



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

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against Women**

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**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

* CEDAW/C/2007/III/1.



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 International Labour Organization (ILO) Conventions. Of the 187 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 163 member States;
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 165 member States;
- Workers with Family Responsibilities Convention, 1981 (No. 156), which has been ratified by 37 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 consists of 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 database of supervisory activities, ILOLEX.

The explanations below are brief references to much more detailed comments made by the ILO supervisory bodies. The relevant comments of the Committee of Experts referred to in Part 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

Belize

I. Among the relevant ILO Conventions, Belize has ratified Conventions Nos. 100, 111, 156 and 183. It has also ratified Conventions Nos. 29, 87, 89, 98, 105, 138 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 of Experts encouraged the Government to consider ensuring that the definition of remuneration in its national legislation was in conformity with Article 1(a) of the Convention as soon as the occasion of a revision of the said regulations arises, so as to ensure that the notion of remuneration applies to all additional emoluments, whether paid in cash or kind.

The Committee also showed interest in the adoption of the National Action Plan entitled “Belize equity and equality strategic plan: Facilitating the implementation of a national gender management system”, which in turn resulted in the decision to draft a National Gender Policy and an Equal Pay

Bill. The Committee asked the Government to indicate measures taken under the above-mentioned Action Plan and National Gender Policy to promote the employment of women, in general, as well as in higher income level jobs. The Committee noted with interest that section 4 of the collective agreement signed in the banking sector includes a provision stipulating that the bank shall pay the same salaries to both male and female employees, according to job classifications.

Convention No. 111: In its 2004 direct request, the Committee of Experts noted the absence of any provisions in the Labour Act defining or prohibiting discrimination in employment or occupation. The Committee therefore encouraged the inclusion of such a provision in the near future, particularly in the light of the existing gender inequalities in the labour market.

Estonia

I. Among the relevant ILO Conventions, Estonia has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 41, 45, 87, 89, 98, 105, 122, 138, 142 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, the Committee of Experts noted from the statistics provided in the Government's report that in 2003 women still only earned 75.8 per cent of the average hourly wage earned by men. It noted that although the wage gap between men and women has narrowed since the country's independence, it has not significantly improved since 2001, when women earned 75.7 per cent of men's earnings. In this context, the Committee noted the Government's reference to a recent study entitled "Men and women in the Estonian labour market: assessing the gender wage gap". According to this study, a large part of the wage difference arises from people's attitudes, which are expressed in the labour market behaviour of employers and their selection of employees. Noting the Government's statement that changes in societal attitudes are enhanced by increased awareness, the Committee asked the Government to provide information on what measures it is taking in the private and public sectors as well as in cooperation with workers' and employers' organizations to raise awareness with respect to the principle of equal pay for work of equal value. Recalling also its earlier comments on the horizontal and vertical segregation of working women, the Committee asked the Government to indicate what policies it has adopted or is considering, particularly within the framework of its national employment strategy, to counteract the disproportionate number of women working in low-pay and low-responsibility jobs.

The Committee of Experts also noted indications by the Government according to which current collective agreements are very weak when it comes to addressing equal remuneration. Recalling that the Convention envisages the application of the Convention's principles through collective agreements and noting that collective bargaining plays a significant role in the determination of wages

under the Wages Act, the Committee asked the Government to provide information on the measures taken to cooperate with the employers' and workers' organizations concerned for the purpose of giving effect to the provisions of the Convention, including awareness-raising and training programmes.

The Committee noted that under section 7(3) of the Gender Equality Act, an employee has the right to demand that an employer both explain the method for calculating salaries and provide other necessary information on the basis of which it is possible to decide whether wage discrimination has occurred. According to section 11(2) of the Gender Equality Act, employers are under an obligation to collect employment data based on gender to enable the relevant institutions to monitor and assess whether the principle of equal treatment is being applied in practice. In this context, the Committee asked the Government to provide statistics in its next report on the distribution of men and women among various occupations and at different levels of responsibility in both the private and public sectors.

Convention No. 111: The Convention was ratified in 2005. A first report has been requested.

Honduras

I. Among the relevant ILO Conventions, Honduras has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 98, 105, 122, 138 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 of Experts noted the adoption of the Act respecting equality of opportunities, published on 22 May 2000, to eliminate any type of discrimination against women and to achieve equality for men and women before the law. Section 44 of the Act requires the payment of equal wages for equal work, provided that the job, the working day and the conditions respecting efficiency and seniority are also equal. The Committee reminded the Government that the Convention required the establishment of equal remuneration for men and women "for work of equal value", and that in selecting the "value" of work as the basis for comparison between the work of men and women, the Convention has a broader meaning than "equal remuneration for the same work".

The Committee noted that the Act respecting equality of opportunities was undergoing a process of amendment, which would be approved in 2004. It asked the Government to consider amending section 44 during this revision process so that it fully applies the principle set out in the Convention, thereby making it possible to compare jobs that are different but nevertheless of equal value. The Committee noted that, although the Convention may be applied by various means and not only

through legislation, where laws and regulations exist on equal remuneration, they must not be more restrictive than the Convention, nor inconsistent with it. The Committee therefore asked the Government once again to consider amending the legislation referred to above to give expression in law to the principle set out in the Convention, which provides for equal remuneration for work of equal value.

Hungary

I. Among the relevant ILO Conventions, Honduras has ratified Conventions Nos. 100, 111 and 183. It has also ratified Conventions Nos. 3, 29, 45, 87, 89, 98, 105, 138, 122 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 2006 direct request, the Committee noted section 142/A(1) of the Equal Treatment Act provides that “in defining remuneration for equal work or work of equal value, the requirement of equal treatment must be met”. Section 142/A(4), as amended, provides that “wages based on job classification or performance must be established as to meet the requirement of equal treatment”. The Committee asked the Government to provide information in its next report on the practical application of section 142/A of the Labour Code, including information on whether any cases involving section 142/A have been dealt with by the courts.

Concerning the new section 70A of the Labour Code and section 36 of the Equal Treatment Act of 2004, which provide for the adoption of equal opportunity plans by employers, the Committee considered it of great importance that such plans include specific objectives and practical measures to apply and monitor the principle of equal remuneration for work of equal value. It welcomed the Government’s statement that equal opportunity plans must contain measures that contribute to the “rais[ing] of wages to the level paid to other employees for the performance of jobs of the same value”. The Committee hoped that the Government would make every effort to ensure that equal pay issues are being included in equal opportunity plans and to seek the cooperation of workers’ and employers’ organizations in this regard.

The Committee noted that the Government was planning, in cooperation with social partners, to facilitate the widespread adoption of sectoral and occupational job classifications and wage-scale systems. The Committee asked the Government to indicate any measures taken to promote objective job evaluation methods as a means of addressing discriminatory undervaluation of jobs based on gender in the context of equality planning.

Convention No. 111: In its 2006 observation, the Committee noted that section 70A of the Labour Code recognizes the important role played by employers in promoting equal opportunity by providing that the employer may adopt an equal opportunities plan in cooperation with the trade union or works council concerned. Equal opportunity plans shall contain an analysis of the employment situation of groups of employees in a disadvantaged position, in particular: (a) women; (b) employees over 40 years of age; (c) the Roma; (d) employees with disabilities; and (e) employees raising two or more children below the age of 10, or single employees raising a child below the age of 10. This analysis should cover wages, working conditions, advancement, training and benefits related to child-raising and parenthood. The plans shall also state the employer's objectives in ensuring equal opportunities and the measures envisaged to achieve these objectives. Under section 36 of the Equal Treatment Act, public agencies employing more than 50 employees and legal persons with a majority state ownership must adopt an equal opportunities plan. The Committee requested the Government to provide information on the progress made in the adoption and implementation of equal opportunity plans by private and public sector employers and the results achieved through such action.

In its 2006 direct request, the Committee noted that in 2004 the employment rate was 63.1 per cent for men and as low as 50.7 per cent for women. The Government considered that equal employment opportunities for women could be improved through harmonizing their work and family responsibilities. In this regard, the Committee noted that the Government has introduced a number of measures to assist parents of small children to remain connected with the labour market during periods of caring for a child or family member and to return to the labour market subsequently, including training for the men and women concerned and financial incentives for employers. The Government is asked to continue to provide information on the labour market situation of men and women and the measures taken to promote gender equality in employment and occupation, including the measures mentioned above and their impact on the enjoyment of equal employment opportunities of men and women

Indonesia

I. Among the relevant ILO Conventions, Indonesia has ratified Conventions Nos. 100 and 111. The Government is reviewing the possibility of ratifying the Workers with Family Responsibilities Convention, 1981 (No. 156). Indonesia has also ratified Conventions Nos. 29, 87, 89, 98, 105, 138 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 2006 observation, the Committee noted that the International Confederation of Free Trade Unions (ICFTU) had expressed concerns regarding the over-representation of women in low-pay, casual and low-responsibility jobs in the public and private sectors and the absence of an explicit prohibition of discrimination based on sex in Manpower Act No.

13/2003. In reply to the concerns expressed by ICFTU, the Government indicated that sections 5 and 6 (providing for equality of opportunity and treatment without discrimination) and section 92 (providing for objective criteria for determining wage scales and structures) of Manpower Act No. 13/2003 adequately protected women against discrimination and that the prevention of wage discrimination was undertaken through the examination of company regulations and collective agreements. The Committee further noted the Government's confirmation that Government Regulation No. 8 of 1981 remains valid and that work agreements, company regulations or collective agreements should be established in accordance with section 3 of this Regulation, which provides that, in determining wages, employers shall not discriminate between men and women for work of equal value. The 2005 Guidelines on Equal Employment Opportunities (EEO) provide detailed guidelines on how to implement the principle of equal remuneration for men and women for "work of equal value".

While noting the Government's explanation, the Committee nevertheless regretted the omission of a specific provision guaranteeing men and women equal remuneration for work of equal value, and noted that the former Manpower Act of 1997 had provided that "in determining wages the employers shall be prohibited to practice discrimination on whatever basis with respect to jobs of the same value". The Committee recalled paragraph 3 (1), of Recommendation No. 90, which suggests that "where appropriate in the light of the methods used in operation for the determination of remuneration, provision should be made by legal enactment for the general application of the principle of equal remuneration for men and women workers for work of equal value". Based on the above, and as the Convention has now been ratified for almost 50 years, the Committee considered that it would improve significantly the protection provided under the Convention if Manpower Act No. 13/2003 were amended to give explicit legal expression to the principle of the Convention. It hoped that the Government would do so as soon as the occasion to undertake a revision of the Act arises.

In its 2006 direct request, the Committee noted with interest that the Government is making efforts to compile and distribute labour market data, including statistics on the average wages of men and women. It noted from the statistics published on the website of the Department of Manpower and Transmigration that in 2003, women's average wage/net salary per month was 74 per cent of that of men. The 2003 statistics on the average wage/net salary per month further confirm that women are concentrated in the lower wage categories: about 55 per cent of women are employed in the monthly wage category of less than 200,000 rupiah, while they represent only 13 per cent of those employed in the highest wage category of more than 2,000,000 rupiah.

With reference to previous comments concerning objective evaluation of jobs, the Committee noted with interest Ministerial Decision No. KEP/49/MEN/IV/2004 concerning the regulation of the structure and scale of wages, implementing section 92 of Manpower Act No. 13/2003. It noted that the Decision provides that enterprises shall establish wages structures and wage scales on the basis of a job analysis, job description and job evaluation (section 3). Section 6 of the Ministerial Decision

provides that the job evaluation shall take account of factors such as responsibility, the contribution of the occupation to the enterprise, occupational risks and the occupational degree of difficulty.

Convention No. 111: In its 2006 observation, the Committee noted with interest the launching of the Equal Employment Opportunity Guidelines on 8 December 2005, which were formulated with the assistance of the ILO and in consultation with the employers' and workers' organizations. The Guidelines provide direction and guidance to private sector enterprises regarding the implementation of the principle of equal opportunity and treatment between men and women in employment and occupation and constitute an important step for the elimination of discrimination against women. The Committee requested the Government to provide information on the steps undertaken to implement these Guidelines and to disseminate information about their content and objectives among employers and workers. The ILO continued to provide assistance to the Government with a view to promoting the implementation of the Guidelines.

In addition, the Committee stressed the need to take effective measures to improve women's access to a wider range of occupations, including non-traditional and higher-level positions. The Committee also stressed the need to monitor closely the impact of the action taken by the labour inspectorate to address discrimination based on sex.

In its 2006 direct request, the Committee noted the Government's explanation that protection against sexual harassment in employment and training is covered under Chapter XIV of the Criminal Code on crimes against decency, which, inter alia, penalizes the dissemination of writings, portraits or objects offensive against decency (sections 282-283), rape (section 285) and the use of force or threat of force to commit or tolerate obscene acts (section 289). The Committee considered, however, that these provisions are unlikely to be sufficient to provide adequate protection against all forms of sexual harassment in the workplace, as outlined in its 2002 general observation. However, it also noted that the newly adopted Equal Employment Opportunity (EEO) Guidelines (2005) for the private sector provide a more comprehensive definition of sexual harassment at work and set out measures to be taken by employers. The Committee encourages the Government to revise or adopt legislation with a view to explicitly defining and prohibiting sexual harassment at work and providing adequate protection to victims of such practices.

Jordan

I. Among the relevant ILO Conventions, Jordan has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 105, 122, 138, 142 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 2006 observation, the Committee noted that section 23 (ii) (a) of the Constitution, which specifies that all workers shall receive wages appropriate to the quantity and quality of the work achieved, was inadequate for the application of the principle of the Convention.

In this regard, the Committee noted that the Government indicated that the current legislation is based on the principles that the value of the wages shall be subject to the quantity of the work and the manner in which it is performed and that equality is established in accordance with the value of the work performed regardless of the gender of the person performing it. The Government further stated that the definition of wages in the Labour Code and the fact that the Labour Code defines “worker” as “any person male or female, who performs work for remuneration” reiterate these principles.

Noting the explanations given by the Government, the Committee emphasized, however, that the narrow formulation of section 23 (ii) (a) of the Constitution and the provisions in the Labour Code do not ensure the application of the principle set out in the Convention. While objective criteria such as quality and quantity of work may be used to determine the level of earnings, it is important that the use of such criteria does not have the effect of impeding the full application of the principle of equal remuneration for men and women for work of equal value. The Committee underscored the importance of ensuring that women who undertake different work from men but work that is nevertheless of equal value based on objective job evaluation criteria, such as responsibility, skill, effort and working conditions, are paid equal remuneration. Having noted previously the significant wage gap between men and women, especially in the private sector, and the fact that the labour market is highly sex-segregated, the Committee asked the Government to provide information on the legislative or other regulatory measures that have been taken or are envisaged to ensure the full implementation of the principle of equal remuneration for men and women for work of equal value.

In its 2006 direct request, the Committee, inter alia, noted that new draft Civil Service Regulations are being discussed before the Civil Service Council, which would entitle a female public official to a family allowance if she is the “breadwinner” in the family, or if her husband is dead or disabled. The Committee pointed out that it remained unclear whether under the new legislation, female public officials would be entitled to family allowances for their husband and their children, on an equal basis with male public officials, even when their husband is able to work. The Committee encouraged the Government to consider the possibility of allowing both spouses to choose which of them would be the beneficiary of family allowances, rather than starting from the principle that they should systematically be paid to the father and, in exceptional cases, to the mother if she can demonstrate that she is the breadwinner or is bringing up her children alone. The Committee asked the Government to re-evaluate the current wording of the draft legislation in light of the requirements of the Convention.

Convention No. 111: In its 2006 observation, the Committee noted that according to the Government, in 2004, women represented 49 per cent of the persons appointed in the public service.

The Government further referred to its policy to build the capacity of civil service employees through their participation in missions and training sessions without discrimination. While appreciating this information, the Committee nevertheless noted from the 2005 statistics on the distribution of men and women in different occupational categories of the civil service, that women continue to be disproportionately employed in Category 4 (administration) positions, while men dominate Category 1 (supervisory) and Category 2 (technical specialist) positions.

Concerned about the slow progress in achieving a more equitable balance between men and women in the public service and particularly at higher levels, the Committee emphasized the Government's obligation to take proactive measures to implement the national policy on equality in respect of employment under its direct control. The Committee urged the Government to step up its efforts in this regard, including by exploring the underlying causes of the existing imbalance, and to demonstrate the results of these efforts in its next report.

The Committee also stressed that access to vocational training and education is critical to the advancement of women's employment and occupation. In this regard, the Committee urged the Government to take the necessary measures to ensure that the type of training available to women does not inhibit their chances to compete on an equal basis with men for a wider range of employment opportunities, including at higher levels, and provide information in its next report demonstrating the progress made in this regard as well as in providing training of women in non-traditional sectors.

Regarding the issue of sexual harassment, the Committee noted in its 2006 direct request that section 162 of Civil Service Act No. 55 of 2002 requires the dismissal of an employee if he or she is convicted of a felony or a crime contrary to public morals. The Government further reiterated the relevant provisions in the Penal Code and the Labour Code concerning acts against public morals. The Committee recalled that under the Convention sexual harassment is considered a prohibited form of sex discrimination in employment and occupation, which may require special measures of prevention and protection. While the current legal provisions may be a first step towards greater protection against sexual harassment, the Committee considered that these provisions are unlikely to provide sufficient protection against all forms of sexual harassment as outlined in its general observation of 2002. It therefore encouraged the Government to examine whether the current provisions are adequately addressing all forms of sexual harassment in the workplace and to provide information on any court cases based on the above-mentioned provisions involving charges of sexual harassment and their outcomes.

Kenya

I. Among the relevant ILO Conventions, Kenya has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 89, 98, 105, 138, 142 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 2006 direct request, the Committee noted that the pay policy for the public service of January 2006 provides that “personnel in similar job positions with similar responsibilities will be remunerated in a similar manner” and that this would be ensured through criteria such as the content of the job, as determined by a job evaluation and regrading exercise and the skills, competencies and responsibilities associated with the position (para. 49 and 73–77 of the policy). While the policy refers to the objective of achieving horizontal and vertical equity in respect of pay throughout the public service, no reference is made to the need to ensure equal remuneration for men and women for work of equal value. The Committee urged the Government to take the steps necessary to ensure that in the implementation of the pay policy for the public service, the principle of equal remuneration for men and women for work of equal value is fully taken into consideration, including through measures to ensure that the envisaged harmonization of the grading and pay structure is carried out in a manner free from gender bias.

Convention No. 111: In its 2006 direct request, the Committee noted a study report on key gender and employment issues in agriculture and rural development as aspects of the poverty reduction strategy (Kenya country study), prepared at the request of the Ministry of Labour and Human Resource Development. One of the issues identified by the study report is the need to ensure that women benefit on an equal footing with men from agricultural support services. The Committee further noted the analysis of the situation of women in employment and occupation contained in the Sessional Paper No. 2 of 2006 on gender equality and development issued by the Ministry of Gender, Sports, Culture and Social Affairs. According to the Sessional Paper, participation of women in wage employment reached 29.6 per cent in 2004 (35.6 per cent in non-agricultural employment). In the civil service, women’s participation only increased from 24 per cent to 29.6 per cent between 1998 and 2003, with particular difficulties for women to access middle and senior positions. The paper sets out a number of measures that the Government intends to take with a view to enabling men and women to enjoy equal access to economic and employment opportunities, including awareness raising with a view to changing perceptions and traditions that perpetuate gender disparities, review of laws relating to impediments on access to and control of economic resources and the development of indicators of women’s participation in development.

New Zealand

I. Among the relevant ILO Conventions, New Zealand has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 89, 98, 105, 138, 142 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 recalled that in New Zealand equal remuneration for men and women who are performing the same or substantially similar work is required under several Acts, including the Employment Relations Act 2000 (ERA), the Human Rights Act 1993 (HRA) and the Equal Pay Act 1972 (EPA). The definition of discrimination contained in the ERA appears to be restricted to cases where employees work for the same employer. The Committee previously emphasized the requirement in the Convention for equal remuneration to be paid for "work of equal value", a reference that goes beyond the concept of the same or similar work. In addition, with respect to the scope of comparison, the Committee considered that the scope should be as wide as allowed by the level at which wage policies, systems and structures are set. Noting that plans to adopt new equal pay legislation were abandoned in December 2004, the Committee asked the Government to keep it informed of any new initiatives to amend the current equal pay legislation with a view to bringing the national legislation into conformity with the Convention.

The Committee noted with interest the report of the Task Force on Pay and Employment Equity in the Public Service and the Public Health and Public Education Sectors issued in March 2004. The Task Force has defined "pay equity" as "men and women receiving the same pay for the same work and for work which is different, but of equal value". It identified three key factors that affect women's pay and employment equity: (a) the jobs that women do; (b) how jobs are valued; and (c) how jobs are organized. Noting in particular the recommendations made by the Task Force with regard to collective bargaining, minimum wage setting, the development of a gender-neutral job evaluation tool, equal pay audits and the establishment of a process for remedial settlements of pay equity claims, the Committee asked the Government to provide information on the progress made in implementing the comprehensive set of recommendations and the plan of action put forward by the Task Force. The Government was also asked to provide information on the measures taken or envisaged to promote the application of the Convention in the private sector, including any cooperation with the social partners in this regard.

The Committee noted that according to the Household Labour Force Survey Income Supplement, there was a 4 per cent increase in the female-to-male ratio of average hourly earnings between 1997 and 2003. Progress in closing the gender pay gap was made in the age groups of 24-54, while the gap slightly increased for the other age groups. According to the Government, the gender pay gap decreased similarly for the European, Maori and Pacific New Zealanders, but it remained widest among European New Zealanders. The Trust Diversity Survey Report 2004, issued by the Equal Employment Opportunity (EEO) Trust, indicated that the hourly earnings gap has increased since 2003, while the weekly earnings gap slightly decreased, indicating an increase in hours worked by women.

Convention No. 111: In its 2005 observation, the Committee noted with interest the establishment of an Equal Employment Opportunities (EEO) Commissioner within the Human Rights Commission in 2002 and the appointment of the first EEO Commissioner in 2003. Since the Commissioner's appointment, the Human Rights Commission has issued the report "Framework for the future: Equal employment opportunities in New Zealand", in which a number of recommendations were made, including regarding the introduction of new legislation that would require private and public employers to develop and implement EEO plans and to report regularly on outcomes. The

Committee requested the Government to continue to provide information on the activities of the Human Rights Commission and the EEO Commissioner, as well as on any follow-up to the abovementioned report.

Norway

I. Among the relevant ILO Conventions, Norway has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 29, 87, 89, 98, 105, 122, 138, 142 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 2006 direct request, the Committee noted with interest the creation of the Equal Pay Commission, which has the mandate to provide information on pay differences between men and women as well as to consider the causes and measures to help eradicate these differences. The Committee noted that the social partners also have a role in the functioning of the Commission through their participation in an appointed task force. It further noted that the Equality and Anti-discrimination Ombud and Tribunal were established on 1 January 2006, integrating the tasks of the former Gender Equality Ombud and Gender Equality Board of Appeals. The new agency assumes responsibility for enforcing the Gender Equality Act, including the equal pay provision under section 5.

The Committee welcomed the information on the impact of the measures taken by the Government to promote women to positions of greater responsibility, specifically on corporate boards of directors. It noted in this respect that the rules relating to gender representation on boards of public limited companies (PLCs) came into force on 1 January 2006.

The Committee also noted information on wage differences between men and women in the report of the Technical Reporting Committee on Income Settlements (TRCIS). It noted in particular that, between 2004 and 2005, the gender pay gap decreased in a number of sectors, including construction, business services, education and central government, whereas the gap widened in retailing, hotels and restaurants, financial services and municipalities. In 2005, women's monthly pay stood at 84.7 per cent of men's earnings (including part-time employees). The Government explained that the main reason for this persistent pay gap is the fact that the Norwegian labour market remains highly segregated where male-dominated sectors and occupations have higher pay levels than female-dominated ones. The Government further stated that pay differences exist in spite of the same levels of education or experience – a phenomenon confirmed by the TRCIS data showing that although women represented the majority of people with 4 years or less of university education (52 per cent), women in this category earned only 80.6 per cent of what men earned in 2005.

Convention No. 156: In its 2006 direct request, the Committee of Experts noted with interest the recent legislative developments with respect to the application of the Convention. It noted from the revision of the Working Environment Act (WEA) that employees are entitled to flexible working hours (section 10-2(3)) as well as a partial leave of absence for three years to care for a child (section 12-6). The WEA also extends the leave of absence for fathers to two weeks following the birth or adoption of a child (section 12-3) and gives greater rights to employees to take leave in case of a child's illness or injury (section 12-9(4)). The Committee further noted the amendments to the National Insurance Act of 28 February 1997 concerning benefits in cases of maternity/paternity and adoption whereby fathers can receive parental and adoption benefits based on their own eligibility. It noted that in 2005, about 90 per cent of eligible fathers made use of their right to such benefits. Furthermore, the Committee noted that the amended Gender Equality Act of 2002 now explicitly prohibits differential treatment that would place a woman or man in a weaker position than they would otherwise be as a result of pregnancy, childbirth or leave of absence (section 3(2)).

Republic of Korea

I. Among the relevant ILO Conventions, the Republic of Korea has ratified Conventions Nos. 100, 111, 156 and 183. It has also ratified Conventions Nos. 122, 138, 142 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 2006 direct request, the Committee of Experts noted from the Ministry of Labour's Report on the Monthly Labour Survey that the gender wage gap remained very high at around 37 per cent in 2003. The Government indicated a number of factors that contribute to this: the use of seniority-based pay systems in connection with the generally shorter job tenures of women; the fact that women work less often in larger companies that pay better wages; gender discrimination; the low employment level of highly educated women (female concentration in clerical jobs); and women's entry into jobs below or unrelated to their educational background and into irregular work following family-related career breaks. In this context, the Committee noted that the Government is taking or planning a number of measures to promote the better application of the Convention's principle. These measures include: (a) requiring employers to justify wage differences between male and female workers; (b) strengthening labour inspection to eliminate wage discrimination; (c) affirmative action on a trial basis in public companies and government subsidiaries, to expand female employment, increase the proportion of women in managerial jobs and assign more women to main divisions; and (d) encouraging companies to address the issue of equal remuneration for work of equal value as a matter of personnel management. The Committee asked the Government to provide information on the steps taken to develop and implement each of the measures mentioned above, practical experience acquired and results achieved with regard to closing the gender wage gap

Convention No. 111: In its 2006 direct request, the Committee noted from the Government's report that in the period covered by the statistics provided the proportion of women in professional, technical and managerial positions grew faster than that of men. In 2000, 21.9 per cent of all male employees and 14 per cent of all female employees worked in that occupational category, while in 2003 this figure was 22.2 per cent for men and 17 per cent for women. At the same time, the ratio of female employees holding college or university degrees has not increased. In this context, the Committee noted that the Government is implementing affirmative action measures to increase the employment of women, including in management positions in State-owned companies and government subsidiaries, on a trial basis. It asked the Government to continue to provide information on the participation of men and women in the labour market and on any measures taken or envisaged to promote their equality of opportunity and treatment.

The Committee also noted that under section 12 of the Equal Employment Act, employers, senior workers or workers shall not engage in sexual harassment at work and that the Act's definition of sexual harassment at work contains elements of hostile environment and quid pro quo harassment (section (2(2))). Employers have an obligation to conduct educational programmes on sexual harassment (section 13) and to take disciplinary or other measures against sexual harassers. Under section 7 of the Gender, Discrimination Prevention and Relief Act, employees and employers of public institutions may not engage in sexual harassment, which is regarded as a form of gender discrimination. The Committee noted that victims of sexual harassment can apply for mediation to the Equal Employment Commission or file petitions with regional labour offices. The Committee requested the Government to provide information on the practical application of the above-mentioned legal provisions on sexual harassment, including examples of preventive action taken and their contribution to reducing the incidence of sexual harassment in the workplace.

Committee No. 156: After having examined the Government's first report under this Convention, the Committee issued a detailed direct request to the Government in 2004. The Committee, inter alia, noted that the report referred almost exclusively to measures intended to prevent discrimination against women, including women with children. The Committee stressed the need to address the wider issues covered by the Convention, including measures to ensure that workers with family responsibilities – whether men or women – do not suffer discrimination as compared to workers without such responsibilities.

The Committee considered that measures to promote and ensure equal treatment of men and women alone do not constitute an explicit, coherent national policy aimed at enabling men and women workers with family responsibilities to be employed without discrimination and to assist them in reconciling their work and family obligations. It therefore asked the Government to provide information on the measures it is taking to develop a coherent and coordinated policy, the overall objective of which is to create equality for men and women workers with family responsibilities.

The Committee noted with concern from the Government's report that 36.5 per cent of working women and 46.7 per cent of working men worked in excess of 54 hours per week in 2000. In the

Committee's view, such a widespread practice of excessive overtime work does not appear compatible with family-friendly policies in the workplace. Although the Committee noted that weekly hours have recently been reduced from 44 hours to 40 hours per week, it asked the Government to provide information on the measures it is taking in practice to regulate working hours and to ensure that a better balance is achieved in the workplace between work and family responsibilities.

The Committee also noted that the legislation currently does not contain any flexible working hour arrangements for employees to allow them, for instance, to adapt their working hours in order to facilitate the collection of children from school. It asked the Government to indicate any measures to be taken to provide for flexible working time arrangements as a means of implementing family-friendly practices in the workplace.

Singapore

I. Among the relevant ILO Conventions, Singapore has ratified Convention Nos. 100. It has also ratified Conventions Nos. 29, 45, 98, 138 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: The Committee noted that article 12 (a) of the Constitution of Singapore provides that that all persons are equal before the law and entitled to equal protection before the law. However, neither the Constitution nor the Employment Act contains specific provisions banning sex discrimination or requiring equal remuneration for work of equal value.

The Committee noted the Tripartite Declaration on Equal Remuneration for Men and Women Performing Work of Equal Value, by which the National Trades Union Congress, the Singapore National Employers' Federation and the Ministry of Manpower affirm their commitment to the principle embodied in the Convention. It also noted those employers' organizations, trade unions and the Government agreed to insert an appropriate clause in collective agreements to ensure that employers adhere to the principle of equal remuneration for work of equal value at the company level. The Committee asked the Government to keep it informed of the progress made in inserting such clauses in collective agreements and to provide examples of such clauses and agreements.