



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of
Discrimination against Women**

Thirty-fifth session

Item 5 of the provisional agenda*

15 May-2 June 2006

**Implementation of article 21 of the Convention on the
Elimination of All Forms of Discrimination against Women**

**Reports provided by specialized agencies of the
United Nations on the implementation of the Convention
in areas falling within the scope of their activities**

Note by the Secretary-General

Addendum

International Labour Organization

1. On behalf of the Committee, the Secretariat invited the International Labour Organization (ILO) to submit to the Committee a report on information provided by States to the ILO on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women in areas falling within the scope of its activities, which would supplement the information contained in the reports of the States parties to the Convention that will be considered at the thirty-fifth session.
2. Other information sought by the Committee refers to activities, programmes and policy decisions undertaken by the ILO to promote the implementation of the Convention.
3. The report annexed hereto has been submitted in compliance with the request of the Committee.

* CEDAW/C/2006/II/1.

Annex

Report of the International Labour Organization

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I. Introduction

The provisions of article 11 of the Convention on the Elimination of All Forms of Discrimination against Women are dealt with in a number of ILO Conventions. Of the 186 Conventions adopted so far, the information in the present report relates principally to the following:

- Equal Remuneration Convention, 1951 (No. 100), which has been ratified by 162 member States;
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 164 Member States;
- Workers with Family Responsibilities Convention, 1981 (No. 156), which has been ratified by 36 member States.

Where applicable, reference is made to a number of other Conventions which are relevant to the employment of women:

Forced labour

- Forced Labour Convention, 1930 (No. 29)
- Abolition of Forced Labour Convention, 1957 (No. 105)

Child labour

- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)

Freedom of association

- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98)

Employment policy

- Employment Policy Convention, 1964 (No. 122)
- Human Resources Development Convention, 1975 (No. 142)

Maternity protection

- Maternity Protection Convention, 1919 (No. 3)
- Maternity Protection Convention (Revised), 1952 (No. 103)
- Maternity Protection Convention, 2000 (No. 183)

Night work

- Night Work (Women) Convention (Revised), 1948 (No. 89) [and Protocol]
- Night Work Convention, 1990 (No. 171)

Underground work

- Underground Work Convention, 1935 (No. 45)

Part-time work

- Part-Time Work Convention, 1994 (No. 175)

Home work

- Home Work Convention, 1996 (No. 177)

The application of ratified Conventions is supervised in the ILO by the Committee of Experts on the Application of Conventions and Recommendations (CEACR), a body of independent experts from around the world, which meets annually. The information submitted in section II of the present report summarizes relevant observations and direct requests made by the Committee. Observations are comments published in the CEACR annual report — produced in English, French and Spanish — which are submitted to the International Labour Conference. Direct requests (produced in English and French — and in the case of Spanish-speaking countries, also in Spanish) are not published in book form, but are made public. At a later date, they are published on the ILO databases of supervisory activities, ILOLEX and APPLIS.

The relevant comments of the Committee of Experts referred to in section II can be found by going to www.ilo.org/public/english/standards/norm/index.htm and then referring to the APPLIS database.

As concerns States that have not ratified the relevant Conventions, information may be submitted to the ILO under the follow-up to the Declaration on Fundamental Principles and Rights at Work, adopted in 1998. Where relevant, this will also be communicated.

II. Indications concerning the situation of individual countries

Bosnia and Herzegovina

Positions with regard to ILO Conventions

I. Among the relevant ILO Conventions, Bosnia and Herzegovina has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 3, 29, 45, 87, 89, 98, 105, 122, 142, 156 and 182.

II. **Comments made by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: In its 2005 Observation, the Committee noted with satisfaction that the Law on Gender Equality had been adopted at the State level. This Law provides specifically that discrimination on the ground of gender at work and in employment includes “failure to pay equal wages and other benefits for the same work or work of equal value” (section 8). The Committee asked the Government to provide information regarding the implementation of the Law on Gender Equality, and on any progress achieved in incorporating the principle of equal remuneration for men and women for work of equal value into the entity legislation.

Further to its Observation, the Committee noted that in the context of the adoption of the Law on Gender Equality it would be opportune to adopt tools to assist in implementing the principle of equal remuneration. It therefore asked the Government to provide information on any initiatives to develop or adopt tools, including job evaluations, to implement the Convention's principle.

Convention No. 111: In its comments of 2005, the Committee dealt with the newly adopted Law on Gender Equality which has the express objective of governing, promoting and protecting gender equality and guaranteeing equal opportunities in the public and private domains, and in all sectors of society. The Law prohibits direct and indirect discrimination on the grounds of gender and sexual orientation (sections 1, 2 and 3). It also imposes a positive duty to prevent sexual harassment and gender discrimination (section 8) and envisages policies and programmes to promote equality (section 21 and 23). The Government was asked to provide information regarding the implementation of the Law on Gender Equality.

The Committee also noted that the provisions of the said Law do not prohibit "standards, criteria or practices that may be objectively justified by the achievement of a lawful aim proportion [sic] to necessary and justified measures ..." (section 3). Hoping that the exceptions permitted under this provision would be limited to matters related to the inherent requirements of the job, the Committee asked the Government to provide information on the practical application of this provision. Moreover, the Committee requested information on the functioning and initiatives of the Gender Equality Agency and the Gender Centres of the two entities, which have the key role in monitoring and supervising the implementation of the Law on Gender Equality.

Convention No. 122: In its 2004, Direct Request, the Committee noted that each of the constituent entities of Bosnia and Herzegovina, namely the Federation of Bosnia and Herzegovina and the Republika Srpska, is autonomous with regard to the responsibility for labour and employment issues. It asked the Government to provide information, among other things, on the specific training and placement measures adopted for persons experiencing difficulties in finding and retaining employment such as women, young persons, older workers and persons with disabilities.

Cyprus

I. Among the relevant ILO Conventions, Cyprus has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 98, 105, 122, 142, 171, 175, 182 and 183.

II. **Comments made by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: In its 2005 Observation, a repetition of its previous comment, the Committee noted with satisfaction the adoption of the Act to Provide Equal Pay Between Men and Women for the Same Work or for Work to which Equal Value is Attributed. The Act provides, in line with Article 1(b) of the Convention, that the principle of equality in pay means "the absence of any kind of direct and indirect discrimination based on sex, as regards pay for the same work or for work to which equal value is attributed", and defines work of equal value as "work carried out by men and women which is identical or materially identical in nature or to which equal value is attributed, based on objective criteria". For the purpose of comparison, the Act sets out criteria on the nature of the duties, the degree of responsibility,

qualifications, skills and seniority, qualification-related requirements and the conditions under which the work is carried out (section 18).

Further to its Observation, the Committee noted with interest the adoption of the Act on Equal Treatment for Men and Women in Employment and Vocational Training (Law (205(I)/2002), which provides for the establishment of a Gender Equality Committee. Noting that the Gender Equality Committee could initiate and receive complaints, which it would forward to the chief inspector handling the case, the Committee asked the Government to provide information on the practical application and enforcement of the Act and to indicate the number of cases handled by the Gender Equality Committee concerning equal pay and the results achieved.

The Committee further noted that pay differentials had stabilized in recent years and that the long-term trend of pay differentials was expected to continue to decrease. However, while the gap between male and female employment rates was decreasing, women were still concentrated in the services sector (83 per cent) and only 27 per cent of women were employed as managers, professionals and technicians. Noting the various measures taken by the Government to promote equality of opportunity and treatment of women in the labour market, the Committee asked the Government to provide information on their impact on reducing the wage gap between men and women.

Convention No. 111: In its 2004 Observation, the Committee noted with interest that with the adoption of the Equal Treatment of Men and Women in Employment and Vocational Training Act of 2002, Cyprus for the first time had comprehensive legislation on equality of opportunity and treatment between men and women in employment and occupation. The Act prohibits both direct and indirect discrimination on the ground of sex, as well as on the basis of pregnancy, childbirth, breastfeeding, maternity, or illness due to pregnancy or childbirth. The Committee asked the Government to provide information on the application and enforcement of the Act.

Further to its Observation, the Committee noted in its Direct Request that the above-mentioned Act also prohibits sexual harassment in employment and occupation as a form of sex discrimination, but that it defines it only as hostile work environment harassment without including the elements of *quid pro quo*. Moreover, the Committee noted that certain professional activities are excluded from the scope of the Act because sex is a factor of decisive importance for their execution. These activities include employment in certain positions when the post concerns the provision of services of a personal nature, such as care of the elderly or disabled. The exceptions are to be re-examined by the competent authority at least every five years to determine, in the light of social developments, whether they should be maintained. Hoping that the exceptions would be limited to matters related to the inherent requirements of the job, the Committee asked the Government to provide information on the practical implementation of these provisions.

The Committee also took note of the persisting gap in the labour force participation rate, which was at 59 per cent in 2002 for women compared to 78.8 per cent for men for the same period. It noted, however, the increase of women employed in higher skilled occupations, including positions such as the General Auditor of the Republic, the Ombudsman of the Republic, Minister of Health and the Law Commissioner, which in previous years were held only by men. However, the Committee also noted significant differences in the occupations of men and women

with tertiary education; there was a high concentration of women with tertiary education in clerical occupations and a low representation among legislators and managers. The Committee therefore requested information from the Government on the measures taken to increase labour force participation of women and to facilitate access of women with tertiary education to positions of legislators and managers. It also requested the Government to review the apparent high concentration of women with tertiary education in clerical occupations and provide information of measures taken to avoid the occupational segregation of women.

Convention No. 175: In its 2003 Direct Request, the Committee noted the Government's intention to enact a new law for the purpose of harmonization with the EU directive on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (76/207/EEC). The Committee requested the Government to keep it informed of any further developments in this regard.

The Committee also commented on the contribution conditions prescribed by the social security legislation relating to maternity allowance. The Government indicated that the relevant provisions apply in the same manner to full-time and part-time employees and that under existing legislation the majority of employed women who apply for maternity allowance meet these conditions. Given the particular relevance of maternity protection in part-time employment in view of the generally observed large number of women part-time workers, the Committee requested the Government to collect and communicate statistical data concerning the average rate of part-time female workers who might be excluded from maternity allowance benefits for failure to meet the eligibility requirements. The Government was also requested to provide detailed information on the measures taken or envisaged to ensure that part-time female workers receive treatment equivalent to full-time workers in respect of other aspects of maternity protection, such as maternity leave, health protection of the mother and the child, transfer to more appropriate work, protection against dismissal and income maintenance.

Convention No. 182: In its 2004, Direct Request the Committee noted that under Law No. 3(1) on Combating of Trafficking in Persons and Sexual Exploitation of Children of 2000, the trafficking of children under 18 years of age was prohibited only for the purpose of their sexual exploitation or ill-treatment. It therefore requested the Government to provide information on the measures taken or envisaged to prohibit the sale and trafficking of children under 18 years of age for labour exploitation. Noting also that girls aged 16 to 18 and boys under 18 were not protected from being used, procured or offered for prostitution, the Committee asked the Government to provide information on the measures taken or envisaged to ensure the prohibition of this form of child labour.

The Committee further noted the Government's indication that it had not undertaken specific programmes of action due to the absence of the worst forms of child labour in the country. In this regard, the Committee recalled the concerns expressed by the Committee on the Rights of the Child and the Special Rapporteur that as the trafficking of children for sexual exploitation and the commercial sexual exploitation of children remain hidden the authorities might be unaware of them, and that Cyprus is being used as a transit point for trafficking of young women, including minors. The Government was requested to indicate the steps envisaged to ensure that the worst forms of child labour, in particular the trafficking of children under 18 for

labour or sexual exploitation as well as commercial sexual exploitation of children, do not exist or arise in Cyprus.

Guatemala

I. Among the relevant ILO Conventions, Guatemala has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 89, 98, 105, 122, 156 and 182.

II. **Comments made by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: In its 2003 Observation, the Committee recalled the information sent by the International Confederation of Free Trade Unions (ICFTU) on the large wage differential between men and women, the low participation rate of women in the better-paid jobs and women's precarious status in the export processing industry. In response, the Government had indicated that in the export processing industry wage discrimination on the ground of sex was rare because of the tasks involved in the work and that if there was a concentration of women in this sector it was because they had the necessary motor skills to perform the tasks required. The Committee referred in this connection to the Government's report on Convention No. 111, in which the Government had recognized that women tend to be employed more in less skilled jobs with less stability and lower pay, reflecting "the feminization of employment" in lower ranking jobs and an economic and social underrating of the jobs performed by women. The Government was asked to provide information on the measures adopted or contemplated to promote the objective evaluation of jobs for purposes of wage fixing to ensure that the jobs in which women dominate were not economically and socially undervalued.

The Committee also recalled that article 102(c) of the Constitution refers to equal pay for equal work, whereas the Convention uses the term "work of equal value", a concept which allows a comparison of jobs which are different but which warrant the same remuneration. The Committee also reminded the Government that section 89 of the Labour Code narrows the scope of application of the Convention by requiring that the work compared in assessing equality must be carried out within the same enterprise. The Committee urged the Government to take the necessary steps to reflect in law the principle of equal remuneration between men and women workers for work of equal value. The Government was asked to provide information on the activities of the Tripartite Commission on International Labour Issues which was supposed to hold discussions and propose reforms based on the Committee's comments.

Further to its Observation, the Committee noted with interest the activities carried out by the Department for the Advancement of Women Workers to promote and disseminate women's rights at work. It noted in particular the seminars with the participation of labour inspectors and the reference to complaints of unlawful reductions in women's wages. The Government was asked to provide information on these unlawful reductions and on the special training courses for labour inspectors in connection with the application of the principle of equal remuneration between men and women for work of equal value.

Convention No. 111: In its 2003 Observation, the Committee noted that the planned reform of the Labour Code would add sex, age, sexual orientation, ethnic group and disability to the prohibited grounds of discrimination in work centres. Noting that the reform leaves out other grounds enumerated in the Convention, namely colour, national extraction and social origin, the Committee requested the Government to envisage the possibility of amending section 14bis of the Labour Code so as to prohibit discrimination on all grounds enumerated in the Convention.

The Committee also recalled the information supplied by the International Confederation of Free Trade Unions (ICFTU) indicating that discrimination against women in employment was common in Guatemala, particularly in the export-processing sector, where working conditions are very poor. The ICFTU also observed that sexual harassment and physical abuse were common and that women workers were not as a rule unionized because of intimidation and threats of reprisals on the part of employers. According to the Government, the most common causes of violations of women's rights at work in the export-processing sector had to do with dismissals during pregnancy or during the nursing period; ill treatment; unlawful suspension; unlawful reductions of wages; lack of holidays and massive dismissals. In view of the seriousness of the above-mentioned violations, the Committee requested the Government to provide information on the concrete results achieved by the measures adopted or envisaged to prevent and combat discrimination against women in the labour market.

In its Direct Request of the same year, the Committee noted that a draft amendment to the Labour Code on the prohibition and penalization of sexual harassment had been sent to the Congress of the Republic. It hoped that the definition of sexual harassment would include as key elements "quid pro quo" and "hostile work environment". It further noted the preparation of a reform to include in the internal rules of all enterprises disciplinary measures to prevent, avoid and penalize sexual harassment at work.

With respect to the participation of women in the labour market, the Committee noted that in the public sector in general very few women were hired. In the Office of the President of the Republic, 77 per cent of the staff was male; in the Ministry of the Interior, 89 per cent; and in other government departments the tendency was the same albeit less marked. Noting also the discussions on a number of Bills to improve the status of women and other programmes on this matter, the Committee requested the Government to provide information on the activities and results of these programmes and Bills, and on any other measures adopted to encourage a higher percentage of women in the labour market and a higher participation rate of women in posts of responsibility.

The Committee also noted that in the context of the educational reform, the National Forum for Women and the Women's Secretariat succeeded in creating a gender subcommittee, which participates in the meetings of the Advisory Council on Educational Reform and that, as a result, suggestions had been made for gender mainstreaming in teacher training. The Government was asked to provide information on concrete progress made in this area.

Convention No. 156: The latest comments by the Committee date from 1999. The Government has been requested to submit a report on this Convention in 2006. In the meantime, the following developments and issues noted by the Committee in its direct request of 1999 need to be taken into account:

The Committee noted the absence of a legislative provision on leave of absence in the case of illness of a child or dependent family member, and the Government's statement that there appear to be no national circumstances for establishing through legislation this type of leave. Nevertheless, the Government referred to a large number of collective agreements in which the system of according leave had been improved and extended. Consequently, the Committee requested copies of such collective agreements and information on any other measure adopted to promote this provision of the Convention. The Committee also asked to be informed whether the Government intended to apply such leave in the public administration sector.

The Committee also noted with interest the development of the Community Homes Programme and the opening of the Office for Regulating Child Day-Care Centres and asked to be kept informed on the progress of these activities. The Committee noted further the information contained in the Handbook of Rights and Obligations of Working Women which stated that it was an obligation of the employer to set up childcare centres when there are more than 30 women working in the enterprise or workplace. The Committee requested precise information on the application of this measure and expressed its hope that measures designed to promote harmonization of labour and family responsibilities, such as childcare services, would be extended to men as well. The Committee also asked the Government to send copies of decisions on appeals made and collective agreements or judicial decisions indicating that family responsibilities cannot constitute a valid reason for termination of employment.

Malawi

I. Among the relevant ILO Conventions, Malawi has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 89, 98, 105, 122, 156 and 182.

II. **Comments made by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: In its 2005 Observation, the Committee noted the new Civil Service Job Grades and Salary Structure, consisting of 18 grades and salary scales. The Government indicated that women occupy 14.3 per cent of the managerial positions in the civil service. Noting the low percentage of women holding managerial posts, the Committee recalled that one of the causes of pay differentials between men and women is horizontal and vertical occupational segregation of women into lower paying jobs or occupations. It therefore asked the Government to provide information on the measures taken or envisaged to promote the principles of the Convention through policies aimed at labour market desegregation and its impact on reducing the remuneration gap between men and women. It also requested statistical information on the participation of women and men in the different grades of the public service, and the corresponding wage levels.

With respect to wage disparities between men and women in rural areas, the Committee noted the Government's statement that the labour inspectors had taken on the task of informing employers and rural men and women about the requirements of the Convention and the national legislation concerning equal pay and that there were

no wage differences between men and women in rural areas. The Government further stated that Malawi has a two-tier minimum wage system which applies to all sectors except for the agricultural sector, but that in most agricultural undertakings women preferred to work fewer hours than men because of family and household responsibilities.

Emphasizing the importance of promoting measures to facilitate reconciliation of work and family responsibilities and the equal sharing of family responsibilities between men and women, the Committee asked the Government to indicate whether it intends to establish a minimum wage for the agricultural sector or to adopt any other appropriate measures in order to ensure improved application of the principle of equal remuneration for work of equal value for men and women workers in this sector. The Government was further requested to indicate the measures taken or envisaged to assist rural women in reconciling their work and family responsibilities, and to promote a more equitable sharing of family responsibilities between men and women workers.

Further to its Observation, the Committee noted that certain job categories in the new Civil Service Job Grades and Salary Structure had typically female or male denominations such as “enrolled nurse/midwife, draftsman, chainman, handyman, seaman, houseman, nurseryman”, etc. The Committee recalled that gender differences in remuneration often occur as a result of occupational grading systems containing male or female job denominations which might have the effect of overvaluing or undervaluing certain jobs performed by men or women. It asked the Government to indicate how it is ensuring that both men and women have access to all occupations in the civil service, and on the measures taken or envisaged to rectify any female and male job denominations in its grading structure.

Convention No. 111: With respect to the low number of managerial posts held by women in the public service, the Committee noted in its 2005 Observation that the Government did not provide details on the specific measures taken to promote women’s employment in those public service posts in which they were underrepresented and to reach its target of 30 per cent of women in political and decision-making structures by 2005. It therefore requested the Government to indicate the measures taken or envisaged to achieve an overall increase in the participation of women in higher level posts in the public service, especially with regard to its recruitment policy and training policy.

With respect to equal access to education, the Committee noted the Government’s continued efforts to correct disparities in educational opportunities for girls and boys, including such programmes as Girls Attainment of Basic Literacy and Education (GABLE), and the policy to facilitate women’s admission to university.

The Committee further took note of initiatives for the economic empowerment of rural women and the soft loans provided to them by the National Association of Business Women and the Foundation for International Community Assistance. While welcoming these initiatives, the Committee also noted the information submitted by the Malawi Congress of Trade Unions, which indicated that rural women face tough loan conditions, a situation that was denied by the Government. It asked the Government to provide information on the measures taken or envisaged to facilitate access to soft loans for rural women, as well as information on any other measures to enhance equal opportunity and treatment for rural women in productive employment.

Further to its Observation, the Committee noted that the prohibition of sexual harassment in employment through laws covers both quid pro quo as well as hostile environment sexual harassment. It also noted the wide scope of protection and the fact that every organization had its own administrative mechanism of addressing sexual harassment in line with the laws of the country, the nationwide awareness-raising measures on sexual harassment and the cooperation between employer and worker organizations to address the issue through policies and collective agreements. The Committee requested the Government to provide information on the application in practice of the relevant laws and regulations, as well as further details on the administrative mechanisms for addressing sexual harassment, including the number of sexual harassment cases that have been handled through these mechanisms or through the courts or reported by the labour inspectorate, and the remedies provided.

While welcoming that a number of women students had enrolled in non-traditional female vocational training courses, the Committee also noted that women continued to be concentrated in stereotyped fields of study such as secretarial and bookkeeping. The Committee recalled the Government's recognition under the National Gender Policy 2000-2005 that the lack of career guidance had perpetuated women's choices of traditional female professions. It requested the Government to provide information on measures taken or envisaged to further encourage women to consider training which is less traditionally or typically "female", as well as any other measures taken to correct de facto inequalities in education with a view to enhancing their access to productive employment and skills development. The Committee also asked for information on the measures taken to promote the application of the Employment Act, 2000 with respect to the grounds of discrimination set forth in the Act.

Convention No. 182: In its 2004 Direct Request, the Committee took note of the concerns of the Committee on the Rights of the Child regarding alleged instances of trafficking in children and the lack of a specific policy or programme on this issue. It also noted that, according to the 2002 Malawi child labour survey produced by the Government and ILO/IPEC, over 500 children were victims of commercial sexual exploitation, particularly prostitution. In this connection, the Committee noted the absence of legislation prohibiting the use, procuring or offering of young persons under 18 years of age for prostitution, for the production of pornography or for pornographic performances. It therefore requested the Government to take the necessary measures to prohibit in the national legislation this form of child labour. It also requested the Government to provide information on the measures adopted or envisaged to extend the prohibition on the sale and trafficking of young persons to all girls and boys under 18 years of age.

The Committee noted from the Malawi child labour survey that all child victims of commercial sexual exploitation, including prostitution, are girls. Almost seven out of every ten girls involved in commercial sexual exploitation had lost one of their parents or did not know where they were, and one in every two had lost both parents. The Committee requested the Government to indicate how it intends to accord special attention to these girls and remove them from the worst forms of child labour. The Government was also requested to report on the effective and time-bound measures taken to secure the rehabilitation and social integration of these girls.

Malaysia

I. Among the relevant ILO Conventions, Malaysia has ratified Convention No. 100. It has also ratified Conventions Nos. 29, 98 and 182.

II. **Comments made by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: In its 2004 Direct Request, the Committee noted the lack of legislative reference to equal remuneration for work of equal value. Moreover, neither the Constitution, the Employment Act nor the Wages Council Act prohibits discrimination in remuneration based on sex. Noting that a tripartite committee had been set up in 2001 to review all labour legislation, the Committee expressed the hope that this committee would propose measures to prohibit discrimination on the basis of sex, and particularly set forth in law the principle of equal remuneration for men and women workers for work of equal value. The Government was asked to provide detailed information on the committee's work in reviewing the labour legislation and to provide copies of any legislation that had been proposed or adopted.

The Committee further noted that the National Policy on Women of 1986 aims to integrate women into the development process by establishing laws to protect female workers, including the prevention of sexual harassment, and by formulating job descriptions and determining wages regardless of sex. The Committee asked the Government to provide detailed information on the measures taken or envisaged under the National Policy on Women to promote the principle of equal remuneration for men and women workers for work of equal value.

Moreover, the Committee noted from the statistical information provided by the Government that only six women, in comparison with 297 men, received earnings above 5001 RM in the State Administrative Service. The Government was asked to provide information on the measures taken or envisaged to promote the access of women workers to higher level and higher paying positions in the public sector.

III. **Information provided under the follow-up to the Declaration on Fundamental Principles and Rights at Work**

The Government indicated in its 2006 report under the Declaration that the Ministry of Women, Family and Community Development is formulating a National Policy on Women to address gender inequality in employment and to increase female participation in the work force.

Romania

I. Among the relevant ILO Conventions, Romania has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 3, 29, 87, 89, 98, 105, 122, 182 and 183.

II. **Comments made by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 89: In its 2003 Direct Request, the Committee noted that following the adoption of the new Labour Code, Act No. 53/2003, the general prohibition against the employment of women at night had been repealed and therefore effect was no longer given to the provisions of the Convention. The Committee

indicated that the Night Work Convention, 1990 (No. 171) was drafted for countries prepared to eliminate all women-specific restrictions on night work while seeking to improve the working and living conditions of all nightworkers. It therefore invited the Government to give favourable consideration to the ratification of the Night Work Convention, 1990 (No. 171).

Convention No. 100: In its 2005 Direct Request, the Committee regretted that the adoption of a new Labour Code (Act No. 53/2003) had not been taken as an opportunity to give full legislative expression to the principle of equal remuneration for men and women workers for work of equal value. The Labour Code continues to refer to the narrower notion of equal pay for equal work (section 6(2)). However, the Committee recalled that Act. No. 202/2002 on equality of opportunity for men and women required employers to ensure equal pay for work of equal value. The Committee recommended that the Labour Code be harmonized with the provisions of Act No. 202/2002 and the principle of the Convention by amending it to refer to equal remuneration for men and women workers for work of equal value.

With regard to the determination of remuneration, the Committee noted that remuneration in the private sector was established by means of individual negotiations between the employer and the employee on the basis of collective labour contracts. The Government was asked to provide information on the methods used by private sector employers to determine work value when determining wages and on how the principle of equal remuneration for men and women workers was being taken into account in the context of collective bargaining. With respect to the public sector, the Committee noted with interest the approval of Schedule 1 to the General Order No. 749/1998, which sets out five objective criteria for job evaluation and defines their content. The Government was asked to continue to provide information on the application of the methodology in practice, including its impact on the levels of remuneration received by male and female employees covered by the methodology.

Moreover, the Committee noted that in 2003 women's salaries were on average 28 per cent lower than men's. It requested the Government to continue to provide statistical data on the earnings received by men and women, including data indicating the earnings of men and women in the private and public sectors.

Convention No. 111: In its 2005 Observation, the Committee noted with interest that Romania had continued to enact legislation to prohibit discrimination and promote equality in employment and occupation, including the following:

- Section 5 of the new Labour Code (Act No. 53/2003) which prohibits any direct and indirect discrimination against an employee based on criteria such as sex, sexual orientation, genetic characteristics, age, national origin, race, colour, ethnic origin, religion, political option, social origin, disability, family conditions or responsibilities, and union membership or activity, and provides for definitions of direct and indirect discrimination.
- Act No. 202/2002 on equal opportunities for women and men, as amended by Act No. 501/2004 which prohibits sex-based discrimination at all stages of the employment process and requires employers to take certain measures to ensure non-discrimination and promote equal opportunities.
- Act No. 27/2004 which introduces new prohibited grounds of discrimination (age, disability, non-contagious chronic diseases and HIV infection), a definition

of indirect discrimination, and provisions on victimization, mediation, legal assistance, and sanctions.

The Government was requested to provide information on the application in practice of the above-mentioned legislation.

The Committee noted with interest the establishment of a National Agency for Equal Opportunities for Men and Women (ANES) which is, inter alia, competent to receive complaints concerning gender equality, to undertake research and studies, and to develop governmental policy. The Committee also noted that the former Inter-Ministerial Consultative Commission for Equal Opportunities for Women and Men (CODES) had been replaced by the National Commission for Equal Opportunities for Women and Men (CONES) which is comprised of representatives of ministries, other central administrative bodies and representatives of workers' and employers' organizations, as well as NGOs. The Committee requested the Government to provide information on the concrete activities undertaken by ANES and CONES to promote and ensure equality of opportunity and treatment of men and women in employment and occupation.

In its Direct Request of the same year, the Committee noted that Act No. 202/2002 prohibits quid pro quo and hostile environment harassment and requires employers to adopt and implement policies to address and prevent sexual harassment at the enterprise level. The Government was requested to provide information on the practical application and enforcement of the Act's sexual harassment provisions.

The Committee noted from the statistical information for 2003 supplied by the Government that women remain underrepresented in the occupational group of legislators, senior officials and managers (31.2 per cent). As regards the participation of men and women in the various branches of economic activity, the Committee observed a high concentration of women in education, health and social services, while sectors such as construction, transport and energy remained male-dominated. There appeared to be a trend towards more balanced overall representation of men and women in public administration. The Committee requested the Government to provide information on specific measures taken or envisaged to overcome the existing horizontal and vertical occupational segregation based on sex, including measures to promote a more equal sharing between men and women of family responsibilities, training and employment of women and men in areas where they have been traditionally underrepresented, as well as to promote women's access to management jobs.

Convention No. 122: In its 2005 Observation, the Committee noted the National Action Plan for Employment 2004-2005 and the National Employment Strategy 2004-2006, whose objectives include fighting against discrimination in the labour market. It asked the Government to provide information on the results and progress achieved with the implementation of the measures envisaged by the above-mentioned documents, including information on the employment situation of socially vulnerable groups such as women jobseekers.

Saint Lucia

I. Among the relevant ILO Conventions, Saint Lucia has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 105 and 182.

II. Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: In its 2005 Direct Request, a repetition of its comment of 2004, the Committee asked the Government how the term “remuneration” was defined and applied under section 6 of the Equality of Opportunity and Treatment in Employment and Occupation Act, 2000.

It also noted that collective agreements in the agricultural sector no longer established separate wages for men and women and that the situation on the banana plantations, where most of the discriminatory wage rates had existed, had been corrected so as to conform to the principle of the Convention. In this connection the Committee asked the Government to confirm whether any discriminatory collective agreements covering the banana plantations remained in force.

Convention No. 111: In its 2005 Direct Request, also a repetition of earlier comments, the Committee noted with interest the adoption of the Equality of Opportunity and Treatment in Employment and Occupation Act of 2000. It noted in particular that in addition to prohibiting both direct and indirect forms of discrimination on all the grounds enshrined in the Convention, section 3 of the Act also covered the grounds of family responsibility, marital status, pregnancy, age and disability.

The Committee noted further several bona fide occupational qualification exceptions to the principle of non-discrimination (section 5), including where the holder of the job provides persons with personal services promoting their health, welfare or education, and those services can most effectively be provided by a person of a particular sex (subsection 5(2)(g)). The Committee pointed out that the wording of this subsection could allow some occupations to be exempted from the principle of the Convention due to qualifications other than those inherent to the job. It therefore asked the Government to provide information respecting the application of this provision in practice.

The Committee noted that the Act prohibited discrimination in all fields of employment and occupation, including job advertising, job classification, and vocational training. Recalling the importance of declaring and promoting throughout the country acceptance of a policy of non-discrimination, the Government was requested to provide information on any measures, including educational programmes on non-discrimination, taken or envisaged to promote and implement the new legislation.

Turkmenistan

I. Among the relevant ILO Conventions, Turkmenistan has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98 and 105.

II. Comments made by the ILO supervisory bodies.

There are no pending comments of the Committee of Experts due to the fact that for six years in succession, the reports due since 1999 on Conventions Nos. 29, 87, 98, 100, 105 and 111 have not been received.