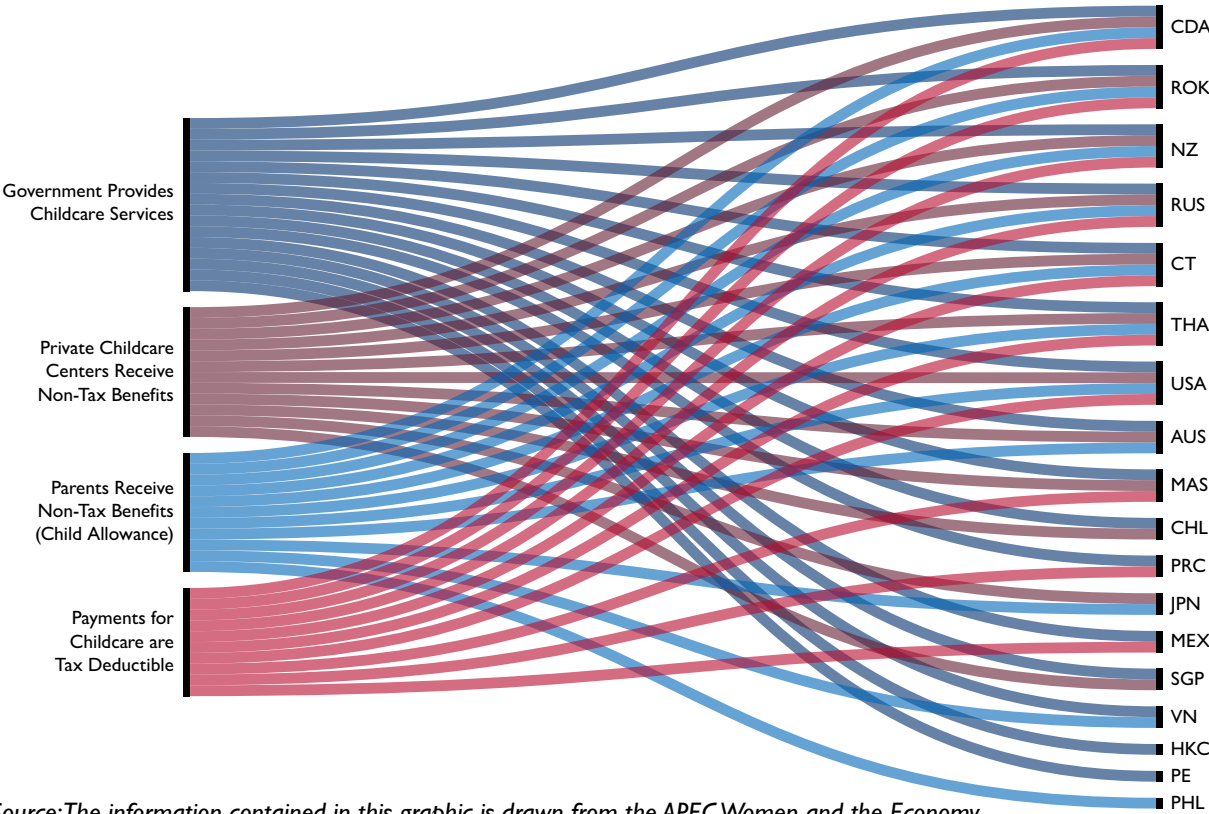
Source: World Bank Group 2018

## CHILDCARE

Access to affordable, quality childcare is a critical part of enabling mothers to return to work and balance work and family commitments. The accessibility of childcare improves overall women’s labor force participation, including attendance, productivity, retention, and advancement. A 2015 McKinsey survey of the Asia-Pacific region found that two of the top four constraints to women advancing into senior positions are the balance between family and household responsibilities and work, and lack of government-supported, family-friendly policies, including childcare (Woetzel et al. 2018).

Governments can play a role in enacting supportive childcare policies and regulations that help to ensure that women have access to childcare, childcare provided is of sufficient quality, and childcare is affordable for all. There are four primary models governments can utilize to assist parents in offsetting childcare costs – namely government-supplied childcare, tax incentives for private childcare centers, non-tax benefits for parents (such as child allowances), and parental tax deductions for childcare expenses. As shown in Figure 3, some economies utilize several models of childcare, while others provide through one model. In addition, government-provided childcare is most prominent in the APEC region, while tax deductible payments for childcare are least utilized.

**FIGURE 3: COVERAGE OF CHILDCARE IN APEC ECONOMIES**



Source: The information contained in this graphic is drawn from the APEC Women and the Economy Dashboard, the World Bank’s Women, Business and the Law, and inputs submitted directly by economies.

Childcare costs can comprise a significant proportion of income, making it inaccessible to many low-income women. In the United States, for example, the average monthly cost of center-based childcare is \$1,230 (Workman and Jessen-Howard 2018), but can range from \$300 to \$1,564 monthly (Child Care Aware of America 2015). Lack of affordable childcare negatively impacts low-income women the most, who face the conundrum of needing to work because they need income, but being unable to afford childcare if they work. In some cases, women, who tend to be the lower earner in the family, leave the workforce when having children to avoid high childcare costs. Those who are not the primary income providers for their household are secondary earners. A report by Australia’s Productivity Commission found that, on average, a secondary earner who works part-time (two days per week) spends 50 percent of their wages on childcare (2014). Thus, there is little financial incentive for mothers, who are primarily the second earners, to return to work following childbirth.

Subsidized childcare has a positive effect on the rate of female labor force participation (IFC 2017b). In Indonesia, a World Bank study concluded that mothers whose children were enrolled in public preschool were employed at a significantly higher rate than the average (Halim, Johnson, and Perova 2017). Tax deductions for childcare are another structural mechanism that can be used to support working parents. However, tax deductions for childcare costs typically benefit high-income families the most, while low-income families receive little advantage from tax breaks (Addati et al. 2016). Yet, tax adjustments can mitigate or resolve the high costs of childcare when they are accessible to all. Australia reformed and improved its childcare policy in 2018. Before then, Australia provided childcare tax benefits that were means-tested based on household income, counting both primary and secondary earner wages (Woetzel et al. 2018). Means-tested tax benefits mean that a household is eligible to receive the tax benefit if the household income is under a designated maximum amount. These tax benefits provide little financial incentive for a secondary earner and thus act as a disincentive for mothers to return to work after they have a child. As of mid-2018, Australia's childcare tax rebate is no longer based on income (Australian Government Department of Human Services 2019). This change was crucial; policies that avoid means-testing or treat each individual in a household separately let mothers decide whether to return to work based on factors other than their partner's salary.

The availability of childcare is also a regulatory issue that economies face in maintaining a robust workforce. A shortage of childcare facilities can worsen labor shortages when parents have nowhere to take their children during the work day. Economies such as Japan have experienced shortages of childcare providers. Through its Fourth Basic Plan on gender equality, Japan committed to increasing the supply of childcare facilities and eliminating daycare waitlists by 2017, with the overall aim of increasing women's labor market participation. Japan set out to meet this commitment by establishing 530,000 new childcare centers between 2013 and 2017 (Woetzel et al. 2018). The government also enacted a subsidy to cover up to 75 percent of the cost of onsite nurseries at private companies. Five hundred companies received subsidies by 2017, enabling childcare services for 14,000 children (Woetzel et al. 2018).

While structural reforms can support working parents in many ways, well-intentioned policies can also have adverse effects, particularly if not implemented correctly. One example is the efforts of Malaysia to improve childcare quality. The government enacted requirements to register with the Ministry of Women, Family and Community Development and conditions for operating a childcare center. The registration and operating requirements are so strict and cumbersome that many childcare centers do not register, and, therefore, cannot be regulated for quality at all. Since 2014, over 1,000 childcare centers operating without a registration license have been identified (Mutalib et al. 2018). Striking the right balance on childcare standards and regulation is crucial for ensuring quality.

Another example of reforms that can have adverse effects are laws that require firms to provide childcare based on the number of women employees they have. The labor code of Chile requires employers to pay for childcare costs if they have 20 or more female employees. Not only does this act as a disincentive to hire women, it also encourages employers to underreport the number of women workers or to hire them through informal means to avoid providing benefits (Prada et al. 2015). One solution is that regulations can be reformed to refer to all employees rather than only women. For example, the law in Japan requires companies of all sizes and numbers of employees to provide childcare. Other examples outside the APEC region include Ecuador and India, where legislation requires companies employing at least 50 employees to provide workplace childcare (IFC 2017b).

The non-governmental organizations and private sector employers may also provide innovative childcare practices beyond legal and regulatory requirements that have increased female employee retention. For

## **SUPPORTING PARENTS TO WORK AT MUFG BANK, LTD. IN JAPAN**

*In 2007, MUFG Bank, Ltd. implemented its childcare and gender diversity initiative. The initiative was developed based on survey feedback on how the company can support and advance the careers of women employees. The initiative rolled out improved policies that better supported working parents. The policies include childcare subsidies, emergency, and back-up childcare, and flexible work arrangements available to both mother and father employees as part of the initiative. The childcare subsidies are offered to employees with children up to age nine, and larger subsidies are accessible to mothers with children under the age of one.*

*The initiative also aims to reduce the perception that being a mother is an obstacle to advancement. To this end, the bank provides training for managers at all levels on how to support working parents, a mentoring program to highlight women leaders, and a program to encourage men to play a more engaged parental role.*

*Since implementing the childcare and gender diversity initiative, the bank has seen a more than four-fold increase in the retention of mothers, from 294 returning in 2007 to 1,525 returning in 2016. This increase in retention alone avoided an estimated \$45 million in turnover costs, which covered costs to implement the initiative and its associated benefits. The bank's retention rate of mothers is now more than 90 percent (IFC 2017b).*



example, in Indonesia, faith-based organizations such as Al-Quran learning centers provide childcare (Samman et al. 2016). Similarly, employers have led the way in on-site childcare, referrals, subsidized and negotiated childcare rates with external childcare providers, and quality standards. Nalt Enterprise in Viet Nam has seen a one-third reduction in employee turnover attributable to its on-site kindergarten (IFC 2013). In Chile, Citigroup goes beyond what is required by local law; it subsidizes monthly childcare fees, reimburses US\$100 toward enrollment fees, and compensates transport costs to the childcare center. Citigroup also provides in-home childcare for employees whose children meet specific medical conditions. The company has seen an uptake rate of 100 percent for the childcare benefits and 93 percent of mothers returning from maternity (IFC 2017b). Finally, the global firm Mindtree provides high quality childcare for its employees and conducts a quality audit on its childcare providers every three years and prior to contract renewal (IFC 2017b). Policymakers can draw on such innovative private sector childcare solutions to expand the childcare mechanisms funded by governments. By better understanding how the private sector is addressing access to quality childcare, governments can also work to properly incentivize all employers to adopt similar programs.

### **FLEXIBLE WORK**

Flexible schedules benefit returning mothers and help women balance formal work, household, and family needs. Flexible work can include flexibility in the scheduling of hours, meaning that flextime, compressed workweeks, and work schedules outside of typical hours are acceptable. Flexible work can also include flexibility in the number of hours per week worked as well as the location of the work performed. In a

## **FLEXIBLE SOLUTIONS FROM THE GOVERNMENT OF SINGAPORE**

*The case of Singapore's Work-Life Works program demonstrates that innovative government solutions for flexible work are possible. The program offers grants to employers to establish work-life programs, a majority of which include flexible work arrangements (Woetzel et al. 2018). In the private sector, the provision of flextime at the NTUC Income Insurance Co-operative Limited in Singapore benefitted the company. The company's flextime policy had 20 percent uptake, which resulted in a reduction in employee turnover from 15 to 9 percent over seven years. The company also noted improvement in employee morale (Woetzel et al. 2018).*



Monster.com survey of women in Malaysia, the Philippines, and Singapore, 75 percent of respondents report that the biggest reason for new mothers quitting their jobs is a lack of flexibility (HR Asia 2018). Providing workers with flexible schedules has benefits for both parents and economies. The Philippines experiences an estimated loss of US\$60 million per day in productivity due to traffic congestion that could be avoided through teleworking (Woetzel et al. 2018). For small and medium enterprises in particular, policies that enable part-time work or gradually increasing hours upon return to work following maternity leave can significantly reduce the costs of maternity coverage (Lewis 2014). Firms also experience fewer days lost due to child-care related absences, which positively impacts productivity (Lewis 2014). In a Vodafone survey of employers in Hong Kong, China, 84 percent of firms reported increased productivity after implementing flexible work arrangements (HR in Asia 2016a).

Policies and regulations can support working parents by mandating that flexible work arrangements be available. In seven APEC economies, the law explicitly authorizes flexible work arrangements for employees who have minor children. This covers the right to request and in some cases, obtain, flexible work, such as part-time work, reduced hours, teleworking, and flextime, an arrangement which enables an employee to choose when they work their hours within a timeframe set by the employer (World Bank Group 2018). For example, in late 2018, the Philippines adopted a telecommuting law to promote the ability of private sector employees to make arrangements to work remotely. It is important to note that laws in some economies do not guarantee flexible work arrangements for all workers. For example, the law in New Zealand mandates that employers must consider every request, but do not have to grant flexible work if there is a justifiable business reason (Employment New Zealand 2019).

## **Workplace Harassment, Including During Transport to/from Work**

### **SEXUAL HARASSMENT IN THE WORKPLACE**

Sexual harassment is prevalent across the Asia-Pacific region and negatively affects women's employment, job retention, and career trajectory, with significant costs to survivors, economies, and firms. The World Bank (2013) defines sexual harassment as "any unwelcome sexual advance, request for sexual favor, verbal, or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation to another." It defines workplace sexual harassment as that which "interferes with work, is made a condition of employment, or creates an



intimidating, hostile, or offensive work environment.” Lack of regulation of sexual harassment encourages work environments where disrespect and exploitation is tolerated or even encouraged, which can push women to change their career trajectories or drop out of the workforce entirely. Only 16 APEC economies have outlawed sexual harassment in the workplace (World Bank Group 2018).

Unfortunately, women across the region experience sexual harassment at work. Thirty to 40 percent of women in Japan, Korea, Malaysia, and the Philippines have experienced sexual harassment (World Bank Group 2013). Similarly, an estimated 35 percent of women working for corporations in the United States experience sexual harassment at some point in their careers, ranging from hearing sexist jokes to being touched in an inappropriate way (McKinsey and LeanIn.Org 2018). The rates of sexual harassment are even higher for women working in leadership roles or serving in technical fields, at 55 percent and 45 percent respectively (McKinsey and LeanIn.Org 2018). Across APEC, migrant women, younger women, domestic workers, and women working in male-dominated industries or in client-oriented service sectors, including health care, retail, and hospitality, are at greater risk of sexual harassment. In addition, women are at greater risk in tight or unregulated workspaces, as well as those that lack strong labor inspection services. Women are also at risk when they are language-impaired, in isolated positions, or lack job security, including when they work informally.

Workplace sexual harassment can have serious negative effects on women’s work attendance, retention, and ability to advance. Sexual harassment causes negative psychological and physical health consequences for survivors. Additionally, women may feel pressured or forced to tolerate sexual harassment if it means a “tradeoff” for a job offer, pay raise, or promotion. Sexual harassment can also negatively affect women’s career trajectories in that male managers are increasingly exhibiting discriminatory behavior to female colleagues in a misguided attempt to avoid sexual harassment liability. A 2018 survey in the United States found that 60 percent of male managers are uncomfortable participating in a common work activity with a woman, such as mentoring, working alone, or socializing (Lean In and Survey Monkey 2018). Sexual harassment also undermines the long-term earning capacity of women workers and contributes to the gender wage gap (ILO 2018). For example, women in workplaces with sexual harassment may feel less empowered to negotiate salaries and raises, may decline professional advancement in order to avoid the harassment, or may see their pay obstructed by harassing supervisors (National Partnership for Women & Families 2019). Moreover, women workers who rely on customer tips to support themselves often believe they must tolerate sexual harassment so that they do not lose critical income (Equal Rights Advocates 2014). All of these negative consequences can be particularly pronounced in economies that lack formal mechanisms to redress sexual harassment.

**Table 2: Costs of Sexual Harassment in the Workplace**

COSTS OF WORKPLACE SEXUAL HARASSMENT	
TURNOVER AND TRANSFER COSTS	US\$5,000–US\$211,000 per lost employee, depending on level and industry (2016)
LITIGATION SETTLEMENTS	US\$75,000, Jury awarded damages: US\$217,000, not including legal fees (2017)
INSURANCE	US\$1,000–US\$1,000,000 per claim, not including standard premiums (2017)

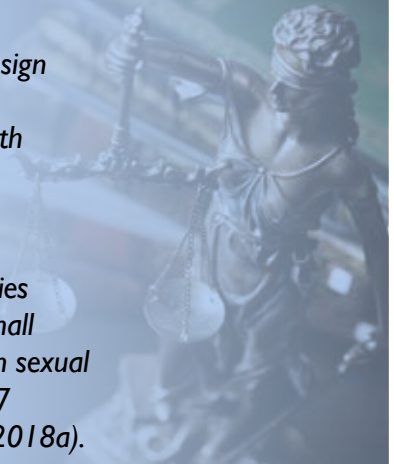
Source: ICRW 2018

Explicit costs of sexual harassment to employers include legal expenses and settlements; an increase in insurance costs; and a compromised reputation affecting recruitment, investment, and future performance. More implicit, but equally harmful, costs include a loss in employee productivity, devolved team performance, and problems with retention (Rizzo et al. 2018). Sexual harassment creates toxic work environments, resulting

## LEGAL GAPS IN SEXUAL HARASSMENT REGULATION

*Laws in Indonesia “permit” a survivor of violence or harassment to resign from work without advance notice. Regulations could be improved by covering prevention of harassment, as well by providing employees with protection from potential harassment. (ILO 2018).*

*In the United States, sexual harassment is a form of discrimination by law under Title VII of the Civil Rights Act of 1964. This federal law applies only to businesses with 15 or more employees and does not require small businesses with less than fifteen employees to have an official policy on sexual harassment. According to a 2016 poll of 594 small business owners, 67 percent have no anti-harassment policies in place (Nathan Associates 2018a).*



in reduced productivity for entire teams and work groups. For example, a study of sexual harassment among United States government workers estimated costs of harassment over a two-year period at US\$327 million, including job turnover, sick and personal leave, and individual and entire workgroup productivity. The survey estimated that 61 percent of the total cost was due to reduced workgroup productivity—as opposed to just declines in the individual productivity of the sexual harassment victim (Hersch 2015). There are also costs to the economy as whole: it is estimated that eliminating workplace sexual harassment entirely in Australia and the Philippines could result in a savings of nearly \$279.6 million or 0.021 percent of GDP annually and US\$57 million or 0.019 percent of GDP annually, respectively (Nathan Associates 2016).

Many economies have adopted legislation to curb sexual and other forms of harassment. All but five APEC economies have policies specifically addressing sexual harassment in the workplace (World Bank Group 2018). However, gaps remain in existing sexual harassment policies across the region. There are sizeable knowledge gaps on sexual harassment in the workplace and the definition and measurement of sexual harassment can be complicated (Hersch 2015). Better defining who is protected against harassment, where one is protected, and what one is protected against is crucial to addressing sexual harassment. While the ILO defines *harassment* as physical, psychological, and sexual acts or behaviors, some economies only currently consider physical acts as harassment and do not include psychological acts as harassment (ILO 2018). Typically, regulations protect employees, but might not extend to interns, apprentices, or third parties (ILO 2018). In contrast, the Philippines has a wider definition that expands protections to job seekers. While most economies define harassment to include acts performed by coworkers or third parties, some economies limit the definition of harassment to acts perpetrated by superiors in a relationship of hierarchy, thus leaving a gap in protection for harassment perpetrated by co-workers and clients (ILO 2018). Economies are increasingly expanding the scope of the term “workplace” to realistically reflect where harassment might occur—including work retreats and after-work social events—as opposed to just physical places of work (ILO 2018). For example, courts in the United States have held that harassment can be committed at a professional training course, a company-sponsored party, a non-workplace parking lot, and anywhere else co-workers may socialize and interact (ILO 2018).

Harassment regulations need to provide employees with adequate protection and recourse. Identifying, comparing, and analyzing statistics on sexual harassment is further complicated by the fact that there are no common international standards for reporting incidents of harassment. Many researchers believe that

this contributes to underestimated prevalence rates. The absence of safe and effective ways to report and address harassment can also limit effectiveness of existing regulations. Women often face multiple obstacles in reporting sexual harassment including taboos around sexual harassment and fears that reporting will not result in actions against the perpetrator (Hersch 2015). Women especially lack power if the perpetrator is a supervisor or in a higher position.

The nature of the remedies must also be considered. Criminal remedies include fines and imprisonment, while civil remedies include victim compensation or the perpetrator's dismissal. Only six APEC economies provide for criminal penalties against sexual harassment in employment (World Bank Group 2018). However, it is insufficient to only prohibit sexual harassment in the criminal code because the high burden of proof in criminal cases only covers severe cases of sexual or physical assault, but not the full range of behaviors entailed in workplace harassment. Non-criminal legal measures are also essential to offer a variety of remedies that address the full range of behaviors involved in harassment in the workplace (Nathan 2018b). Twelve APEC economies stipulate civil remedies for sexual harassment. Sexual harassment in employment is prohibited by both criminal *and* civil legal provisions in four APEC economies, including Canada, China, Korea, and the Philippines (World Bank Group 2018).

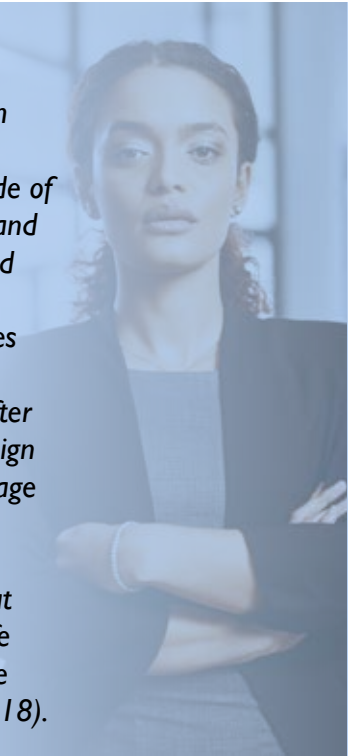
Laws and regulations alone, even with strict implementation, monitoring, and reporting, are insufficient to prevent and eliminate violence and harassment in the workplace. Even when domestic policies and regulations exist, organizational tolerance can contribute to incidents of sexual harassment in the workplace. Some economies have laws requiring employers to actively invest in preventing workplace harassment. Chilean law requires that employers develop and disseminate sexual harassment policies that outline rights, responsibilities, and complaint procedures. Australia, Chile, and Peru offer certification seals that recognize businesses that address sexual harassment and promote gender equality in the workplace (Nathan 2018b). Canada is currently implementing "Operation Honour" to eliminate harmful and inappropriate behavior in military, facilitate reporting, and better support to survivors (CBC News 2019). Some APEC economies, like Australia, Korea, and Mexico, have invested in systematic and comprehensive data collection on sexual harassment. For example, Korea's Ministry of Gender Equity and Family Affairs conducted a survey of 1,200 private and 400 public companies in 2015. Australia's Human Rights Commission conducts domestic sexual harassment prevalence

## **INTERNATIONAL CONVENTION ON VIOLENCE AND HARASSMENT IN THE WORKPLACE**

*On June 21, 2019, The Centenary International Labour Conference adopted the first convention and recommendation on combatting violence and harassment in the workplace. The Violence and Harassment Convention, 2019, and Violence and Harassment Recommendation, 2019 provide wide protections for all workers in a broad range of work settings and situations, including when commuting to and from work, and also establish an agreed definition of violence and harassment. The convention protects workers, irrespective of their contractual status, and includes individuals in training, internships, and apprenticeships, workers whose employment has been terminated, volunteers, and job seekers. Violence and harassment can happen at work, on the way to and from work, as well as in "places where a worker is paid, takes a rest or meal break, or uses sanitary, washing or changing facilities," during work-related travel, training, events, or social activities, and through work-related communications and technologies. The recommendation, which is not legally binding, provides guidelines on how the convention can be applied going forward (ILO 2019).*

## **TACKLING SEXUAL HARASSMENT THROUGH A REVISED CODE OF CONDUCT**

*In 2016, Mozilla, a company based in the United States, learned through employee focus groups and a survey that women had concerns about workplace harassment and wanted Mozilla to rewrite the company's code of conduct. Mozilla convened additional focus groups of women to understand what would make an effective code of conduct. The groups recommended that the guidelines clearly describe who is protected, including people of different races, ages, and genders. They recommended providing examples of good and bad behaviors and explaining when and how to use the guidelines, how to report incidents of harassment, and what to expect after reporting. Mozilla revised its code of conduct and ran an internal campaign to promote employee awareness of the revisions and reinforce the message that Mozilla takes workplace respect and conduct seriously. A follow-up survey found that women employees felt more positive about Mozilla's stance on harassment. Specifically, 14 percent more women believed that harassment is not tolerated by Mozilla; 15 percent more women felt safe reporting harassment; and 10 percent more women believed that people treat one another with respect at Mozilla (McKinsey and LeanIn.Org 2018).*



surveys every five years (OECD 2017). This economy-level data can be used to drive evidence-based structural reforms to address harassment.

Employers can also drive efforts to prevent and address sexual harassment. One way for companies to encourage victims to report sexual harassment is to prevent retaliation from the harasser or others within the employer's organization. Singapore Airlines has policies that protect both victims and witnesses from retaliation, and also ensure confidentiality throughout reporting and investigation processes (AWARE 2008). As a global employer with staff from a wide range of backgrounds, The World Bank Group has recently launched a comprehensive strategy for preventing and addressing sexual harassment in the workplace, which emphasizes strengthening prevention efforts through open dialogue with leaders and teams with over 4,000 staff in 35 countries on promoting civility and respect in the workplace. EC members can collaborate with the private sector to address and reduce sexual harassment through improved policies and procedures, as well as establishing protective complaints processes and rewarding employers that proactively invest in combatting harassment.

### **SEXUAL HARASSMENT IN TRANSPORTATION**

Women cannot safely get to and from work when there is high prevalence of sexual harassment in public transportation and in public spaces such as streets and transit stops and stations. When sexual harassment to and from work is common, women often modify or restrict their travel, with women's travel patterns strongly influenced by the need to mitigate risk and avoid danger (Allen and Vanderschuren 2016). These modifications can lead them to forgo employment or career opportunities, thereby reducing women's labor force participation. Women might forgo night work or employment in locations with limited safe, accessible, and affordable transportation options. Reduced mobility due to sexual harassment also affects women's engagement in civil society and access to educational and networking opportunities, both of which can expand employment opportunities (Nathan Associates 2018b).



Sexual harassment in transit is pervasive in all APEC economies. In Chile, 40 percent of women report that they are harassed daily, while 90 percent have been harassed in public at some point. In Mexico, 71 percent of women reported feeling insecure on public transport. Data shows that the majority of sexual harassment that women experience on public transportation goes unreported. In New York, it is estimated that 96 percent of sexual harassment on the subway is unreported (Allen and Vanderschuren 2016). Out of all 21 APEC economies, only Canada, New Zealand, Peru, and the Philippines have explicit laws on sexual harassment in public places (World Bank Group 2018). There is thus a significant gap in the regulations on sexual harassment in public places within APEC which could impact many women as they go to and from work. However, sexual harassment in public places is often regulated at the municipal level.

Beyond legal measures, a number of APEC economies have taken a holistic approach to promoting safe transportation. In Mexico City, the government launched a campaign to expand women's access to safe public transportation. A regulatory reform shifted the understanding of sexual harassment; previously, a misdemeanor offense, sexual harassment is now considered a violation of a person's equal right to urban resources. Three years after the introduction of this program, reported sexual harassment cases reduced from five to one (Allen and Vanderschuren 2016). The Bangkok Mass Transit Authority implemented a training and awareness raising campaign to prevent sexual harassment. Training helped employees identify various forms of harassment and taught them how to respond appropriately and safely to harassment (Allen and Vanderschuren 2016). In Papua New Guinea, the Ministry of Transport has established a permanent Women in Transportation Taskforce to promote women's employment in the sector, which could promote the design and delivery of gender-sensitive transport services better able to meet women's safety needs.

Some APEC economies have tried to address sexual harassment in public transportation through women-only compartments, buses, or taxis. However, while women-only transportation can provide women with much-needed safety that facilitates their access to job opportunities, it does not address the root causes of women's safety issues and can therefore reinforce gender inequalities (Dunckel-Graglia 2013). Women only transport should not be considered as a permanent solution to women's safety issues in economies.

## **TECHNOLOGY SOLUTIONS TO SEXUAL HARASSMENT IN TRANSPORT**

*Hollaback is an internet platform for addressing harassment in public spaces in over 30 economies. By documenting, mapping, and sharing incidents of harassment, the power shifts to victims. Hollaback's HeartMob is an online platform that provides real-time support to individuals experiencing harassment and gives bystanders indications of concrete actions so they can take to step in safely. Users have the option of reporting harassment privately or publically, and can choose how they want bystanders to support them or intervene (Allen and Vanderschuren 2016).*





## Recommendations

### POST-MATERNITY LEAVE RETURN TO WORK

- **Provide incentives for private sector companies who implement return to work programs.** These return to work programs may include “returnships,” flexible work arrangements, or other measures that support mothers returning to the labor market. Reforms may include financial incentives for companies, such as cost-sharing for these programs.
- **Implement technological solutions for mothers returning to work.** Support the development of mobile applications, online community and social platforms, and other digital tools to help mothers transition back to work.

### ENABLING PARENTS TO WORK

- **Implement tax policies and incentives that promote women as workers, particularly in dual-earner households.** This could entail removing disincentives for secondary earners from domestic tax policies. Alternatively, it could involve revising means-tested tax benefit policies to means test individuals (as opposed to households), as doing so reduces the relevance of a husband’s earnings in whether women work.
- **Establish and enforce childcare standards.** Economies can strengthen and better promote domestic quality standards for childcare. This could also involve expanding and improving auditing and enforcement of childcare regulatory standards to ensure quality childcare. Economies can also establish an economy-wide maximum cost for privately provided childcare.
- **Use the “gig economy” to implement digital solutions that enable parents to work flexibly.** This includes digital work sharing and meeting platforms that enable parents to connect and work more flexibly. Solutions should enable flextime, compressed work-weeks, and work schedules outside of typical hours, as well as work from home—all of which promote and enable mothers to work.

### WORKPLACE HARASSMENT, INCLUDING DURING TRANSPORT TO/FROM WORK

- **Revise and strengthen existing legislation around workplace sexual harassment.** Conduct systematic analysis on legal gaps in existing sexual harassment legislation in APEC economies, to ensure all policies offer broad protections and remedies. Promote increased awareness of existing sexual harassment legislation.
- **Implement incentives for the private sector to tackle sexual harassment in the workplace.** Use the business case and collaborate with public and private sector employers to tackle sexual harassment through improved policies and procedures. Policies should enhance market and legal incentives by raising costs to employers of tolerating sexual harassment; they should also establish protective complaints processes and reward employers that proactively address it. For example, economies can establish certifications or seals for employers that invest in preventing and addressing sexual harassment.
- **Invest in dialogues that promote evidence-based research and knowledge sharing.** Discussions may focus around the prevalence of sexual harassment, costs of sexual harassment, and what works to prevent and address sexual harassment in the workplace and in transportation.
- **Implement laws requiring publicly procured infrastructure and transport projects to incorporate gender into their proposals.** Economies can use this mechanism to promote awareness and investment on strategies and techniques promote gender-sensitive design of public places and public transport systems. These laws will enable economies to develop public transport spaces that are accessible and safe for women to get to work.

## Next Steps

A growing need to be competitive, coupled with an aging working population, requires that APEC implement inclusive structural reforms to tap into its under-utilized labor force and achieve a more robust and gender-balanced workforce. Much work remains for policymakers across the region to establish inclusive structural reforms and promote women's labor market opportunities. This brief provides a snapshot of where the APEC region is in terms of structural reforms that enhance women's labor market access and retention. The corresponding recommendations are aimed at economy-level implementation, which APEC has an opportunity to support, through its work under the EC and PPWE, amongst other APEC fora. APEC is uniquely positioned to support these policymakers in implementing structural reforms that promote greater inclusion of women in the economy by enhancing productivity, raising GDP, and reducing inequality across the region.

Examples of inclusive structural reforms in the region as well as innovative private sector practices highlighted in this brief point to the following menu of potential actions for APEC to undertake:

- **Quantify the impact of reforms to better equip policymakers in advocating for change. Develop an economic impact study to demonstrate the economic benefits of implementing inclusive structural reforms to promote women's full labor market participation.** The study should assess the economic impact of legal and regulatory barriers to women's employment to aid APEC economies in better understanding the costs associated with gendered employment restrictions and provide evidence to drive reforms.
- **Focus the 2020 APEC Economic Policy Report on structural reforms that promote women's economic participation.** As these structural barriers are a key impediment to broader economic growth, greater attention to and emphasis on these issues is warranted outside of the PPWE. The EC has an opportunity to demonstrate the importance of boosting women's economic participation to the broader APEC community.
- **Track progress by systematically documenting future inclusive reforms.** The EC could work with the PPWE to develop and institutionalize a mechanism for documenting reforms, which could then be institutionalized within the APEC Policy Support Unit. This could take several forms, such as an annex to the biannual APEC Women and the Economy Dashboard or a separate brief or index published every few years to communicate progress on structural reform-related reforms across the region.
- **Establish an APEC initiative on reforming and improving tax policies.** As a foundation, the initiative can identify the ways in which tax policies can harm or help both men's and women's economic participation. APEC can then examine the effects of using tax policy to incentivize the private sector to provide childcare and reduce discriminatory practices in hiring and promotion through incentives to address unconscious biases.
- **Provide technical assistance to strengthen childcare policies across the region.** Technical assistance from champion economies may encompass helping other economies to meet minimum quality and maximum cost standards, as well as implementing childcare tax incentives and appropriate implementation mechanisms.
- **Exchange good practices and lessons-learned to facilitate economy-level actions.** The EC could host a dialogue to exchange information on some of the good practices detailed in this brief and better understand how to improve existing regulations. Economies could share their

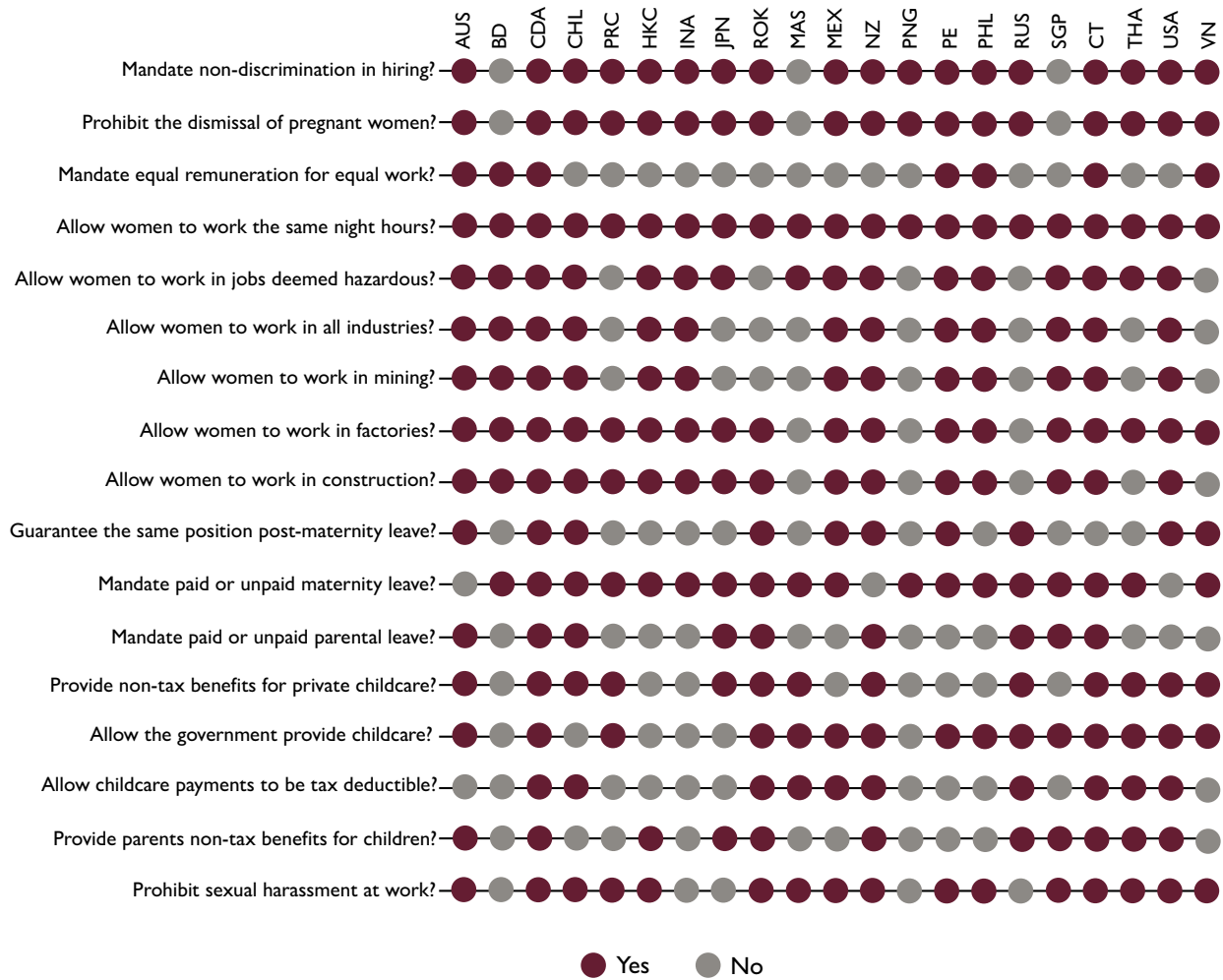
experiences in the structural reform process and challenges faced. The EC can promote feedback loops and iterative learning so that good practices are informed by lessons-learned. A separate dialogue focused exclusively on employment restrictions, enabling parents to work, or workplace sexual harassment prevention practices from the private sector could be held to facilitate dialogue and action in domestic contexts.

- **Work with ABAC to facilitate greater dialogue between the private sector and regulators on how the government can support companies in tackling women’s labor market issues. ABAC could facilitate dialogues about what government policies and reforms have worked to incentivize the private sector to tackle workplace sexual harassment.** ABAC could also facilitate a dialogue around how governments can work with the private sector to encourage better public reporting of sex-disaggregated data around pay and leadership positions.
- **Develop a regional guidance document on different ways to engage women’s perspectives and insights in the development and revision of new and existing labor-related policies, laws, and regulations.** Economic policies, laws, and regulations will ultimately work better and augment women’s labor force participation when women are engaged and included in policy development consultations and dissemination. The EC could develop a regional resource that provides strategic guidance and highlights key approaches on how to incorporate women’s perspectives through all stages of policy and regulation reform and development for use at the domestic level.
- **Use a pilot pathfinder approach to assess implementation of regulations that enable women’s workforce participation, including around non-discrimination, workplace sexual harassment, and returning to work after maternity leave.** Not all economies adequately monitor regulations related to gender discrimination, returning to work after maternity leave, or sexual harassment in the workplace. This is often combined with inconsistent compliance by private sector actors. The EC could pilot a pathfinder with several volunteer economies to review and measure implementation practices, which may, in turn, encourage domestic officials to put in place improved compliance and monitoring and evaluation procedures.

# Appendix I

## VISUALIZING WOMEN@WORK IN APEC

Insights from the APEC Women and the Economy Dashboard, supplemented by the World Bank's Women, Business, and the Law



Source: The information contained in this graphic is largely drawn from the APEC Women and the Economy Dashboard. Where more updated information is available data utilized is from the World Bank Women, Business and the Law's 2019

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