



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

Distr.: General
29 May 2012

Original: English

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

Fifty-second session

9-27 July 2012

Item 6 of the provisional agenda*

**Implementation of articles 21 and 22 of the Convention on the
Elimination of All Forms of Discrimination against Women**

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

Report of the International Labour Office**

Summary

In accordance with article 22 of the Convention on the Elimination of All Forms of Discrimination against Women, the specialized agencies have been invited to submit to the Committee on the Elimination of Discrimination against Women, at its fifty-second session, reports on the implementation of the Convention in areas falling within the scope of their activities.

* CEDAW/C/52/1.

** Late submission.



I. Introduction

1. 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 conventions of the International Labour Organization (ILO). Of the 189 conventions adopted so far, the information in this report relates principally to the following:

- Equal Remuneration Convention, 1951 (No. 100), which has been ratified by 168 member States;
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 169 member States;
- Workers with Family Responsibilities Convention, 1981 (No. 156), which has been ratified by 41 member States.

2. Where applicable, reference is made to a number of other conventions that 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 (Women) Convention, 1935 (No. 45)

Migrant workers

- Migration for Employment Convention (Revised), 1949 (No. 97)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

Part-time work

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

Home work

- Home Work Convention, 1996 (No. 177)

Domestic workers

- Domestic Workers Convention, 2011 (No. 189)

3. The application of ratified conventions is supervised by the Committee of Experts on the Application of Conventions and Recommendations (Committee of Experts) of the ILO, a body of independent experts from around the world, which meets annually. The information submitted in part II of the present report consists of summaries of observations and direct requests made by the Committee. Observations are comments published in the Committee of Experts' annual report — produced in English, French and Spanish — which are submitted to the Conference Committee on the Application of Standards. 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 database of supervisory activities maintained by the ILO, NORMLEX.

4. The information below sets out brief references to the 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 at www.ilo.org/dyn/normlex/en.

5. It will be noted that the Committee of Experts in its own comments often includes references to the information submitted by Governments to the Committee on the Elimination of Discrimination against Women or to the other United Nations treaty bodies, as well as to reports issued by these bodies.

II. Indications concerning the situation of individual countries

Bahamas

6. Among the relevant ILO conventions, the Bahamas has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 97, 98, 103, 105, 138 and 182.

Comments made by the ILO supervisory bodies

7. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Convention No. 100

8. In its direct request in 2011, the Committee noted that the Government report had not been received. The Committee therefore repeated its previous direct request, recalling that “rates of pay”, referred to and defined under sections 6 and 2(1) of the country’s Employment Act 2001, appeared to be narrower than the term “remuneration” as defined by the Convention. The Committee of Experts expressed the hope that the Government would amend those sections in line with the Convention.

9. The Committee recalled that section 6(b) of the Employment Act 2001 was narrower than what was required under the Convention in that it limited the application of work of equal value to comparing work performed in the same establishment, and where the work required substantially the same skill, effort and responsibility and was performed under similar working conditions. The Committee asked the Government to amend the legislation in line with the Convention.

10. The Committee noted the information that seemed to indicate that collective agreements did not contain provisions on equal remuneration for work of equal value. The Committee asked the Government to include information on the measures taken by employers’ and workers’ organizations to achieve equal remuneration for men and women for work of equal value.

11. The Committee noted with regret that the Government’s report contained no reply to its previous comments, and asked it to provide information on (a) the manner in which remuneration was determined in the civil service and the public sector; (b) examples of agreements and policies providing for objective job evaluation in the public and the private sectors; and (c) the measures to improve the capacity of labour inspectors to detect and address unequal pay for work of equal value, and to ensure that workers were apprised of their right to equal pay for work of equal value and of the dispute resolution mechanisms available.

Convention No. 111

12. In its direct request in 2011, the Committee noted that the Government report had not been received. The Committee therefore repeated its previous direct request, recalling that article 26 of the Constitution of the Bahamas prohibited discrimination in law and by public officers or any public authority on certain grounds but not on the basis of sex. The Committee asked the Government to indicate the specific legal provisions ensuring that workers could obtain redress for discrimination in law or by public officers or any public authority based on sex.

13. The Committee recalled its previous comments noting the occupational segregation of men and women, including in the higher occupational category of senior officials and managers. It also recalled that, despite the larger number of women graduating from training courses provided by the Bahamas Vocational Training Institute, women remained concentrated in so-called typically female occupations such as cosmetologist, office clerk and office systems administrator.

The Committee reiterated its request to the Government to provide detailed information on the measures taken to address the segregation of men and women in various job categories, including at the higher levels, and to promote women's participation in a wider range of training courses, including those traditionally attended by men, as well as the results achieved.

14. The Committee also asked the Government to provide information on the concrete measures taken by the Ministry of Labour to promote and ensure equality in employment and occupation, including information on relevant activities by labour inspection services and the public labour employment exchange services. It further requested information on any relevant decisions of the Industrial Tribunal or the courts, particularly decisions involving section 6 of the Employment Act, and on the number of complaints that had been filed in recent years alleging discrimination in employment and education, including the outcome of such complaints.

Convention No. 103

15. In its observation in 2008, the Committee noted with satisfaction the amendments made in 2003 to the National Insurance (Benefits and Assistance) Regulations, which gave full effect to article 3(6) (extension of paid leave in the event of illness arising from confinement) and article 4(1)(6) (maternity cash benefit) of the Convention.

16. In its direct request in 2008, the Committee recalled its previous requests concerning the need to bring national legislation into conformity with article 3(1)(3) (entitlement to maternity leave, compulsory leave after confinement of six weeks), article 5 (interruptions of work for nursing) and article 6 (protection against dismissal during maternity leave) of the Convention.

Convention No. 182

17. In its direct request in 2011, the Committee noted with regret that the Government's report had not been received. The Committee therefore repeated its previous direct request. Recalling the ILO rapid assessment study of 2002, the Committee observed that children who were engaged in certain activities related to tourism were at risk of being involved in the worst forms of child labour, such as commercial sexual exploitation. The Committee therefore requested the Government to indicate whether measures had been taken to raise the awareness of the actors directly related to the tourist industry, such as associations of hotel owners, tourist operators, associations of taxi drivers and owners of bars and restaurants and their employees.

Bulgaria

18. Among the relevant ILO conventions, Bulgaria has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 3, 29, 45, 87, 98, 105, 122, 138, 182 and 183.

Comments made by the ILO supervisory bodies

19. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Convention No. 100

20. In its direct request in 2011, the Committee welcomed the amendment of the country's Protection against Discrimination Act in 2008, resulting in the principle of equal remuneration for work of equal value applying to all remuneration notwithstanding the length of the employment contract or the hours of work (section 14(2)), and providing that the remuneration of an employee or worker returning from maternity leave or childcare leave (section 14(4)) must be indexed at the same rate as the rate applied to the other workers.

21. The Committee noted from the statistical information provided by the Government that, between 2005 and 2009, the gender wage gap (average annual wages) in the public sector increased significantly from 23 per cent to 35 per cent, while it decreased during the same period from 21 per cent to 19 per cent in the private sector. Noting the Government's indication that discrimination in remuneration between men and women did not exist in Bulgaria, as differences in remuneration resulted from other factors, the Committee pointed out that historical attitudes towards the role of women in society, along with stereotypical assumptions, had contributed to occupational sex segregation in the labour market. The Committee asked the Government to take measures, such as studies or surveys on gender differences in remuneration in the private and public sectors, to examine the underlying causes of the gender wage gap, including whether jobs and positions predominantly performed by women were systematically being undervalued. In addition, noting the significant increase in the gender wage gap in the public sector, the Committee asked the Government to indicate what measures had been taken or envisaged to examine and address that issue. The Committee reiterated its request for information on any measures taken or envisaged to promote the use and development of methods for the objective evaluation of jobs, free from gender bias, particularly in the private sector, in collaboration with employers' and workers' organizations.

22. The Committee welcomed the conclusion of an agreement between the Ministry of Labour and Social Policy and the Commission for Protection against Discrimination providing for joint activities with a view to creating conditions that would reduce and eliminate disparities in remuneration between men and women. The Committee also noted the information provided on the pay discrimination cases examined by the Commission for Protection against Discrimination, in particular the decision in which the Commission had recommended the inclusion in the collective agreement of an explicit clause ensuring the observance of the principle of equal remuneration in accordance with section 14(1) and (2) of the Protection against Discrimination Act. The Government was asked to indicate the measures taken following the decision of the Commission for Protection against Discrimination regarding the inclusion of the principle of equal remuneration in collective agreements.

Convention No. 111

23. In its observation in 2011, the Committee noted with interest the steps taken to monitor the programmes and measures aimed at promoting equal access to employment, training and education of the members of the Roma community. It noted that the monitoring of the implementation of the national action plan on the initiative “Decade of Roma Inclusion 2005-2015” was carried out by an interdepartmental working group. The Committee requested the Government to continue to take concrete measures to foster equal opportunities for Roma people, particularly with respect to access to employment and education, and to provide information thereon, including statistical information concerning their situation in the labour market. The Government was asked to provide information on the measures taken to promote equal access to employment and occupation in the public and private sectors of persons from other ethnic, religious and linguistic minority groups, in particular persons of Turkish origin, Bulgarian-speaking Muslims (Pomaks) and persons of Macedonian origin.

24. In its direct request in 2011, the Committee noted the efforts at raising awareness by the Commission for Protection against Discrimination, providing basic knowledge of fundamental rights and instructions on how to bring a complaint before the Commission, and asked the Government to continue to provide information in this regard.

25. Noting the adoption in December 2008 of the National Strategy on the Promotion of Gender Equality for the period 2009-2015, the Committee requested the Government to provide information on the following: (a) the practical measures taken to implement the national action plans and the National Strategy on the Promotion of Gender Equality with a view to ensuring equal access and opportunities for men and women in the labour market, including decision-making and management positions in the private and public sectors; (b) any steps taken to address gender stereotypes, in particular assumptions regarding women’s professional capacities and aspirations; (c) the progress made in the adoption of the bill on equal opportunities between men and women; and (d) cooperation with workers’ and employers’ organizations in the design and implementation of the measures taken to promote gender equality.

26. With regard to sexual harassment, the Committee asked the Government to indicate how protection against sexual harassment was ensured in practice in the workplace, including through preventive measures. It also asked the Government to provide information on any cases of sexual harassment pursuant to section 17 of the Protection against Discrimination Act.

27. Noting the country’s study on equal opportunities and non-discrimination in the work of the Employment Agency and its territorial divisions, as well as section 24 of the Protection against Discrimination Act, which refers to obligations of the employer, the Committee requested the Government to provide details on the measures taken pursuant to section 24 and any measures taken or envisaged based on the outcome of the equal opportunities study.

Convention No. 156

28. In its direct request in 2011, the Committee noted that the Government report had not been received. The Committee therefore repeated its previous direct request,

noting that a number of measures aimed at facilitating the reconciliation of work and family responsibilities provided for in the legislation and collective agreements were available only to women having children. Recalling that the assumption that women had the main responsibility for family care and the household ran counter to the objectives of the Convention, the Committee requested the Government to review the measures concerned and to ensure that the measures applying the Convention were available to men and women workers with family responsibilities on an equal footing.

29. The Committee noted that the Labour Code of Bulgaria prohibited discrimination based on, inter alia, gender and family situation (section 8(1)), and that the Protection against Discrimination Act prohibited discrimination in employment based on, inter alia, sex, personal status and marital status (section 4(1)). The Committee requested the Government to provide information on any cases relating to discrimination in employment and occupation based on family responsibilities that had been dealt with by the courts, the labour inspectorate or the Commission for Protection against Discrimination and related remedies.

30. The Committee noted that, under the Labour Code, an employer might terminate the employment contract only in the cases listed in sections 328 and 330. The Committee asked the Government to confirm that the prohibitions of discrimination based on family responsibilities referred to above applied in respect of termination of employment. It also asked the Government to indicate the legal remedies in the case of discriminatory dismissal, and to provide information on any cases relating to the dismissal of workers due to their family responsibilities.

31. The Committee noted the introduction in 2008 of paternity leave of up to 15 days, during which social security benefits to the amount of 90 per cent of the average remuneration were received (section 163(7) of the Labour Code). It also noted that, for the first time, a period of six months of parental leave in respect of children between 2 and 8 years of age, which was available to fathers and mothers on an equal footing, had been granted, although this leave was unpaid and no social security benefits were provided (section 167(a)). The Committee further noted that care leave in respect of children less than 2 years of age as provided for in sections 163 and 164 was available to women workers, whereas men might take such leave only with the mother's consent. The Committee requested the Government to provide detailed information, including statistical data, on the extent to which paternity leave and parental leave under section 167(a) of the Labour Code had been taken. The Committee also noted that paternity leave under section 163(7) of the Labour Code was conditional on the father being married to and sharing a household with the mother. The Committee requested the Government to indicate the reasons for making paternity leave conditional on marital status.

32. The Committee noted that section 139(2) of the Labour Code and section 16(a) of the Civil Service Act provided for the possibility to arrange flexible working hours. It requested the Government to provide more detailed information on the practical application of these provisions.

33. The Committee noted that the Updated Employment Strategy of the Republic of Bulgaria 2008-2015 aimed at adequate national coverage of accessible care for small children and other dependent members of the family. The Committee requested the Government to provide statistical information indicating the progress

made in extending coverage of care services and facilities for young children and other dependent members of the family.

Convention No. 182

34. In its direct request in 2011, the Committee noted the Government's statement that the national action plan against the commercial sexual exploitation of children was valid only until 2005. Nevertheless, the Government indicated that the prevention of violence and all forms of exploitation, abuse and child trafficking, as well as the protection, support and reintegration of victims, continued to be among the main priorities of the State Agency for Child Protection, as defined in its constituting documents: the National Child Strategy 2008-2018 and the national child protection programmes for 2008, 2009 and 2010. The Committee requested the Government to provide information on the impact of these measures.

Convention No. 183

35. In its direct request in 2008, the Committee noted the information provided by the Government in relation to the practical application of article 6(3)(6) of the Convention (payment of cash benefits to women workers who had not completed six months of contributions or were not covered by the Mandatory Social Insurance Code) and, in particular, the amendments made to the Family Benefits for Children Act No. 32/2004.

36. The Committee noted the amendment of section 307 of the Labour Code adopted in 2004, which limited the prohibition concerning hazardous or arduous types of work, the list of which was to be defined by an ordinance of the Ministry of Labour and Social Policy and the Ministry of Health to pregnant women and breastfeeding mothers. The Committee noted the information on the arrangements and procedures for the evaluation of risks to the health of pregnant and breastfeeding women. The Committee noted with interest the information that, under the terms of section 163(1) of the Labour Code, as amended in 2004 and 2006, the length of maternity leave had been increased from 135 days to 315 days.

37. Under the terms of section 9 of the Protection against Dismissal Act, after the person claiming to be the victim of discrimination proved the facts, the defendant had to prove that the right to equal treatment had not been infringed upon. The Committee requested the Government to explain the manner in which the provision was applied in practice, in the light of article 8(1) of the Convention providing that the burden of proving that the reasons for dismissal were unrelated to pregnancy or childbirth and its consequences or nursing should rest on the employer.

38. With regard to the requirement of a medical certificate for the conclusion of an employment contract, the Committee once again requested the Government to indicate whether the medical certificate could or could not contain information relating to pregnancy.

Guyana

39. Among the relevant ILO conventions, Guyana has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 97, 98, 105, 138, 142 and 182.

Comments made by the ILO supervisory bodies

40. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Convention No. 100

41. In its observation in 2011, the Committee of Experts noted with regret that the Government's report had not been received. It therefore repeated its previous observation, recalling that section 9 of the Prevention of Discrimination Act No. 26 of 1997 imposed the obligation on every employer to pay equal remuneration to men and women performing work of equal value, while section 2(3) of the Equal Rights Act No. 19 of 1990 provided for "equal remuneration for the same work or work of the same nature", which fell short of the requirements of the Convention. It remained concerned about the inconsistency between the above provisions. Noting that no progress had been made concerning this matter for a number of years, the Committee asked the Government once again to amend the legislation.

42. The Committee recalled the communication received from the International Confederation of Free Trade Unions, now the International Trade Union Confederation, which raised concerns regarding the promotion and effective enforcement of equal pay legislation. In this context, the Committee noted the Government's statement that there had been no cases of male and female workers receiving different pay for the same work. Concerned that the Government's report indicated misunderstandings as to the scope and meaning of the Convention's principle, the Committee considered that training concerning the principle of equal remuneration for labour inspectors and judges, as well as workers' and employers' representatives, was essential to ensure the application of the Convention.

43. In its direct request in 2011, the Committee reiterated its previous direct request, noting the wage orders that established minimum wages for the various categories of workers in a number of sectors. Having noted that some of the terms used to describe a category of worker were not gender-neutral (e.g. barman, kitchen maid, washman, serviceman), the Committee asked the Government to ensure the use of gender-neutral terminology with a view to avoiding gender bias in the determination of remuneration. It also asked the Government to provide information on any measures taken to ensure that the efforts, skills and responsibilities required by work predominantly carried out by women were not undervalued in the minimum-wage fixing process.

44. The Committee noted the Government's statement that collective agreements did not have specific provisions on equal pay. Recalling that collective bargaining offered an opportunity to promote objective job evaluation as a means to establish remuneration in accordance with the Convention's principle, the Committee asked the Government to provide information on any steps taken to seek the cooperation of workers' and employers' organizations on the matter.

Convention No. 111

45. In its observation in 2011, the Committee noted with regret that the Government's report had not been received. It therefore repeated its previous observation, noting the communication from the International Trade Union

Confederation pointing to the low representation of women in traditionally male-dominated areas of work, the weak labour-force participation of Amerindian women and the lack of effective procedures dealing with complaints of discrimination. Recalling the importance of reliable statistics in order to assess progress made, the Committee requested the Government to provide statistical data, disaggregated by sex, on the participation of men and women, including Amerindian women, in the various occupations and sectors of the economy, as well as their participation in vocational training courses, and the measures taken or envisaged to ensure that the policies and plans under its control were not reinforcing stereotypes on the roles of men and women in employment and occupation.

46. In its direct request in 2011, the Committee reiterated its previous direct request, asking for information on the establishment and functioning of the Human Rights Commission, the Indigenous Peoples' Commission and the Women and Gender Equality Commission.

47. The Committee noted the Government's indication that there had been no recourse to the courts regarding sexual harassment. The Committee encouraged the Government to increase public awareness regarding sexual harassment and of the procedures and mechanisms available.

48. The Committee also requested the Government to provide information on the implementation of the National Action Plan for Women 2005-2007. Again noting the high level of educational achievement of girls, the Committee requested the Government to report on how this translated into labour market outcomes for women.

Indonesia

49. Among the relevant ILO conventions, Indonesia has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 98, 105, 138 and 182.

Comments made by the ILO supervisory bodies

50. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Convention No. 100

51. In its observation in 2011, the Committee of Experts asked the Government to take steps in order to review and amend the current legislation, including the Manpower Act (No. 13/2003) in order to give explicit legal expression to the principle of equal remuneration for women and men for work of equal value.

52. The Committee recalled Government Decree No. 37 of 1967 and Decree of the Minister of Agriculture No. 418/KPTS/EKKU/5/1981, which contained disparate treatment between men and women in relation to the payment of employment-related benefits, and section 31(3) of the Marriage Act (No. 1/1974), which provided that the husband was the head of the household. The Committee asked the Government to provide information on any measures taken to revise or repeal Decree No. 418/KPTS/EKKU/5/1981, and on the results and impact of the study

being conducted on the Marriage Act, and to take measures in order to ensure that no direct or indirect discrimination against women existed in practice with respect to family allowances and employment-related benefits.

53. With regard to gender segregation by occupation, the Committee asked the Government to provide information on measures taken by the tripartite task force in order to disseminate the Equal Employment Opportunity Guidelines issued by the Government in 2005. The Committee asked the Government to provide information on measures taken or envisaged to improve the access of women to a wider range of job opportunities at all levels.

54. In its direct request in 2011, with regard to section 1(3) of the Manpower Act, defining “wage”, the Committee asked the Government to provide specific information on what elements were included in “other forms of remuneration” and to indicate how the Government ensured in practice that the principle of equal remuneration for work of equal value applied to all forms of remuneration.

55. The Committee recalled that neither the Regulations of the Minister of Labour PER-01/MEN/1999 concerning the minimum wage, nor the resolution of the National Wage Council 01/DEPENAS/XII/2006 concerning the procedures of the National Wage Council, appeared to provide for specific means to ensure that the criteria for determination of sectoral minimum wages were free from gender bias. The Committee asked the Government to provide information on the measures taken or envisaged by the National Wage Council to develop a national remuneration system and to indicate how the principle of equal remuneration for men and women for work of equal value was promoted through these measures.

56. With regard to objective job evaluation, the Committee asked the Government to indicate any steps taken or envisaged to promote the objective job evaluation methods prescribed in the Decree of the Minister of Manpower and Transmigration KEP-49/MEN/IV/2004, and to indicate how the Equal Employment Opportunity Guidelines were used to promote objective job evaluation methods and the use of objective criteria in determining wages.

57. The Committee noted that guidelines had been issued by the Government aimed at promoting the elimination of discrimination based on sex in the workplace. The Committee also noted that the labour inspectorate had conducted awareness-raising activities. Noting that no information had been provided on cases of wage discrimination based on sex, the Committee asked the Government to provide concrete and documented information on measures taken or envisaged to raise awareness of the principle of equal remuneration for work of equal value among labour inspectors, workers, employers and their organizations.

Convention No. 111

58. In its direct request in 2011, the Committee recalled the lack of specific elaboration of grounds of discrimination and of a definition of direct and indirect discrimination in the Manpower Act.

59. The Committee noted that the guidelines on sexual harassment, developed by the Government in cooperation with social partners, had been published through Circular No. SE.03/MEN/IV/2011. The Committee asked the Government to provide information on any steps taken or envisaged to amend the Manpower Act or to adopt other legislation in order to prohibit and protect workers against sexual

harassment, both quid pro quo and hostile environment harassment, in employment and occupation.

60. With regard to access to employment and occupation, vocational training and education, the Committee asked the Government to indicate the measures taken, in cooperation with social partners, to address occupational segregation and promote women's access to higher paying jobs and a wider range of occupations. Noting that the Government indicated that it would like to receive assistance from ILO in data collection, the Committee asked the Government to take the necessary steps to secure such assistance.

Convention No. 138

61. In its observation in 2010, the Committee noted the Jakarta report of ILO, which quoted a study indicating that 68 per cent of domestic worker respondents indicated that they had experienced mental abuse, 93 per cent had experienced physical violence, and 42 per cent had experienced some form of sexual harassment or abuse while at work. The Committee expressed its serious concern at the exploitation which continued to be experienced by child domestic workers. The Committee accordingly urged the Government to take the necessary steps to ensure that the proposed act for the protection of domestic workers be adopted as a matter of urgency. It also requested the Government to take measures to address the situation of child domestic workers, and to provide information on the results achieved. The Committee made similar comments regarding Convention No. 182.

Jamaica

62. Among the relevant ILO conventions, Jamaica has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 97, 98, 105, 122, 138 and 182.

Comments made by the ILO supervisory bodies

63. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Convention No. 100

64. In its observation in 2011, noting the Government's statement that a review of the Employment (Equal Pay for Men and Women) Act 1975 was still in process, the Committee once again urged the Government to revise section 2 of the Act, because the section referred to "similar" or "substantially similar" job requirements and therefore did not give full legislative expression to the concept of "work of equal value".

65. In its direct request in 2011, the Committee asked the Government to provide information on the measures taken to promote the application of the Convention through policies aimed at promoting equal access of women to all occupations and economic sectors, and on the distribution of men and women in the different wage scales and occupations covered, so as to enable the Committee to assess the extent to which the principle of the Convention was applied through collective agreements.

66. With regard to objective job evaluation, the Committee asked the Government to indicate how it ensured that men and women received equal remuneration for work of equal value in the civil service, and to clarify whether the performance management appraisal system used by the civil service aimed at analysing and classifying jobs for the purpose of determining remuneration, and to describe the methods and criteria used to that end.

Convention No. 111

67. In its direct request in 2011, the Committee recalled the absence of sex as a prohibited ground of discrimination in article 24 of the Constitution. The Committee asked the Government to take steps to adopt provisions explicitly defining and prohibiting direct and indirect discrimination on at least all grounds enumerated in article 1(1)(a) of the Convention, with respect to all aspects of employment and occupation, and covering all workers. It also asked the Government to provide information on any developments regarding the status of the bill amending the Constitution, as well as any measures being taken to amend gender-biased or outdated legislation as advocated by the Bureau of Women's Affairs.

68. The Committee noted the Government's indication that the draft policy on sexual harassment, which had been reviewed and amended by the Cabinet Office of the Government of Jamaica, would be jointly submitted for Cabinet approval and would propose terms and provisions for the enactment of sexual harassment legislation. The Committee also noted that measures had been taken in order to prepare the implementation of the policy, including training and sensitization workshops. The Committee further noted that the Bureau of Women's Affairs continued to provide training and sensitization sessions on sexual harassment, especially to members of the Jamaica Constabulary Force and other key stakeholders.

69. The Committee welcomed the launching of the national policy for gender equality on 8 March 2011. The Committee noted the various measures taken to promote the policy, including through training and sensitization on gender mainstreaming and the establishment of gender focal points in the public sector. The Committee asked the Government to continue providing information on the impact of the national gender policy in the private and public sectors, and more particularly on how it addressed horizontal and vertical gender segregation of the labour market. It also asked the Government to provide statistical information on the representation of women within different job categories, such as in management and decision-making positions in the private and public sectors.

70. Recalling the non-traditional skills training programmes delivered by the Human Employment and Resources Training Trust/National Training Agency, the Committee asked the Government to continue to provide information on the number of women trained and the ratio of participants that had been able to secure employment after benefiting from the training offered by the organization.

Convention No. 97

71. In its direct request in 2007, the Committee noted the statistical tables for 2005 and 2006 on work permit applications by country of origin, and on the number of Jamaican workers employed each month in North America by category and sex. It asked the Government to continue to provide information on immigration and

emigration flows, disaggregated by sex, origin and sector of employment, as well as on the relevant activities of the labour inspectorate.

Mexico

72. Among the relevant ILO conventions, Mexico has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 105, 142 and 182.

Comments made by the ILO supervisory bodies

73. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Convention No. 100

74. In its observation in 2011, the Committee of Experts noted the Government's indication that, although no amendments had been made to the Federal Labour Law for the inclusion of the principle of equal remuneration for work of equal value, the Mexican Standard for Equality at Work between Women and Men (NMX-R-025-SCFI-2009) of 2009 had been adopted, which established the conditions for any organization with workers in its service to be able to obtain certification and a label proving that its labour practices complied with the principles of equality and non-discrimination between women and men.

75. In this respect, the Committee observed that, although the adoption of the Standard promoted compliance with the principle of equality between men and women and constitutes progress in relation to the principle of equal wages for equal work, it was not clear if the concept of "comparable work" was being used in a manner synonymous with "work of equal value". Furthermore, the Standard referred to was not of general application, but was intended for those organizations that wished to obtain certification, and therefore from this point of view might also be of more restricted application.

76. With regard to the gender wage gap, the Committee invited the Government to carry out studies on the reasons for the gender wage gap, and to adopt proactive measures so as to address more effectively the structural causes of the wage gap.

77. In its direct request in 2011, noting the National Development Plan 2007-2012 and the National Programme for Equality between Women and Men 2009-2012, the Committee asked the Government to continue providing information on the impact of the programme.

78. The Committee asked the Government to adopt the necessary measures with a view to the development of objective job evaluation methods.

Convention No. 111

79. In its observation in 2010, the Committee recalled its previous requests to the Government to provide information on the mechanisms to monitor discrimination in practice in export-processing zones, as well as on the complaints of discrimination based on sex presented to local and federal conciliation and arbitration boards or to tribunals. The Committee noted the Government's indication that it had no

information on systematic discriminatory practices against women in export-processing zones or on complaints of discrimination based on sex in export-processing enterprises. The Committee recalled that these matters had been pending for many years and were examined by the Conference Committee on the Application of Standards in 2006, particularly the matter of the requirement of pregnancy tests to obtain or maintain employment and the practice of subjecting pregnant women to difficult or hazardous working conditions to force them to resign from their jobs. The Committee noted with concern these discriminatory practices and requested the Government to take the necessary measures to investigate and effectively address the issue of discrimination against women in export-processing zones.

80. The Committee noted that, on 18 March 2010, the draft decree amending various provisions of the Federal Labour Law and prohibiting employers from requiring female workers to certify that they were not pregnant in order to gain access to and remain in employment or obtain a promotion or from dismissing female workers on the grounds that they were pregnant, had changed their marital status or had children in their care was submitted to Congress for consideration. The reform was being examined by the Labour and Social Insurance Commission of the Chamber of Deputies. The Committee requested the Government to provide information on the progress made in amending the Federal Labour Law.

81. The Committee recalled its previous comments requesting the Government to: (a) ensure that complaints of sexual harassment made under the Federal Labour Law did not result in the termination of the victim's employment and that appropriate sanctions and remedies were available; (b) provide information on the number and nature of cases of sexual harassment filed pursuant to the Federal Labour Law; and (c) provide information on the procedures in place for lodging complaints of sexual harassment and their application in practice, as well as any other procedures that had been established to address cases of sexual harassment in the public sector. In that regard, the Committee noted that the Government indicated that the labour reform initiative submitted to Congress in March 2010 included provisions prohibiting sexual harassment in the workplace. The Government also indicated that the General Act on the right of women to a life free of violence and the federal penal code provide for penalties to punish sexual harassment. Furthermore, the National Institute of Women and the Ministry of Labour and Social Insurance had adopted measures such as a protocol on intervention in cases of sexual harassment within the public administration, the Labour Justice Programme and the campaign to prevent, address, sanction and eradicate sexual harassment in schools and the workplace. The Committee requested the Government to take the necessary measures in the context of the labour reform under way to ensure that complaints of sexual harassment made under the Federal Labour Law did not result in the termination of the victim's employment.

82. In its direct request in 2010, the Committee noted that in the context of a national pact on equality between men and women adopted in 2007, the budget allocated to programmes targeting women and gender equality had been increased, which had allowed various activities to be developed, including the Programme on Productive Organization for Indigenous Women; the Microfinance Fund for Rural Women; the Women in Agriculture Programme; the National Micro-entrepreneur Finance Programme, which had granted 80 per cent of its microcredit to women from rural and urban areas; and the National Support Fund for Social Enterprises, which had benefited 1,500 productive units, 92 per cent of which were composed of

women only. In addition, in coordination with the Ministry of Labour and Social Insurance, the National Institute of Women had implemented a programme on equal employment conditions and combating sexual harassment and occupational gender segregation. A campaign was also launched to raise awareness of issues relating to labour inequalities, labour segregation, joint responsibility for work and family life, the inclusion of young persons and persons with disabilities, and sexual harassment in the workplace. The Committee noted that, according to the Economic Commission for Latin America and the Caribbean, the rate of participation in economic activity was 44.2 per cent among women and 80.4 per cent among men. The Committee requested the Government to provide information on the impact of the above programmes and activities.

83. The Committee noted that the Ministry of Labour and Social Insurance promoted the awarding of distinctions and the giving of recognition to enterprises that helped employees to reconcile work and family life and promote gender equality and policies to combat violence in the workplace and sexual harassment. The initiatives included the “Gender Equality Model” and the “Family Responsible Enterprise” distinction. The Committee also noted the adoption of Standard NMX-R025-SCFI-2009 on labour equality between men and women, which established the requirements for obtaining certification and the symbol proving that the labour practices of an organization respected the right to equality and non-discrimination. The Committee requested the Government to continue providing information on the Standard’s impact in this regard.

84. In its previous comments, the Committee had requested the Government to indicate the reasons for the withdrawal of the complaints received by the National Council for the Prevention of Discrimination, given that between 1 June 2006 and 15 May 2008 the Council received 70 complaints of discrimination on the ground of pregnancy, but 50 complaints had been withdrawn by the complainants for personal reasons. The Committee noted the Government’s indication that, according to the Council, many of the individuals concerned had opted to negotiate rather than participate in the conciliation process and that the Council had received 102 complaints of discriminatory practices related to pregnancy, gender and racial discrimination.

85. The Committee noted that between July 2008 and June 2010 no violations of the right to non-discrimination had been noted by labour inspectors. It requested the Government to continue providing information on cases of violations of the right to non-discrimination in the workplace and, in particular, on the training given to labour inspectors in the area of discrimination in employment.

Convention No. 182

86. In its observation in 2011, the Committee noted the adoption in January 2011 of a national programme for the prevention and suppression of trafficking. It observed that the purpose of the programme was to provide an effective and comprehensive response at the federal level to the problem of trafficking and had four objectives: (a) to understand the causes and consequences of human trafficking in the country; (b) to prevent human trafficking and change cultural patterns of tolerance regarding sexual and labour exploitation; (c) to contribute towards improving the enforcement of legislation regarding trafficking; and (d) to provide

comprehensive, high-quality care for victims of trafficking and their families and for witnesses.

New Zealand

87. Among the relevant ILO conventions, New Zealand has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 97 (excluding the provisions of annex I), 98, 105, 122 and 182.

Comments made by the ILO supervisory bodies

88. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Convention No. 100

89. In its observation in 2011, the Committee recalled that the Employment Relations Act 2000, the Human Rights Act 1993, and the Equal Pay Act 1972, limited the requirement for equal remuneration for men and women to the same and similar work. Furthermore, the Employment Relations Act limited the scope of comparison to situations where men and women work for the same employer. The Committee noted that the New Zealand Council of Trade Unions expressed concern at the continuing lack of legislative mechanisms to operationalize and implement the principle of equal pay for work of equal value. It also pointed to the fact that the closure of the Pay and Employment Equity Unit and the termination of its work programme, as well as the discontinuing of pay investigations, undermined any progress in that area. The Committee asked the Government to take steps to give full legislative effect to the principle of equal remuneration for men and women for work of equal value.

90. The Committee noted the Government's indication that the gender pay gap was wider in the public service sector than in the private sector in 2009. The Committee asked the Government to provide information on any measures taken by the State Services Commission and the Ministry of Women's Affairs, with a view to the promotion and application of the principle of equal remuneration for men and women for work of equal value in the public service sector, and the impact thereof. It also asked the Government to provide information on any action taken to implement the recommendations made as a result of the reviews of pay and employment equity, as well as the results achieved by the implementation of the public services departments' pay and employment equity response plans.

91. With regard to objective job evaluation, the Committee noted the Government's indication that the Equitable Job Evaluation Tool was available for employers both in the public and private sectors through the Department of Labour's website; for receiving the toolkit, employers were required to report back on the results after using the tool.

92. In its direct request in 2011, the Committee noted that in 2009 the gender earnings gap had stagnated at around 12 per cent. The Committee asked the Government to provide specific information on the measures taken or envisaged to

address the issue of the concentration of women in part-time work and in occupations receiving lower pay.

93. For the public sector, the Committee once again asked the Government to provide information on the bipartite national pay and employment equity response plan for the district health boards and its implementation. The Committee also asked the Government to provide information on any measures taken to promote women's access to all levels of the public sector, including higher paying jobs.

94. For the private sector, the Committee once again asked the Government to monitor any specific difficulties encountered by private-health-sector employers in matching remedial pay increases.

95. Finally, noting the Government's indication that no questions of principle relating to the Convention had been considered by the Employment Relations Authority or the courts, the Committee asked the Government to continue to monitor whether the current procedures were effective enough to address equal-pay claims.

Convention No. 111

96. In its observation in 2011, the Committee noted that the participation rates of women in courses provided by industry training organizations and in the Modern Apprenticeship scheme remained low, at 29.2 per cent and 11.67 per cent, respectively. The Committee asked the Government to provide information on any results achieved by its efforts to extend industry training and the Modern Apprenticeship scheme to industries in which women predominate and to encourage women's enrolment in courses where their participation was particularly low, as well as the results achieved by the Equal Employment Opportunities Commissioner and the Industry Training Fund to promote diversity and to promote equality of opportunity and treatment with respect to the vocational training courses offered to men and women.

97. In its direct request in 2011, the Committee recalled its previous comments regarding the barriers faced by women relating to their family responsibilities when seeking to return to work at the same level or to access posts of responsibility. It noted the adoption of the Parental Leave and Employment Protection (Rate of Parental Leave Payment) Regulations in 2011. It also noted the Government's indication that, while there was no plan to ratify the Workers with Family Responsibilities Convention, 1981 (No. 156), parental leave legislation gave both parents increased flexibility and choice in balancing their work and family lives, and helped to achieve equality in the workplace. The Committee asked the Government to indicate more specifically whether the measures aimed at facilitating the reintegration of women with family responsibilities in the labour market had helped them to return to work at the same level or to access posts of responsibility.

Convention No. 97

98. In its direct request in 2010, the Committee noted the comments made by the New Zealand Council of Trade Unions that greater health support and resources for refugees were needed to enable certain migrants, especially refugees, to recover substantially from the effect of previous injuries, illness and trauma before engaging in job search activities. The Council also referred to the high number of women

refugees suffering from post-traumatic stress disorder as well as physical injuries and illness as a result of previous ill-treatment.

99. The Committee asked the Government to provide further details on the type of additional assistance for certain migrants and refugees, in particular women and migrants coming from Africa, and any measures taken or envisaged to provide special services upon arrival and during the initial settlement stage to enable migrants, especially women refugees, to recover from previous illness and trauma due to ill-treatment before engaging in job search activities.

Samoa

100. Among the relevant ILO conventions, Samoa has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 105, 138 and 182.

101. Samoa became a member of ILO in 2005, and its first reports on Conventions Nos. 87 and 98 were examined by the Committee of Experts at its 2011 session, but there are no pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

102. The labour governance and migration project of ILO has recently provided technical assistance in addressing labour legislation.
