



Auckland Unitarian Church

Love beyond belief

Human rights. Whose rights? Our rights!

Rachel Mackintosh © 1 July 2018

E nga mana, e nga reo, e nga rangatira ma, tena koutou.
E te whare e tu ake nei, tena koe
E te whanau o Auckland Unitarians,
E nga manuhiri, tena koutou, tena koutou, tena koutou
Ko tangata tiriti te iwi
Ko E tu, Ko te Kauae kaimahi nga uniana
No Tamaki Makaurau ahau
Ko Rachel Mackintosh toku ingoa
No reira
Tena koutou
Tena koutou
Tena tatou katoa

“Rape culture is a culture where we normalise sexual violence. We see this on a continuum – from rape jokes, ‘locker room banter’ and victim blaming, through to catcalling, non-consensual sexual photos, to sexual coercion and rape.” These are the words of Gill Greer, CEO of the National Council of Women.

My friend Sam Huggard – Secretary of the Council of Trade Unions – has blogged this week on the subject of rape culture and in his blog he tells of a story he heard recently at a conference discussing women working in this country in trades. The story is about an apprentice who each day would eat lunch in her car, rather than in the lunch room with everyone else. Why? Because there were sexually explicit and objectifying pictures of women hung on the wall. She was excluded and silenced and reduced to the constrained and yet visible “safety” of her car to sit in humiliation and isolation.

There are other stories.

I have heard a story of the McDonalds worker working from 10pm to 6am in the drive through – in a small, cramped alcove, looking out on the cars crawling past, order by order, isolated from the rest of the shop. Dressed in a McDonalds uniform with her name on a badge on her chest. At any time of day but particularly in the wee hours of the morning she was subjected to obscene comments and calls to “show us your tits” ... from late-night men – who are also every day men – looking for some sexual objectification and humiliation with their fries. And she had to pass them their food and be polite as they leaned out and leered out of their car windows. And her job included being polite to them and sunny to the next customer.

Recently in Christchurch a student nurse was attacked walking to her car after an afternoon shift finishing at 11.00pm. Her car was parked in Hagley Park, some distance from the hospital, because there was no staff parking available to her and no public transport and no safety on the streets of her own community, because there are parts of her own town where she cannot be, and be safe from violence.

About 40 years ago there was a woman working in the Auckland University library who was in a violent relationship. Work was the place where her violent partner wasn't, where she could be safe for a few hours. And then he came and murdered her just outside the library as she left work. I remember that story and remember that one of the details was that she was Chilean. That made it seem like it was something that happened to someone else. And just recently I was in Geneva and I heard almost exactly the same story about a woman in the past year in another part of the world and now I am an adult and one of the things I have learnt in the meantime is that there is no “someone else”.

And these are the stories of people working in public spaces. In Geneva I also heard stories from all over the world where women work as domestic workers in the houses of their employers. Many of these women are migrant workers dependent on their job for their immigration status. Many more are undocumented and

dependent on their employer not to turn them over to the authorities. And in cases where their employer chooses to follow them to the place where they sleep so that he can rape them, night after night and day after day, they have no choice and no escape.

This is rape culture and these are stories of rape culture in the world of work.

Irihapeti Ramsden has noted that “experience teaches the wary observer that ideas of truth, justice, and civil and human rights are human in origin. Shaped to suit the times ...”

And so what are our current times?

We are in the time of Harvey Weinstein, that one looming symbol of sexual harassment and predation who was often alone with his victims but who was not alone.

We are in the time of #MeToo, #YoTambien, #NiUnaMenos ... we are in a time where the stories are becoming public, where the stories are being told.

And as Sam Huggard also noted in his blog this week, “what's needed is better economic power for women – to achieve equality with the economic and career power currently wielded by men. Both weak HR department-driven responses, and moral witnessing and hashtags on their own, completely miss the mark.”

One part of the route to better economic power for women is a human rights approach. Moana Jackson has pointed out that human rights “inhere in people because they are human, and are not diminished by disagreement or doubt or the passage of time”

We are human and there is no “someone else”. The rights that inhere in us, inhere in everyone. And in the union movement our most basic foundation is the notion that rights must be exercised and realised collectively.

The International Labour Organisation is the only tripartite U.N. agency. Since 1919 the ILO has brought together the governments, employers and workers of 187 member countries, to set labour standards, develop policies and devise programmes promoting decent work for all people.

This was my second year at the annual ILO conference, where more than 6,000 people gather to work on a number of subjects, with all conversations held in tripartite forums of workers, employers and governments.

This year I worked in a committee discussing a binding international convention on violence and harassment in the world of work. When a convention is formed, it is always done over a two-year debate, and everything that is settled in the first year may be revisited in the second year.

Over two weeks, about 500 people met together in one large, circular room, to debate and shape a text that had been prepared by the ILO office after a world-wide survey of employers, workers organisations and governments. With simultaneous translations direct to earpieces at every seat, the debate takes place through one worker spokesperson, one employer spokesperson, and with all governments having individual speaking rights. The three groups also spend time throughout the conference in separate caucus meetings, to assess how the debate is going and discuss how to proceed. In the workers group of about 150 people, there was a “bureau” of 15 or so who would rapidly caucus with the worker spokesperson and then carry messages out through the wider group and back to the spokesperson. In the ILO, there is no “permanent five” as in the UN Security Council, so the power is much more evenly spread. The debate is often intense, with alliances emerging and shifting as the debate proceeds. In our debate, the EU chose to speak as a bloc, as did the African group, and sometimes the Latin American and Caribbean countries spoke as a bloc and sometimes individually.

And so the draft text is debated line by line and the chairperson of the whole committee judges the mood of the room and works for the greatest consensus possible at each point.

Out of this extraordinary and complex and often intense, fraught and emotional process, we arrived at some agreed text that will come back next year to be reopened, debated again and, we hope, settled. The aim of the workers is to make the text as strong as possible, covering the broadest number of workers and work situations, and with clear guidance for governments about the kinds of domestic laws that will be necessary to have a real effect for people who are currently unable to enjoy decent work – unable to enjoy a decent life – because of violence and harassment in the world of work.

Some of the most contentious debate was over the definitions of terms.

The dryness of the definitions of violence and harassment, worker, and the world of work we eventually settled on belies the passion in the debate:

“[T]he term ‘violence and harassment’ in the world of work should be understood as a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment;

“[G]ender-based violence and harassment should be understood as violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment;”

“[T]he term ‘worker’ should cover persons in all sectors, both in the formal and informal economy, and whether in urban or rural areas, including employees as defined by national law and practice, as well as persons working irrespective of their contractual status, persons in training, including interns and apprentices, laid-off and suspended workers, volunteers, jobseekers and job applicants.”

“The world of work should cover situations:

“(a) in the workplace, including public and private spaces where they are a place of work;

“(b) in places where the worker is paid, takes a rest break or a meal, or uses sanitary and washing facilities;

“(c) when commuting to and from work;

“(d) during work-related trips or travel, training, events or social activities;

“(e) through work-related communications enabled by information and communication technologies; and

“(f) in employer-provided accommodation.”

Because the definition of worker includes apprentices, we can expect protection for the apprentice who eats lunch in her car.

Because the definition of violence and harassment includes “practices that are likely to result in harm”, we can expect an employer to redesign the work practice that sees the McDonalds worker on her own at 2.00am with carloads of harassers.

Because the definition of worker includes people in the informal economy, no matter their contractual status, we can expect governments to resource their labour inspectorates to enforce a safe work environment for an undocumented migrant domestic worker.

Because the definition of violence and harassment refers to economic harm we can expect governments to pass laws and provide resources that increase women’s economic power.

Because the definition of the world of work includes commuting to and from work and because we know that domestic violence has a huge impact on women in and out of work, we can expect other governments around the world to pass laws like Jan Logie’s domestic violence bill so that the workplace can be part of the solution to domestic violence.

Because human rights inhere in us for the simple fact that we are human and because there is no “someone else”, this is also our business.

And because these things are all up for debate again next year and because there are voices in the debate who seek to weaken the text, to ensure that it can never be more than a non-binding recommendation, to reduce the question of violence and harassment to something that happens to individuals rather than acknowledging it as part of rape culture, and because of rape culture, this is also our business.

I close with a quote from Paulo Freire: “Washing one’s hands of the conflict between the powerful and the powerless means to side with the powerful, not to be neutral.”