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Book Review

***Women's Rights to Social Security and Social Protection*, edited by Beth Goldblatt & Lucie Lamarche**

VANESSA DE SOUSA*

*Women's Rights to Social Security and Social Protection*¹ is a collection of essays that explores a gendered perspective on social security rights. The book includes both theoretical perspectives on gendered social security rights and examples of social security programs around the world. The inclusion of international case studies makes the book a valuable source of information, particularly for those undertaking comparative research into social welfare rights or the global impact of social welfare rights on women. The book's examination of international standards for social welfare rights and the contrast with domestic programs also raises interesting questions about global compliance with international standards and norms. The use of wide-ranging feminist frameworks and international comparative analysis also contributes to the advancement of women's social security rights.

The book is divided into four parts. Part I sets up a theoretical foundation for the examination of social security through a gendered lens. The second part takes a global approach to gender and poverty with an analysis of social protection regimes in China, Bolivia and Chile. The essays in Part III look at welfare systems in "rich countries" such as the United States, Canada, and Australia. Part IV analyzes social security rights in the context of austerity following the global financial crisis of 2008, with a focus on Ireland, Australian, and Spain.

Central themes that run throughout the essays in the collection include the vulnerable position of women in social welfare regimes throughout the world, international attempts to set standards for social protection for women, drastic cuts to social security in times of economic crisis, and the intersection of gender and other identities such as race, age, and class.² The collection also illuminates the pertinent struggles faced by women throughout the world in accessing social security and social protection in a dignified and non-discriminatory way.

Sandra Fredman's chapter on "Engendering Social Welfare Rights" in Part I of the collection sets up the model of substantive equality that will run through most of the subsequent chapters examining social welfare systems in a number of countries. Fredman's model evaluates social welfare programs through the four goals of substantive equality: redressing disadvantage; addressing stigma, stereotyping, humiliation, and violence; accommodating difference and transforming institutions; and facilitating participation.³ The four dimensions of the substantive equality model allow for an analysis of social welfare that goes beyond the mere content of the services provided to look at the way the recipients of social welfare are treated and their level of participation in the system. Hester Lessard's chapter, "Participatory Inclusion and Women's Rights to Social Security," further develops the nature and content of participation as part of a

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¹ Beth Goldblatt & Lucie Lamarche, *Women's Rights to Social Security and Social Protection* (Portland, OR: Hart Publishing, 2014) 336 pages.

² Beth Goldblatt & Lucie Lamarche, "Introduction: Interpreting and Advancing Women's Rights to Social Security and Social Protection" in *supra* note 1 at 1.

³ Sandra Fredman, "Engendering Social Welfare Rights" in *supra* note 1 at 20.

substantive equality model aimed at facilitating social rights for women.⁴ Lessard's essay positions the participatory approach within a conflict between a meaningful bottom-up approach to social security rights and neoliberal rhetoric about participation which only helps to exclude vulnerable persons.⁵

Fredman's application of the model to Conditional Cash Transfer Programmes (CCTPs) in Mexico and parts of South America demonstrates that social welfare programs which require behavioural conditions, such as bringing children to health clinics, do not fit within the substantive equality framework.⁶ By placing behavioural conditions on social assistance, such programs compromise the autonomy of the recipients and place conditions that may not be possible for recipients to satisfy, particularly if they live in rural regions where health clinics may not be easily accessible. Such programs help to further stigmatize and stereotype the rights bearers while hindering participation.

In "Social Protection in China: Is there a Gender Equality Problem?," Mankui Li applies Fredman's four dimensional framework to China's regime of social protections.⁷ The idea of "special protection" in China's employment practices involves the prohibition of women from having jobs that are deemed "hazardous work."⁸ Li highlights the lack of empowerment of women where China's program of "special protection" results in the violation of women's equal employment rights, gender segregation in the labour force, and overall fewer social security benefits for women.⁹ The application of the model to China shows that Fredman's model provides a useful framework for evaluating social welfare programs through a substantive equality and human rights framework.

Part II of the book begins with an examination of the 2012 ILO Recommendation No 202 concerning National Floors of Social Protection. In her chapter, Lucie Lamarche examines each Article of Recommendation 202 and argues that the ILO Recommendation is un-gendered. Despite positive institutional policy discussions regarding social security and gender equality, Recommendation No 202 reflects the ILO's liberal economic agenda.¹⁰ Rather than being gender inclusive, ILO Recommendation 202 is characterized as un-gendered as it ignores the structural inequalities faced by women in throughout the global economy.

Part II of the collection also includes global approaches to social security programs, with essays on China,¹¹ Bolivia,¹² and Chile.¹³ The pieces on Bolivia and Chile demonstrate that governments in developing states are beginning to change their approach toward social security rights for women as they attempt to tackle the issue of poverty. In "Evaluating Reforms for Bolivian Women's Right to Social Security and Social Protection," Lorena Ossio Bustillos examines the development of social protection in Bolivia, the second poorest country in South

⁴ Hester Lessard, "Participatory Inclusion and Women's Rights to Social Security" in *supra* note 1 at 41.

⁵ *Ibid* at 61.

⁶ *Supra* note 3 at 27.

⁷ Mankui Li, "Social Protection in China: Is there a Gender Equality Problem?" in *supra* note 1 at 89.

⁸ *Ibid* at 104.

⁹ *Ibid* at 103.

¹⁰ Lucie Lamarche, "Unpacking the ILO's Social Protection Floor Recommendation from a Woman's Rights Perspective" in *supra* note 1 at 65.

¹¹ *Supra* note 7.

¹² Lorena Ossio Bustillos, "Evaluating Reforms for Bolivian Women's Rights to Social Security and Social Protection" in *supra* note 1 at 111.

¹³ Pablo Arellano Ortiz, "Recent Coverage Developments in Social Security Protection for Chilean Women" in *supra* note 1 at 125.

America.¹⁴ The essay also demonstrates that differences in conditions between women living in rural and urban environments, particularly Indigenous women, affect the level of access to employment opportunities and social services.¹⁵ Access to social services is therefore affected not only by gender identity but also geographic location and racial background. Bustillos also takes on a gendered analysis of a recent reform to the Bolivian social welfare scheme, known as *Renta Dignidad*.¹⁶ *Renta Dignidad* “provides a non-contributory basic pension to those over 60 who have no other source of income, and tops up the pensions of those who benefit from some kind of contributory pension.”¹⁷ Bustillos shows the positive and negative impacts of *Renta Dignidad* on the social welfare rights for women. Although the program has helped reduce extreme poverty in rural areas, two thirds of the labour force remains uncovered or covered only through voluntary contribution.¹⁸ She also highlights the fact that there are fewer women than men who have salaried work (and are less likely to be covered) but virtually all domestic workers are women.¹⁹ Bustillos’ piece shows that although positive reforms are being made to aid those in poverty in Bolovia, the gendered realities of the labour force perpetuate the vulnerable position of women regarding access to social security protections.

The essays in Part III of the collection examine the social welfare regimes of rich countries where shifts in ideology have resulted in dramatic cutbacks to social security benefits. In “Rethinking Social Protection Beyond Waged Work: A United States Perspective,” Lucy A Williams looks at the historical context affecting the development of social welfare policies in the United States.²⁰ Williams highlights the institutional challenges involved in combatting poverty created by the inadequate funding of social welfare programs and the widespread use of categorical eligibility rules.²¹ The eligibility rules reflect the ideological overlap between welfare and work. Although some states have established their own systems of unemployment insurance, almost all states require minimum earnings to be eligible. In practice this excludes those who are in precarious, secondary labour market jobs; jobs more likely to be filled by women.²²

Williams’ chapter also adds a unique perspective to the issue of gendered welfare rights by arguing that there are some limitations to the use of human rights discourse.²³ According to Williams, human rights discourse may be helpful but it, “ultimately provides us with limited purchase on the critical problems that must be addressed to eliminate gendered inequality.”²⁴ Williams highlights some of the institutional limitations that prevent human rights discourses from completely redressing the issue of social protection for women. Human rights discourse appears to be useful in answering the question of why reforms are needed but not how to achieve such reforms. This argument adds an interesting layer of analysis when tackling the subject of social welfare protection for women. Although most of the pieces in the collection emphasize the importance of human rights discourse at both a national and international level, Williams signals

¹⁴ *Supra* note 12 at 111.

¹⁵ *Ibid* at 112.

¹⁶ *Ibid* at 113.

¹⁷ *Ibid*.

¹⁸ *Ibid* at 122.

¹⁹ *Ibid*.

²⁰ Lucy A Williams, “Rethinking Social Protection Beyond Waged Work: A United States Perspective” in *supra* note 1 at 149.

²¹ *Ibid* at 164.

²² *Ibid* at 158.

²³ *Ibid*.

²⁴ *Ibid* at 146.

that such an approach may not be enough when attempting to eradicate gendered inequality.

William's essay, along with Janet Mosher's article on "Human Capital and the Post-Scripting of Women's Poverty," demonstrate that neo-liberal policies have worsened the position of women within North American social welfare regimes.²⁵ Mosher's essay examines the social investment paradigm and how such strategies have affected women's right to social security in Ontario.²⁶ Mosher's essay reveals that in developing social welfare policies, a gendered analysis became a "post-script" rather than an integral part of new social assistance programs.²⁷ The rhetoric used by the Ontario government in developing and implementing its social policies focused on "social investment," and "human capital," with particular attention to children, an approach she argues is antithetical to women's social security and to equality.²⁸ The essays on social welfare programs in North America emphasize the role played by neoliberal policies and the rhetoric of individualism in hindering any amelioration of the socio-economic status of women in the United States and Canada.

Belinda Smith's chapter, "What would an engendered human rights approach to social security mean for sole parents in Australia?," demonstrates that the social welfare regimes in North America are similar to that of Australia. Smith's piece reveals how access to social security is not generally viewed as a human rights issue in Australia.²⁹ The failure to conceptualize social security as grounded in human rights informs the current system and contributes to its failure to adequately address gendered inequality and poverty. Smith's essay focuses on sole support parents, who are disproportionately women, and argues that there should be a wider range of state support for such parents since they have a low rate of employment influenced by work conditions that are anything but friendly for families.³⁰ Similar to the argument made by Fredman regarding CCTPs, Smith also argues that cash transfer programs are an inadequate social security scheme when viewed through a gendered human rights lens.³¹ In Australia's case, cash transfer programs continue to keep sole parents out of the work force, and lack the complementary supports for employment, workplace regulations, and affordable childcare that such parents require.³²

The final part of the collection analyzes social security programs in the wake of the 2008 financial crisis and subsequent austerity measures taken by governments in Ireland,³³ Australia,³⁴ and Spain.³⁵ This part of the collection begins with a chapter by Dianne Otto looking at social security rights in light of economic crisis and international standards for social security. In this chapter, "Gendering the Right to Social Security in the Era of Crisis Governance: The Need for Transformative Strategies," Otto equates the cutbacks to social security as a renegeing on

²⁵ Janet E Mosher, "Human Capital and the Post-Scripting of Women's Poverty" in *supra* note 1 at 167.

²⁶ *Ibid* at 169.

²⁷ *Ibid* at 171.

²⁸ *Ibid* at 175.

²⁹ Belinda Smith, "What Would an Engendered Human Rights Approach to Social Security Mean for Sole Parents in Australia?" in *supra* note 1 at 193.

³⁰ *Ibid* at 192.

³¹ *Ibid* at 211.

³² *Ibid*.

³³ Mary P Murphy & Camille Loftus, "A Gendered Right to Social Security and Decent Work? The Debate in the Context of Irish Austerity" in *supra* note 1 at 239.

³⁴ Beth Goldblatt, "Testing Women's Right to Social Security in Australia: A Poor Score" in *supra* note 1 at 263.

³⁵ Nuria Pumar Beltran, "Mainstreaming Gender in Spanish Labour and Pension Reforms and in European Social Policies" in *supra* note 1 at 288

international human rights obligations.³⁶ The international standards set out in UN covenants, such as the ICESCR and ICCPR, along with the International Labour Organization's "social protection floors" have been compromised by austerity measures that have reacted to the economic crisis by further marginalizing vulnerable members of society. The essay also looks at the Montreal Principles³⁷ and the CESCR's General Comments,³⁸ and argues that in order to gender the right to social security, the Montreal Principles and the General Comments need to be expanded and priority needs to be given to "minimum core obligations."³⁹

The final pieces in the collection include Irish, Australian, and Spanish case studies. The essay on Ireland by Mary P Murphy and Camille Loftus argues that the global economic crisis resulted in national austerity measures which "have been disproportionately negative for women."⁴⁰ Although austerity reforms have produced what Murphy and Loftus call a "retrogression of human rights," the essay ends on a positive note, which looks forward to potentially greater constitutional protections for social security rights for women.⁴¹

In "Testing Women's Rights to Social Security in Australia: A Poor Score," Beth Goldblatt evaluates Australia's system for providing social security rights.⁴² Goldblatt's examination of the Australian system shows that a weak recognition of socioeconomic rights, including the right to social security, has created an inadequate social protection system for women in Australia. Recent cuts to the "Parenting Payment" program were found to be incompatible with human rights by a Parliamentary Human Rights Committee Report, signaling the potential for positive changes to the Australian social security system.⁴³

In addition to challenging Australia's social security system as incompatible with human rights, Goldblatt's chapter also highlights the intersectional elements of social protection for women in Australia. Goldblatt argues that social security measures negatively impact Indigenous women who face discrimination as a result of income-management schemes.⁴⁴ The Northern Territory Emergency Response is a program which targets Australia's northern Aboriginal communities, and involves bans on alcohol, the compulsory acquisition of Aboriginal lands, and compulsory income management.⁴⁵ The Australian government justified the income management program by claiming that income regulation could help prevent, "undesirable behaviour."⁴⁶ The income management scheme was imposed without consulting local Aboriginal communities and compromises women's autonomy; as Goldblatt points out, Aboriginal women are

³⁶ Dianne Otto, "Gendering the Right to Social Security in the Era of Crisis Governance: The Need for Transformative Strategies" *supra* note 1 at 216.

³⁷ The Montreal Principles "guide the interpretation and implementation of the guarantees of non-discrimination and equal exercise and enjoyment of economic, social and cultural rights, found, inter alia, in Articles 3 and 2(2) of the International Covenant on Economic, Social and Cultural Rights, so that women can enjoy these rights fully and equally." < <http://www.escr-net.org/docs/i/426624> > .

³⁸ CESCR, General Comment No 16, looks at social security takes a substantive equality approach to the UN's ICESCR and includes implementation obligations for states parties, <<http://www2.ohchr.org/english/bodies/cescr/docs/CESCR-GC16-2005.pdf>>.

³⁹ *Supra* note 36 at 238.

⁴⁰ *Supra* note 33 at 260.

⁴¹ *Ibid.*

⁴² *Supra* note 34 at 265.

⁴³ *Ibid* at 275.

⁴⁴ *Ibid* at 282.

⁴⁵ *Ibid* at 271.

⁴⁶ *Ibid.*

disproportionately affected by the program in comparison to men.⁴⁷ Goldblatt also argues that such income management schemes in Indigenous communities perpetuate colonial forms of paternalism and control over women.⁴⁸ Goldblatt's chapter illuminates the intersectional dimension of social security rights for women who are not only discriminated against because of their gender, but also because of their race.

Nuria Pumar Beltran's essay on "Mainstreaming Gender in Spanish Labour and Pension Reforms in European Social Policies" analyzes Spanish social welfare policies in the context of European Union constraints.⁴⁹ The essay reveals that Spanish austerity measures, influenced by the EU focus on the labour market and pensions, have had a negative impact on women. The push toward job creation for women cuts into reconciliation policies which are aimed at reconciling between family life and work. Such cutbacks, she argues, have been detrimental to the status of vulnerable women in Spanish society.

This collection brings together diverse perspectives on the issue of social security rights and social protection for women. The collection is enriched by different case studies around the world where theoretical frameworks regarding social security and gender are applied directly to social welfare programs. The essays offer deep insight into the challenges faced globally by women whose human rights to social protection are neglected or violated. A number of the essays point to international standards such as the ILO Social Security (Minimum Standards) Convention or the CESCR's General Comments as guidance for establishing adequate social welfare programs that help vulnerable women in rich and poor countries. Although international standards are important in establishing basic guidelines, domestic reforms shaped by local contexts are also important in creating social protection schemes that fit within the model of substantive equality and human rights.

⁴⁷ *Ibid* at 281.

⁴⁸ *Ibid* at 283.

⁴⁹ *Supra* note 35 at 287.