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

Sixty-ninth session

19 February-9 March 2018

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 by 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 of the United Nations have been invited to submit to the Committee on the Elimination of Discrimination against Women, at its sixty-ninth session, reports on the implementation of the Convention in areas falling within the scope of their activities.

* This document was submitted late due to delayed inputs from other sources.

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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 ILO Conventions. Of the 189 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 173 member States;
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 175 member States;
- Workers with Family Responsibilities Convention, 1981 (No. 156), which has been ratified by 44 member States.

2. 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) and Protocol of 2014 to the Forced Labour Convention, 1930
- 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 of 1990
- Night Work Convention, 1990 (No. 171)

Underground Work

- Underground Work Convention, 1935 (No. 45)
- Safety and Health in Mines Convention, 1995 (No. 176)

Migrant Workers

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

Wages

- Minimum Wage Fixing Convention, 1970 (No. 131)

Indigenous Peoples

- Indigenous and Tribal Peoples Convention, 1989 (No. 169)

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 ILO Committee of Experts on the Application of Conventions and Recommendations (hereinafter the Committee of Experts), 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 requested made by the Committee of Experts. Observations are comments published in the Committee of Experts' annual report – produced in English, French and Spanish – which are then submitted to the Committee on the Application of Standards of the International Labour Conference. Direct requested (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's database of supervisory activities, 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 on: <http://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 CEDAW 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

Chile

6. Among the relevant ILO Conventions, Chile has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 29, 87, 98, 103, 105, 122, 131, 138, 169, 182 and 189.

7. *Comments made by the ILO supervisory bodies.* 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 following:

Convention No. 100

8. Observation, adopted 2016. In its previous comments, the Committee urged the Government to take the necessary measures to revise section 62bis of the Labour Code with a view to ensuring equal remuneration for men and women not only in situations in which they perform “the same work”, but also in situations in which they carry out work which is different but nevertheless of equal value. Noting the Government's indication in its report that it had not amended section 62bis of the Labour Code, the Committee nonetheless observed that various draft laws aiming to amend this section to incorporate the principle of the Convention were currently before the Senate and the Chamber of Deputies. The Committee trusted that section 62bis of the Labour Code would be amended in the near future in order to give full effect to the principle of the Convention of equal remuneration for men and women for work of equal value. The Committee requested the Government to provide information on any developments in this respect, particularly with regard to the

stage reached in the parliamentary examination of the draft amendments to section 62bis of the Labour Code.

Convention No. 100

9. Direct request, adopted in 2016. In its previous comments, the Committee requested the Government to provide statistical information disaggregated by sex, including on wages by branch of activity and on the measures adopted in the public and private sectors to remedy the gender pay gap and occupational segregation. The Committee noted the various measures adopted by the National Women's Service (SERNAM), such as awarding the "Iguala-Conciliación" label to workplaces and initiating various programmes to increase women's participation in the labour market, including "Working Women and Heads of Household", "Entrepreneurship and Participation", the "4 to 7 Programme" and "Good Working Practices of Gender Equality".

10. The Committee also noted that, according to the January 2016 "Gender and Income" report by the National Statistics Institute of Chile (INE), the pay gap (average monthly wage) had fallen from 33.2 per cent in 2013, to 29.7 per cent in 2014. Nevertheless, there was still considerable occupational gender segregation, both vertically and horizontally. The Committee observed that, according to the report, the higher the level of education, the wider the pay gap (39.6 per cent at postgraduate level, compared with 15.5 per cent in cases where workers had not had access to education). The Committee observed, furthermore, that the pay gap by occupational level ranged from 21.5 per cent for technicians and middle-level professionals, to 34.6 per cent at the executive and managerial level of public and private enterprises, reaching 40 per cent for low-level officials and craft and trade workers. The Committee observed that the pay gap by branch of activity was considerably greater in some sectors that employed mainly women. For example, in the education sector it stood at 26.2 per cent, in health and social services at 36.3 per cent, and in domestic work at 33.9 per cent. In certain other sectors mainly employing men, the gap was also significant – for example, 31.8 per cent in commerce and 23.1 per cent in manufacturing. In the commercial sector, which employed 16.7 per cent of women and 15.4 per cent of men, the monthly pay gap was 31.8 per cent. The Committee also observed that, according to the INE report of 2015, "Women in Chile and the Labour Market: Women's Participation Rate and Pay Gaps", very few women reached high management positions either in public authorities or private enterprises. Only 1.5 per cent of women reached such positions, compared with 3.4 per cent of men.

11. With regard to occupational segregation, the Committee recalled that, due to deeply rooted attitudes and stereotypes regarding women's aspirations, preferences and capabilities, certain jobs were held predominantly or exclusively by women and others by men, and often "female" jobs were undervalued when wage rates were determined. The concept of "work of equal value" was therefore fundamental to ending occupational segregation (see 2012 General Survey on the fundamental Conventions, paragraphs 673 and 713). The Committee requested the Government to continue taking measures to reduce and eliminate the significant pay gap that existed between men and women, and to grant women improved access to a greater variety of employment opportunities at all levels, including in those sectors which mainly employ men. The Committee requested the Government to continue providing up-to-date statistical data disaggregated by sex, including on wages by branch of activity and sector, as well as any other information that demonstrated the effectiveness of and results achieved by the measures adopted to reduce the pay gap between men and women.

Convention No. 111

12. Observation, adopted in 2016. With respect to discrimination based on sex, the Committee has been referring for many years to the need to amend section 349 of the Code of Commerce with a view to granting equal rights to spouses to conclude a commercial partnership agreement and so that women who when entering into marriage have not chosen the separate property regime could conclude a commercial partnership agreement without the need for special authorization from their husband. In this regard, the Committee noted that section 5(5) of the Bill to amend the Civil Code and other legislation provided

for the amendment of section 349 of the Code of Commerce and removed the requirement for the authorization of the husband so that the wife could enter into a commercial partnership agreement. The Committee observed that the Bill has been going through its second constitutional procedure in the Senate since 3 September 2013. The Committee trusted that the Bill to amend the Civil Code and other legislation would be adopted soon, as it provided for the amendment of section 349 of the Code of Commerce with a view to eliminating the requirement for the authorization of the husband for a woman to be able to enter into commercial partnership agreements. The Committee requested the Government to provide information on any developments in this regard.

Convention No. 111

13. Direct request, adopted in 2016. The Committee has been referring for several years to Act No. 20 005, amending the Labour Code to include provisions on sexual harassment, which appeared to afford more limited protection in terms of the persons protected, offenders, the scope of application and victim protection procedures. The Committee noted the Government's indication that 429 complaints of sexual and labour harassment had been made to the central State administration in 2011 and 2012, of which 79 per cent were for labour harassment, 13 per cent for sexual harassment and 8 per cent for both reasons. Women made 73 per cent of the complaints. Of these complaints, 278 were investigated through disciplinary procedures, resulting in the recognition of 45 cases of labour harassment, 12 cases of sexual harassment and three cases of both labour and sexual harassment. The Government added that the National Women's Service (SERNAM) had undertaken training and awareness-raising activities on sexual harassment in the public and private sectors. In this connection, the Committee noted the Bill of 24 January 2013 on sexual harassment, which provided for the inclusion in the Penal Code of section 364, was worded as follows: "Any person who seeks favours of a sexual nature, for themselves or for another person, within the context of a working, teaching or sporting relationship or the provision of services, either continuous or habitual, and who through such behaviour creates for the victim an objectively intimidating or hostile situation, shall be liable as the perpetrator of sexual harassment to a sentence of short-term imprisonment". The Committee requested the Government to provide information on the stage of the Parliamentary procedure for the examination of the Bill to reform the Penal Code in relation to sexual harassment and on the application in practice of Act No. 20 005 on sexual harassment, and on any amendment envisaged in this regard. The Committee also requested the Government to continue providing information on the complaints of sexual harassment made to the National Directorate of Labour and the courts, the actions taken on these complaints, penalties imposed and compensation awarded.

14. With regard to the impact of the measures and plans adopted to promote gender equality in employment and occupation, the Committee noted the measures adopted within the framework of the programme *Iguala-Conciliación* for the labour market integration of women and awareness raising on gender gaps and the concept of co-responsibility, the use of time by men and women, and the gender perspective in trade union activities. The Committee also noted that, within the framework of Act No. 20 595, a total of 657,244 women had participated in the incentive programme for the employment of women, and that SENCE had formulated programmes with the objective of providing technical training for women with a view to improving their employability. The Committee further noted the adoption of Act No. 20 820 of 20 March 2015 establishing the Ministry of Women and Gender Equity. Finally, the Committee noted the adoption of support measures for the labour market participation of women, including Act No. 20 455, which included postnatal parental leave of six months in co-participation with the father, and Act No. 20 399 on the provision of child day-care centres in enterprises with over 20 workers. The Committee requested the Government to continue providing information, particularly on the measures adopted or envisaged within the framework of the Plan for Equality of Opportunities for Men and Women 2011–20 to increase the participation rate of women in the labour market and to reduce occupational segregation. The Committee further requested the Government to continue providing information on the implementation of the programme *Iguala-Conciliación* and on the specific activities undertaken by the SERNAM, and on the implementation in practice of Acts Nos. 20 595, 20 455 and 20 399. The Committee also

asked the Government to provide statistical data on the impact of these measures on the employment of women.

15. With respect to the public sector, the Committee noted the measures adopted by the Government with a view to achieving equality between men and women in the central public administration, including those relating to the application of the Code of good labour practices and non-discrimination for the central State administration. In particular, the Committee noted the information that the application of the directive on the balanced representation of men and women in managerial and executive positions achieved less progress than in other areas during the period 2006–09. The Committee noted that the situation had not developed significantly since then, as in 2014, although there had been 131,630 women and 96,239 men, that ratio had not been reflected in executive positions. For example, there has been 66 women and 182 men in the positions higher service chiefs, 2,896 women and 4,003 men in professional executive positions, and 364 women and 823 men in non-professional executive positions. The Committee encouraged the Government to take measures to examine the reasons that prevent women from gaining access to managerial positions and to continue taking specific measures with a view to ensuring equality of opportunity for men and women in access to managerial positions in the central public administration. The Committee requested the Government to provide information on any developments in this regard and to continue supplying statistical data on the occupational levels of men and women in the public sector.

16. The Committee noted that the Government has not provided information on the manner in which effect was given to Legislative Decree No. 3500 of 1980, which provided that women of 60 years of age and men of 65 years of age should be entitled to an old-age pension, and to Act No. 20255 of 2008, which included a provision in the Legislative Decree under which women over the age of 60 and under 65 who had not retired should be entitled to an invalidity pension and the related supplement to survivors' pensions. In this regard, the Committee noted that, according to the data of the National Socio Economic Assessment Survey (CASEN) of the Ministry of Social Development, in 2013 the participation rate of women in the labour market has been 49 per cent among the age category of 55–59 years, 34.6 per cent among the category of 60–64 years and 9.5 per cent among the over 65 years category, while the rate for men was 88.1 per cent among the age category of 55–59 years, 78.1 per cent among the category of 60–65 years and 29.4 per cent among the over 65 years category. Finally, the Committee noted that the proposals contained in the final report of the Presidential Advisory Commission on the Pensions System of September 2015 included the equalization of the retirement age for men and women. The Committee once again requested the Government to provide information on the manner in which these provisions were applied in practice. It also requested the Government to provide information on the situation in relation to the proposal by the Presidential Advisory Commission on the Pensions System to equalize the retirement age for men and women.

Convention No. 156

17. Observation, adopted in 2016. The Committee noted that the Government referred to various legislative and practical measures taken for the protection of workers with family responsibilities. Among these, the Committee noted with interest the adoption of Act No. 20.545 of 17 October 2011 on postnatal parental leave, Act No. 20.535 of 3 October 2011 on leave from work in order to care for minors with disabilities, and the measures allowing access to crèche facilities for the children of secondary school students of both sexes with the aim of preventing school drop-out. By May 2016, 109 crèches had been set up in or close to school establishments. The Committee noted that Act No. 20.545 added section 197bis to the Labour Code establishing postnatal parental leave of 12 weeks following maternity leave. Under this provision, women workers may opt, at the end of maternity leave, to return to work on a half-time basis, in which case the parental leave is extended to 18 weeks. Furthermore, from the seventh week of the postnatal leave, the woman worker may opt, if both parents are workers, to share the remaining leave with the father. Any employer opposing recourse to such leave would be sanctioned. This entitlement was open to adoptive parents and to legally appointed guardians of minors. The Act No. 20.545 also provided protection against dismissal (“immunity from dismissal”) for pregnant women for

up to one year following the expiry of maternity leave, for fathers who had recourse to postnatal parental leave under section 197bis and for men and women workers who adopted children. The Committee further noted that Act No. 20.535 adds section 199bis to the Labour Code allowing for leave of absence from work for a number of hours equal to ten days a year in order to care for a minor with a disability. The Committee requested the Government to continue to provide information on the practical measures taken under the national policy to enable workers with family responsibilities to engage in employment without discrimination. The Committee requested the Government to provide information, including statistics disaggregated by sex, job sector and industry, on the practical effect given to sections 197bis and 199bis of the Labour Code, specifying the number of mothers and fathers who have had recourse to postnatal parental leave.

Fiji

18. Among the relevant ILO Conventions, Fiji has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 98, 105, 122, 138, 142, 169 and 182.

19. Comments *made by the ILO supervisory bodies*. The pending comments of the ILO Committee of Experts on the Application of Conventions and Recommendations relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the following:

Convention No. 100

20. Observation, adopted in 2015. The Committee recalled that section 78 of the Employment Relations Promulgation (ERP) of 2007 did not give full legislative expression to the principle of the Convention as it restricted the comparison of remuneration to men and women holding the “same or substantially similar qualifications” employed in the “same or substantially similar circumstances”. The Committee noted the Government’s indication that a bill to amend the ERP was before the Parliamentary Standing Committee on Justice, Law and Human Rights. However, the Committee noted with regret that the proposed amendments to section 78 continued to restrict equal remuneration to “persons of the same or substantially similar qualifications employed in the same or substantially similar circumstances”. The Committee recalled that equal pay legislation should not only provide for equal remuneration for equal, the same or similar work, but should also address situations where men and women perform different work, requiring different qualifications and involving different circumstances, that was nevertheless work of equal value (see General Survey on the fundamental Conventions, 2012, paragraph 673). The Committee urged the Government to take these comments into account and make the necessary changes to section 78 of the ERP so as to give full legislative expression to the principle of equal remuneration for men and women for work of equal value, and to provide information on the progress made in this respect.

Convention No. 111

21. Observation, adopted in 2015 (repetition from 2012). The Committee noted the statistics regarding the participation rate of women on a number of bodies, such as the Employment Relations Advisory Board (29 per cent), the National Occupational Safety and Health Advisory Board (13 per cent) and the Wages Councils (20 per cent). The Government stated that it aimed to reach a participation rate of 30 per cent of women on employment and industrial relations bodies. The Committee further noted that the statistical data on the labour force provided by the Government were not disaggregated by sex and therefore did not give sufficient information on the participation of women and men in the labour market. The Committee requested the Government to indicate the measures taken to increase the participation of women on employment and industrial relations bodies, and the results achieved.

Convention No. 111

22. Direct request, adopted in 2015. With respect to sexual harassment, the Committee noted the Government’s indication that it was looking into extending the time limit of six months to report employment grievances, including sexual harassment claims. The

Committee further noted that the Ministry of Employment had established in 2014 the Employment Relations Call Centre, responsible for raising awareness of sexual harassment in the workplace. The Committee noted from the statistical data provided that between 2012 and 2014 the Mediation Services Unit had only received six complaints of sexual harassment, two of which have been referred to the Employment Relations Tribunal. *Recalling that a low number of complaints was likely to be due to a lack of awareness of rights, a lack of confidence in available legal remedies or difficulties of access to them in practice, or even fear of reprisals, the Committee requested the Government to continue taking measures to promote awareness of sexual harassment in the workplace and to provide information on the number of cases dealt with by the Mediation Services Unit and any other relevant authority. The Committee requested the Government to provide information on the progress achieved in relation to the extension of the six-month time limit to submit an employment grievance and, at the same time, to consider reviewing the burden of proof which was currently imposed on the worker filing the sexual harassment complaint.*

Luxembourg

23. Among the relevant ILO Conventions, Luxembourg has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 3, 29, 87, 98, 105, 138, 142, 175, 182 and 183.

24. *Comments made by the ILO supervisory bodies.* The pending comments of the ILO Committee of Experts on the Application of Conventions and Recommendations relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the following:

Convention No. 100

25. Direct request, adopted in 2013. The Committee noted that according to EUROSTAT data, the unadjusted gender pay gap had fallen from 9.7 per cent in 2008 to 8.7 per cent in 2010. The Committee noted that the results of a study on gender wage gaps among labour market entrants, *“Gender wage gap of recruitment: An analysis by occupation”*, published in July 2013 by the Social Science Research Centre CEPS/INSTEAD showed that the gender wage gap among labour market entrants aged between 15 and 25 years was slight and was in favour of women. The study also showed that more often than not as workers advance in employment the gender wage gap favoured men, inter alia because in the course of their working lives women had a greater tendency to change jobs, reduce their working time or leave the labour market to devote themselves to family duties. The study also concluded that hiring practices tended to maintain occupational segregation among young people. In its report, the Government indicated in this connection that promotion of the diversification of educational and occupational choices was ensured by the project “Girls’Day-Boys’Day”, which was coordinated by the Employment Development Agency. *While noting this information, the Committee requested the Government to provide information on any other measures taken to tackle the deep-seated causes of pay gaps between men and women, such as occupational segregation, both horizontal and vertical, in the labour market particularly as regards education and vocational training, and to encourage women to diversify their occupational choices and afford them access to positions of responsibility. The Committee requested the Government to provide information on the findings of any studies conducted on gender pay gaps and their causes and on measures to remedy them.*

26. The Committee noted the information supplied by the Government to the effect that a new version of the equal pay evaluation tool “Logib-Lux”, which was easier to use and presented the results of wage analyses more clearly, had been established and made available to enterprises with more than 50 employees. The Government also stated that the social partners had been trained free of charge in the use of this tool and that the tool was used regularly in the affirmative action programmes for participating enterprises conducted by the Ministry of Equal Opportunities. The Committee requested the Government to continue to provide information on the measures taken to promote the use of the evaluation tool Logib-Lux among enterprises and organizations of workers and employers. It also

asked the Government to provide specific information on how the tool was actually used by enterprises, in the context of the affirmative action programme or otherwise (number and size of the enterprises concerned, results of the evaluations undertaken and any adjustments made, etc.).

Convention No. 111

27. Direct request, adopted in 2013. With respect to sexual harassment and other forms of harassment, the Committee noted that, in its 2012 activity report, the Centre for Equality of Treatment (CET) emphasized that the Labour Code did not entrust the labour and mines inspectorate, which was responsible for ensuring the application of the provisions on sexual harassment (sections L.245-1 to L.245-8 of the Labour Code), with any means of repression or of imposing sanctions on persons committing sexual harassment. In this respect, in its report, the CET recommended that prosecution and prevention of sexual harassment be strengthened and that victim protection be reinforced, especially when the employer was the author of the harassment. In light of the severity and serious repercussions of this discriminatory practice, the Committee requested the Government to take specific measures to prevent and combat sexual harassment effectively in the public and private sectors. The Committee also requested the Government to provide information on: (i) the cases of sexual harassment reported by the labour and mines inspectorate and by the CET, or brought to their attention, including the sanctions imposed and remedies provided; (ii) the measures taken to give effect to the CET recommendations concerning sexual harassment and, in particular, the protection of victims against possible reprisals; and (iii) the activities of the special commission on harassment (number of cases, sanctions imposed, etc). The Government was also requested to specify the manner in which, and the authority through which, compliance was ensured with the collective agreement of 25 June 2009, concerning harassment and violence at work, as it was binding.

28. The Committee noted that, according to the National Statistics Institute, the employment rate of women aged 20–64 years was 64.1 per cent in 2012 and was considerably lower than that of men, which was 78.3 per cent. At all education levels, the employment rate of women was lower than that of men. In respect of measures intended to promote equality between women and men, the Government once again referred to “Girls’ Day – Boys’ Day”, providing girls and boys with the opportunity to discover atypical occupations in relation to gender and to combat gender stereotypes in educational guidance. While noting these indications, the Committee requested the Government to provide detailed information on the measures taken, within the framework of the National Gender Equality Action Plan 2009–14, to achieve equality between women and men in employment and occupation, including measures to diversify the availability of vocational training and combat stereotypes and prejudices concerning the occupational aspirations and capacities of women. The Committee requested the Government to provide the information available on the evaluation of the results obtained in the framework of the Action Plan.

29. The Committee noted that equality between women and men in reconciling work and private life was one of the priority themes of the Affirmative Action Programme of the Ministry for Equality of Opportunity. The Committee noted the adoption of the Act of 19 June 2013, amending the Labour Code, the Act of 16 April 1979, issuing the general conditions of service of public servants and the Act of 24 December 1985, issuing the general conditions of service of local government officials, which extended the period of unpaid parental leave (from three to four months) and provided workers with the opportunity to request from their employers, upon their return from parental leave, an adjustment of their working hours for a maximum period of one year. The Committee requested the Government to indicate whether an evaluation had been carried out of the measures introduced by the Act of 19 June 2013 and to provide statistical data, disaggregated by sex, on the number of workers in the private and public sectors who have availed themselves of the provisions on the adjustment of working hours. Noting also that one of the objectives of the National Gender Equality Action Plan 2009–14 was the expansion of the provision of care for children attending school outside school hours (paragraph 6.13), the Committee requested the Government to provide information on the measures taken to this end and on any other measure aimed at helping workers to reconcile work and family responsibilities.

30. *The Government's most recent reports on Conventions Nos. 100 and 111 have been received and examined by the Committee of Experts at its November-December 2017 session. Relevant comments by the Committee will be made publicly available in the course of February 2018.*

Malaysia

31. Among the relevant ILO Conventions, Malaysia has ratified Convention No. 100. It has also ratified Conventions Nos. 29, 98, 131, 138 and 182.

32. *Comments made by the ILO supervisory bodies.* The pending comments of the ILO Committee of Experts on the Application of Conventions and Recommendations relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the following:

Convention No. 100

33. Observation, adopted in 2016. For a number of years, the Committee had been noting that the national legislation did not fully reflect the principle of equal remuneration for men and women for work of equal value. It has also noted that the definition of wages in the Employment Act 1955 and the National Wages Council Act 2011 did not encompass benefits in kind and excluded certain elements of remuneration as defined in the Convention. The Committee noted the Government's indication that the suitability of incorporating the principle of the Convention into its national legislation would be examined in the framework of the ongoing review of its labour legislation, and more particularly of the Employment Act. Considering that giving full legislative effect to the principle of equal remuneration for men and women for work of equal value was of particular importance to ensure the effective application of the Convention, the Committee trusted that, in the course of the review of its labour legislation, the Government would take specific measures, in consultation with employers' and workers' organizations, in order to expressly incorporate the principle of equal remuneration for men and women for work of equal value into its national legislation. In this regard, the Committee requested the Government to ensure that its national legislation allowed for the comparison not only of the same jobs, but also of work of an entirely different nature which was nevertheless of equal value, taking into account that equality must extend to all elements of remuneration as indicated in Article 1(a) of the Convention. The Committee requested the Government to provide information regarding the progress made in this regard. The Committee also reminded the Government that ILO technical assistance was available and requested the Government to consider forwarding a copy of the draft legislation to the Office for its review.

Convention No. 100

34. Direct request, adopted in 2016. In its previous comments, the Committee noted that the gender wage gap has been particularly high in certain industries and occupations and has requested the Government to take concrete measures to improve the access of women to a wider range of job opportunities at all levels, including in better paid positions. The Committee noted from the Salaries and Wages Report Survey of 2015 (Department of Statistics) that while the labour force participation rate of women has increased (from 49.5 per cent in 2012, to 54.1 per cent in 2015), it has remained low compared to that of men (80.4 per cent in 2015). It further noted that while the overall gender wage gap (mean monthly salaries) has decreased from 4.5 per cent in 2013, to 3.9 per cent in 2015, the gender wage gap has remained significant in certain industries and occupations. When looking at mean monthly salaries and wages, by occupation, the gender wage gap continued to be lowest for technicians and associate professionals (6.7 per cent) and clerical support workers (11.9 per cent) while it was still significant for other occupations such as managers (25.9 per cent), professionals (24.1 per cent), craft and related trade workers (29.5 per cent), services and sales workers (31.8 per cent) and skilled agriculture, forestry and fishery workers, for whom it had increased (34.2 per cent against 26.8 per cent in 2013). The Committee noted that, at the industry level, there was a persistently high gender wage gap in agriculture, forestry and fishing (35.7 per cent), professional, scientific and technical

activities (35.3 per cent), finance and insurance (32.3 per cent), accommodation, food and beverage service activities (28.3 per cent) and real estate activities (28.1 per cent). The Committee noted that one of the objectives of the Eleventh Malaysia Plan for 2016–20 was to increase the labour force participation rate of women up to 59 per cent by 2020. To this end the Government was implementing initiatives to promote women entrepreneurs, through access to credits and loans, and to help them better reconcile work and family responsibilities, through financial incentives for companies and promotion of flexible work arrangements. The Committee further noted that, according to the Plan for 2016–20, efforts would be intensified to increase the number of women in decision-making positions. In this connection, it noted the Government's indication that the number of women in decision-making positions in the private sector has remained very low as compared to the target of 30 per cent by 2016 (as only 15.4 per cent of women have been holding top management positions in private companies in August 2015), but that the "30 per cent Club" has been launched in May 2015, in order to strengthen affirmative action to achieve gender equality. The Committee requested the Government to provide specific information on the impact that the measures taken, in the framework of the Eleventh Malaysia Plan for 2016–20, to increase the labour force participation rate of women and their representation in decision-making positions in terms of reducing the gender wage gap in the various industries and occupations, particularly in those where it is high. It also requested the Government to provide information on any other measures taken or envisaged, in cooperation with workers' and employers' organizations, to this end. The Committee asked the Government to provide up-to-date statistical data, disaggregated by sex, on the distribution of workers in the various industries and occupations, specifying their corresponding remuneration levels, as such data constituted an important tool to assess the progress made in the application of the Convention.

35. In its previous comments, the Committee noted that while the Minimum Wages Order 2012, set the monthly minimum wage for all private sector workers, domestic workers were excluded from its scope. The Committee welcomed the increase of the minimum wages from 1 July 2016, as a result of the National Wages Consultative Council's recommendations, as well as the ratification of the Minimum Wage Fixing Convention, 1970 (No. 131), by Malaysia on 7 June 2016. However, the Committee observed that domestic workers continued to be excluded from the scope of the Minimum Wages Order. Noting that according to the Labour Force Survey Report of 2015 (Department of Statistics) more than 95 per cent of domestic workers were women, the Committee again drew the Government's attention to the possibility of indirect discrimination where female-dominated groups of workers were excluded from the application of minimum wage legislation, in particular those most vulnerable to wage discrimination such as domestic workers (see 2012 General Survey on the fundamental Conventions, paragraphs 684 and 707). Recalling, once again, that the principle of equal remuneration for work of equal value was to apply to domestic workers, whether nationals or non-nationals, the Committee requested the Government to provide specific information on the manner in which it was ensured that in determining wages, (including minimum wages) for domestic workers who were mostly women, their work was not being undervalued as compared to work done by predominately male groups.

36. With respect to the public sector, the Committee had previously noted the salary structure and job classifications in the public sector and had requested the Government to indicate how it was ensured that the job classification system was free from gender bias. It had requested the Government to provide information on the measures taken to improve the access of women to higher ranking and better paid positions in the public sector. The Committee welcomed the increase of the rate of women in top management positions in the public sector from 30.5 per cent in 2010, to 37.1 per cent in 2015. The Committee, however, recalled that the fact that a system of remuneration was based on a classification of jobs that applied to all public sector employees, without distinction on the ground of gender, did not prevent indirect pay discrimination. Discrimination could be due to the manner in which the classification of jobs itself has been established, with the tasks performed mainly by women often being undervalued in comparison to the tasks traditionally performed by men, or it could result from inequalities in the payment of certain wage supplements for work of equal value (allowances, benefits, etc.). The

Committee noted the absence of information provided by the Government on the distribution of men and women in the different positions of the public sector, and their corresponding remuneration levels. In this regard, it drew the Government's attention to the importance of conducting an evaluation of the overall gender pay gap in the public sector that may be due to occupational gender segregation of women into lower-paid positions. Recalling the Government's obligation to ensure the full application of the principle of equal remuneration for men and women for work of equal value to its own employees, the Committee, once again, requested the Government to indicate how it was ensured that the criteria used to determine the classification of jobs and remuneration scales in the public sector were free from gender bias and that positions held predominantly by women were not undervalued in comparison with those undertaken by men. The Committee requested the Government to take the necessary steps to collect and analyse statistical information on the distribution of men and women in the various occupations and positions in the public sector and their corresponding remuneration levels, to determine whether wage gaps existed, and to take the necessary steps to eliminate any wage gaps. It also asked the Government to continue to provide information on the measures taken to improve the access of women to higher ranking and better paid positions in the public sector, and the results achieved.

Marshall Islands

37. Among the relevant ILO Conventions, the Marshall Islands have not ratified any Convention.

Republic of Korea

38. Among the relevant ILO Conventions, the Republic of Korea has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 122, 131, 138, 142 and 182.

39. *Comments made by the ILO supervisory bodies.* The pending comments of the ILO Committee of Experts on the Application of Conventions and Recommendations relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the following:

Convention No. 100

40. Observation, adopted in 2013. The Committee noted the statistics provided by the Government, according to which in 2012, women earned 68.4 per cent of men's hourly wages (or a gender wage gap of 31.6 per cent). While overall women's wages improved slightly in manufacturing and wholesale and retail, the data indicated that the gender wage gap still remained largely over 30 per cent (2012 Survey on Employment-type Based Labour, Ministry of Employment and Labour). The Committee noted, however, that the Federation of Korean Trade Unions (FKTU) provided data indicating that the gender wage gap had hardly improved and even widened in some industries in which women were predominantly employed (Report on Women and Employment of the Ministry of Employment and Labour (2012)). The Committee also noted from the Government's report that when the hourly and gross monthly wages of regular and non-regular workers have been compared, female regular workers earned 62.8 per cent of male regular workers while the wage gap has been considerably higher for female non-regular workers who earned 48 per cent of male regular workers' hourly wages and 37.7 per cent of male regular workers' monthly wages (according to the FKTU, these figures were 40.3 per cent (hourly wages) and 35.4 per cent (monthly wages) of those of male regular workers). The Committee further noted that according to the Supplementary Results of the Economically Active Population Survey in August 2012, non-regular workers (contingent, part-time and atypical workers) represented 33.3 per cent of all wage earners of whom 53.4 per cent were women; female non-regular workers represented 41.5 per cent of all female wage earners; according to the FKTU, these figures are 47.8 per cent, 53.3 per cent and 59.4 per cent, respectively. The Committee further noted the statistics provided by the Government and the Korea Employers' Federation (KEF) on the wage gap between regular and non-regular workers and the KEF's comment in this regard that an assessment of the part of the wage gap that

was due to discrimination required an analysis that took the characteristics of the industries and human factors into account. While noting the diverging opinions of the Government and the FKTU regarding the size of the gender wage gap, the Committee nonetheless considered that despite some positive trends, the overall hourly and monthly gender wage gap, especially when comparing regular and non-regular workers, remained significant. The Committee therefore asked the Government to continue to analyse and provide statistical information on the gender wage gap, including data calculated on the basis of hourly and monthly wages, and data disaggregated by industry and occupation, regular and non-regular employment, and in the public and private sectors.

41. Regarding measures to ensure that wages in sectors and occupations in which women were predominantly employed were not set on the basis of gender-biased evaluation of the work performed, the Committee noted that the Government referred to the provisions of the “Equal Treatment Regulation” regulating wage discrimination and the yearly inspections in workplaces in which women were predominantly employed to ensure compliance with the principle of equal pay (1,132 workplaces in 2012). The Government also mentioned measures to avoid career interruptions by women and assist women in combining work and family, which the Committee addressed in its direct request on this Convention. The Committee noted that the FKTU considered that difficulties remained in applying the concept of work of equal value in female-dominated industries and that the Government’s efforts in eliminating the gender wage gap were insufficient because no objective job analysis had been undertaken in these industries.

42. The Committee had previously noted that section 8(1) of the Act on Equal Employment and Support for Work-Family Reconciliation only provided for equal wages for work of equal value “in the same business” and that the Ministry of Labour Regulation No. 422 on Handling Equal Employment Matters (Equal Treatment Regulation) and the Supreme Court ruling of 2003 (2003DO2883) on the Regulation, limited the possibility of comparing work performed by men and women to “slightly different” work. The Committee noted the Government’s statement that Regulation No. 422 had been amended in June 2013 and that “the understanding of the concept of work of equal value had broadened from work of almost equal value or ‘slightly different’ work to ‘work of a similar nature’”. The Committee noted, however, that “work of a similar nature” was more restrictive than the wording required by the Convention, and the Committee underlined that the concept of equal value was fundamental to tackling occupational sex segregation as it permitted a broad scope of comparison, including, but going beyond, equal remuneration for “similar” work and also encompasses work that was of an entirely different nature, which was nevertheless of equal value. The Committee drew the Government’s attention in this regard to its General Survey, including the examples of different jobs which have been found to be of equal value (see General Survey on fundamental Conventions, 2012, paragraphs 673–675). The Committee noted the occupational sex segregation of the Korean labour market and the high gender wage gap in female dominated industries, and pointed out that occupational sex segregation tended to correlate with the undervaluation of “female jobs” in comparison of those of men who were performing different work and using different skills, when determining wage rates. Where women were more heavily concentrated in certain sectors or occupations, there was a risk that the possibilities for comparison at the enterprise or establishment level would be insufficient (see General Survey on fundamental Conventions, paragraphs 697–698). Therefore, and in light of the persistent and high gender wage gap, particularly in sectors in which women were predominantly employed, the Committee urged the Government to take immediate steps to examine, in cooperation with workers’ and employers’ organizations, which measures were most urgently needed to reduce the gender wage gap in these sectors in an effective manner, and provide information on any progress made in this regard. It asked the Government to take the necessary steps, in cooperation with employers’ and workers’ organizations, to assess in a comprehensive manner whether wages in female dominant occupations and sectors were set on the basis of an under-evaluation of the work performed, and provide the results of this assessment. The Committee urged the Government to take the necessary steps to bring the Act on Equal Employment and Support for Work-Family Reconciliation and the Equal Treatment Regulation into full conformity with the Convention so as to ensure that men and women received equal remuneration not only for

work of a similar nature but also for work that was entirely different but nevertheless of equal value, and that the scope of comparison between men and women extended beyond the same establishment or enterprise.

Convention No. 100

43. Direct request, adopted in 2013. Further to its observation, the Committee noted that the Government considered that the wage gap between men and women largely stemmed from women taking career breaks and indicated that measures had been taken to address career interruptions by women and assist women in combining work and family responsibilities, including maternity leave, childcare leave and shorter working hours, the provision of childcare services, provision of vocational training and employment services during career break, including increasing the number of New Job Centres for Women to support re-employment of women taking career breaks. The Committee recalled the importance of measures addressing the underlying causes of the gender pay gap, in particular gender stereotyping and occupational segregation of women in lower-paying or non-regular types of employment and referred in this regard to its present comment on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and its 2011 observation on the Workers with Family Responsibilities Convention, 1981 (No. 156). The Committee asked the Government to provide comprehensive information on all measures taken or envisaged to identify and address the underlying causes of the gender wage gap, and the results achieved by these measures and the measures previously indicated by the Government to reduce the wage gap between men and women in public and private sectors.

44. The Committee noted that according to the FKTU, despite the fact that many workplaces were consistently monitored, it remained very difficult to apply the principle of equal value in industrial sectors or occupations in which women were predominantly employed. The Committee noted that the Government provided general information that inspections had been undertaken in workplaces in which women were predominantly employed in accordance with the 2011 Labour Inspection Plan and that a total of 1,200 workplaces were to be inspected in the first half and second half of 2013. The Government further indicated that in 2012, inspection activities have covered 1,132 workplaces resulting in the detection of 6,627 violations. However, the Committee noted that out of these, none of the violations concerned wage discrimination while 5,910 violations have been classified as “other violations” and apparently unrelated to unequal pay or discrimination issues. Considering the large gender wage gap and the continuing absence of violations concerning wage discrimination detected by the labour inspectorate, the Committee urged the Government to take more effective steps to improve the enforcement of the equal pay legislation, including by activities to raise awareness of the specific legislation and enhance the capacity of the labour inspectors, judges and public officials, to identify and address cases of unequal pay, and to examine whether the applicable substantive and procedural provisions, in practice, allow claims to be brought successfully. The Committee requested the Government to provide information on any new court decisions regarding the principle of equal remuneration for men and women for work of equal value as guaranteed under the legislation and the Convention.

Convention No. 111

45. Observation, adopted in 2015. The Committee noted the conclusions and the ensuing discussion that took place in the Conference Committee on the Application of Standards in June 2015, including the written information provided by the Government. It also noted that the observations of IOE and the KEF reiterated their statements made in the Conference Committee. While noting that the Government had taken various measures to review, update and enact legislation to address labour market inequalities and to reduce challenges relating to discrimination, the Conference Committee had considered that long-standing concerns in relation to the application of the Convention regarding migrant workers, gender-based discrimination and discrimination relating to freedom of expression, needed to be addressed. The Conference Committee, in particular, had urged the Government to review, in consultation with workers’ and employers’ organizations, the impact of the new regulations regarding workplace flexibility and, if necessary, make adjustments to programmes to ensure appropriate protection of the foreign worker labour

force. It had also urged the Government to ensure that the rights of migrant workers were properly enforced regarding workplace changes and working hours, including through regular workplace inspections and annual reports. Concerning the protection against discrimination based on the grounds of gender and employment status, in particular with respect to non-regular workers, including women working part time and short term, the Conference Committee had urged the Government to review, in consultation with workers' and employers' organizations, the impact of reforms and continue to submit relevant data so as to evaluate if the protection was adequate in practice. Further, with respect to the promotion of equality of opportunity and treatment of men and women in employment, it had urged the Government to continue to monitor the participation of women in the labour market and provide relevant data and information. Concerning possible discrimination against teachers on the basis of political opinion, the Conference Committee has urged the Government to provide more detailed information on this issue so as to allow a solid assessment of the compliance of the related laws and practice with the Convention. The Conference Committee further had invited the ILO to offer and the Government to accept technical assistance to accomplish the recommendations. Regarding the follow-up given to matters relating to the workplace flexibility of migrant workers and their protection from discrimination on the grounds enumerated in *Article 1(1)(a)* of the Convention, discrimination against non-regular workers, and equality of opportunity and treatment of men and women in employment and occupation, the Committee referred to its direct request.

Convention No. 111

46. Direct request, adopted in 2015. The Committee noted that, according to the data provided by the Government, in August 2014, 73.4 per cent of male workers and 60.1 per cent of women workers were in regular employment, and 26.6 per cent of the male and 39.9 per cent of women workers were in non-regular employment. Of those in non-regular employment, women represented 21.9 per cent of those engaged in fixed-term employment, 17.7 per cent of those in part-time work and 12.2 per cent in atypical work; for men these figures were 16.2 per cent, 5.5 per cent and 10.5 per cent, respectively. Data for August 2015 (the Korean Statistical Information Service) showed that the proportion of women workers in non-regular employment has increased slightly (40.1 per cent). The Committee noted the information provided by the Government during the Conference discussion (June 2015) regarding workplace inspections carried out, corrective orders issued in cases of discrimination and judicial and administrative actions in 2014. The Conference Committee had requested the Government to review, in consultation with workers' and employers' organizations, the impact of the reforms regarding non-regular workers, in particular women working part time and short term. In this regard, the Government added that the changes in the system were aimed at addressing discrimination fundamentally and, as they had just taken effect, analysing their effectiveness would be premature. The Government added that when individual conditions (such as gender, age, academic background, years of service, occupation, among others) were controlled, the hourly wage gap between regular and non-regular workers was decreasing.

47. Regarding non-regular workers in the public sector, the Committee noted that the "Plan to transfer non-regular workers to open-ended contract workers in 2013–15" has included the transfer of 65,711 workers by 2015, and welcomed the progress made in this regard. The Committee also noted that the survey of the National Human Rights Commission of Korea (NHRCK) found that 28.5 per cent of non-regular workers have been earning below the minimum wage and that the NHRCK recommended stricter sanctions against employers who fail to comply with the minimum wage and measures to prevent abuse of the Minimum Wage Act during probation periods. The Committee noted that in response the Government had submitted a bill to revise the Minimum Wage Act on 31 December 2014. The Committee would address the policy recommendation decision for protection of low-income female non-regular workers by the NHRCK regarding the gender differences in the monthly income of regular and non-regular workers at its next session in the context of its examination of the Government's report on the Equal Remuneration Convention, 1951 (No. 100). The Committee requested the Government, in consultation with workers' and employers' organizations, to assess the impact of the effectiveness of the

legislative reforms regarding non regular workers to ensure that they did not in practice result in discrimination on the basis of sex and employment status, and to provide information on the results achieved. The Committee requested the Government to include information, disaggregated by sex, on the practical application of the measures for non-regular workers in the public sector, including the transfer of non-regular workers into open-ended contracts. Since no new information had been provided on the practical application of the punitive monetary compensation system and the impact of the financial support provided as of 2015 to small and medium-sized enterprises that had regularized their non-regular workers, the Committee requested the Government to provide such information with its next report, and to indicate any progress made regarding the bill to revise the Minimum Wage Act.

48. In its previous comments, the Committee had noted that in 2014 the participation rate of women was 57.2 per cent and that, since the introduction of the affirmative action schemes, the employment rate of women in the civil service has increased to 37.09 per cent, and that women represented 18.37 per cent of persons in managerial positions. The Committee noted that the Conference Committee has requested the Government to continue to monitor the participation of women in the labour market and to provide relevant data. Regarding the practical application of the amendments made in 2014 to the Act on Equal Employment and Support for Work–Family Reconciliation, the Government indicated that the list of businesses whose affirmative action implementation plan was not sufficient would be announced in 2016. The Government further indicated that, from May 2015, for vulnerable businesses, a consultative council would operate on a pilot basis with tripartite participation, as well as participation by civic groups and honorary equal employment inspectors. The Government had introduced further measures in 2015 regarding childcare services for part-time working parents and the Committee noted that the number of workers using childcare leave has increased from 69,616 in 2013 (2,293 men) to 76,833 (3,421 men) in 2014, as well as the number of workers on reduced hours during the childcare period (from 736 workers in 2013 to 1,116 workers in 2014). The Committee welcomed these measures to reconcile work and family responsibilities as a means of improving women's participation in employment, which it would further examine at its next session in the context of the Government's report on the Workers with Family Responsibilities Convention, 1981 (No. 156). The Committee requested the Government to continue its efforts, including through the affirmative action scheme, in consultation with workers' and employers' organizations, to promote women's access to a wider range of employment opportunities and high-quality employment in the public and private sectors, including at the managerial and decision-making levels. The Government was requested to continue to provide detailed and up-to-date statistics, disaggregated by sex, on the distribution of men and women in various types of economic activity and occupations in the public and private sectors in order to assess progress made over time. Recalling the negative impact of social stereotypes regarding the roles of men and women on equality of opportunity and treatment, the Committee once again requested the Government to provide information on the specific measures taken to address gender stereotypes, including in the context of its policy to promote women's employment in the public sector.

49. The Committee had previously noted the very low proportion of women in the police force. The Government indicated that a quota system had been implemented, as well as a system of preferential treatment with regard to promotions and that, as of June 2015, the proportion of women had risen to 9.5 per cent of the total police force, from 7.6 per cent in 2013, and that 21.3 per cent of new recruits to the police force were women. Noting that the number of women in the police force remains low, the Committee requested the Government to continue its efforts to promote equality of opportunity and treatment of men and women in all posts in the police force, including during the recruitment process, and the results achieved in this regard. The Government was requested to continue to provide information on the results achieved through the quota and the preferential treatment systems and statistical information on the proportion of men and women in the different posts of the police force.

50. *The Government's most recent reports on Conventions Nos. 100, 111 and 156 have been received. The report on Convention No. 100 has been examined by the Committee of Experts at its November-December 2017 session. Relevant comments by the Committee will*

be made publicly available in the course of February 2018. The reports on Conventions Nos. 111 and 156 will be examined by the Committee of Experts at its November-December 2018 session.

Saudi Arabia

51. Among the relevant ILO Conventions, Saudi Arabia has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 89, 105, 138, and 182.

52. *Comments made by the ILO supervisory bodies.* The pending comments of the ILO Committee of Experts on the Application of Conventions and Recommendations relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the following:

Convention No. 100

53. Direct request adopted in 2014. The Committee noted that the Government's report did not contain any information regarding the levels of remuneration of men and women. The Government indicated that, with respect to the public sector, the Civil Service System did not discriminate in wages between men and women, since remuneration was based on merit and not on sex. The Committee noted from the statistics published in the Ministry of Labour's statistical yearbook for 2013 available on the Internet that, in the private sector, the average monthly wage of Saudi women workers (3,153 Saudi Arabian Riyal (SAR)) represented 58 per cent of the average monthly wage of Saudi men workers (SAR 5,355); the gender wage gap was therefore 42 per cent in favour of men. With reference to its observation under the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Committee noted that, despite the increase in women's participation in the labour market in recent years, the labour market remained highly segregated, with women being confined to certain jobs. In paragraph 712 of its General Survey of 2012 on the fundamental Conventions, the Committee had pointed out that some of the underlying causes of pay inequality had been identified as the following: horizontal and vertical occupational segregation of women into lower paying jobs or occupations and lower level positions without promotion opportunities; lower, less appropriate and less career-oriented education, training and skill levels; household and family responsibilities; perceived costs of employing women; and pay structures. The Committee would like to draw the Government's attention to the fact that even if the pay system did not make a difference in the wages of men and women, inequalities might arise from the criteria and the methodology used to classify jobs and establish the pay structure, possibly resulting in undervaluation of certain jobs in which women were concentrated. Inequalities might also arise from unequal access of men and women to various allowances and benefits. Recalling that appropriate data and statistics were essential in determining the nature, extent and causes of unequal remuneration, to set priorities and design appropriate measures, to monitor and evaluate the impact of such measures, the Committee asked the Government to provide detailed statistics on the participation of men and women, including migrant workers, in the labour market and on their wages, disaggregated by sex, in the various economic sectors and occupations, including the public sector, and at different levels of responsibility, including management positions. The Government was requested to communicate any available statistical data on the evolution of the gender wage gap. The Committee encouraged the Government to seize the opportunity of the implementation of programmes to promote the employment of women to examine the underlying causes of wage disparities between men and women, including occupational gender segregation, and to take the necessary measures to address these causes and reduce the gender pay gap both in the public and the private sectors.

54. The Committee noted the Government's indication that Order No. 2370/1 of 18 September 2010 which provided that "any discrimination in wages shall be prohibited between male and female workers for work of equal value", has been communicated to the competent authorities and the department responsible for inspection has been instructed to enforce it. The Government also indicated that training was provided to labour inspectors through the Labour Academy within the Ministry of Labour and in the International Training Centre of the ILO in Turin. The Committee further noted the Government's

indication that the inspection electronic form now referred to Order No. 2370/1 and that through the wages protection programme, wages could be consulted and verified; indicators were being elaborated, so as to reveal the extent according to which the enterprises comply with the Order. The Committee would like to recall that the concept of “work of equal value” – which went beyond the same or similar work – required some method of measuring and comparing the relative value of different jobs. There needed to be an examination of the respective tasks involved, undertaken on the basis of entirely objective and non-discriminatory criteria to avoid the assessment being tainted by gender bias. While the Convention did not prescribe any specific method for such an examination, it presupposed the use of appropriate techniques for objective job evaluation, comparing factors such as skill, effort, responsibilities and working conditions. Differential rates between workers were compatible with the principle of the Convention if they corresponded, without regard to sex, to differences determined by such evaluation (see General Survey, 2012, paragraphs 695–703). The Committee asked the Government to continue to take the necessary steps to reinforce the capacity of labour inspectors to detect and address unequal remuneration between men and women for work of equal value, and to ensure that workers can efficiently avail themselves of their rights pursuant to Order No. 2370/1, including through the development and use of appropriate objective job evaluation methods. The Committee asked the Government to provide detailed information on the indicators developed to assess compliance with the Order. The Government was requested to provide information on any case of non-compliance detected by labour inspectors or complaints of unequal remuneration submitted to them or to a court, and the outcome thereof.

Convention No. 111

55. Observation, adopted in 2016. In its previous comments, the Committee noted the adoption of Order No. 310 on 15 July 2013 regulating the employment of domestic workers and similar categories of workers and indicated that, while the Order constituted a first step towards improving the protection of foreign domestic workers against discrimination, including sexual harassment, it did not contain provisions explicitly allowing them to change employer or leave the country without the consent of the employer. In its response, the Government reiterated that it was constantly striving to take the necessary measures to improve the conditions of all workers, and mentioned again the same legal provisions and practical information previously provided. As regards bilateral agreements, the Government indicated that these agreements included the setting up of joint technical committees which were periodically convened to review the implementation of both parties’ obligations and discuss any new measures required. The Ministry also coordinated with the embassies of some countries the organization of visits to be carried out to several centres and housing complexes where workers lived to verify their living conditions. The Committee noted that, between February 2014 and May 2016, 29,917 lawsuits involving domestic workers has been settled by the 37 committees specialized in the settlement of labour disputes related to domestic workers: 40 per cent of lawsuits have focused on delayed payment of wages; 30 per cent on refusal to work for an illegitimate reason; 17 per cent on refusal to work for a legitimate reason; 13 per cent for others reasons (transfer of services, increased wages, etc.). A total of 92 per cent of cases had been settled during the period of their examination. In this regard, the Committee also referred to its 2015 observation on the application of the Forced Labour Convention, 1930 (No. 29). As regards the statistics mentioned above, the Committee asked the Government to give concrete examples of what were considered “legitimate” or “illegitimate” reasons to refuse to work. The Committee also asked the Government to continue to take measures to improve the situation of migrant domestic workers in relation to discrimination and abuse, including through enforcement and awareness-raising measures. It reiterated its request for specific information on the functioning of the labour dispute settlement committees, as well as information on the impact of this procedure on the employment relationship between employers and migrant domestic workers. The Committee encouraged the Government to continue to cooperate with countries of origin towards the full and effective implementation of bilateral agreements regarding domestic workers, and requested the Government to provide information on their impact on the protection of domestic workers against abuse and discriminatory treatment on the grounds set out in the Convention.

56. In its previous comments, the Committee had noted the positive developments in women's employment and requested the Government to pursue its efforts to increase women's participation in a wider range of occupations and to provide information on the impact of the measures taken in this regard. The Government affirmed that it was deploying enormous efforts to increase women's wider participation both in the public and private sectors, and mentioned a series of texts adopted since 2003 (already noted by the Committee) which related to increasing job opportunities for women and their participation in a wider range of occupations. With respect to women's participation in decision-making, the Government indicated that women had become members of the Shoura Council and that they also increasingly assumed leading and supervisory positions in several government bodies, but the Government did not provide recent statistical data in this regard. The Government's efforts were also focusing on the private sector with the creation of the position of Undersecretary for Special Programmes who was responsible for promoting women's employment and had issued several decisions in this respect (work in lingerie stores, telework, productive families, opening of new work areas, etc.). The Committee further noted that the Government provided information on the results of several studies on women's employment and on how to increase their participation in the labour market. These results indicated that 85 per cent of women's jobs were in retail sales, construction, manufacturing and health. According to the studies, the sector of retail sales would require the employment of 300,000 Saudi women by 2020 because it was considered to be the most suitable and received the biggest share of jobs in the economy. Furthermore, a large percentage of non-employees were women who held university degrees, though 87 per cent of the new jobs allocated to Saudi women required medium skills. The studies also indicated that unemployment levels for men being lower for Saudi men, 50 per cent of jobs resulting from Saudization would go to Saudi women. Consequently, the Government stated that it had identified the following seven areas to focus on: laws and regulations, social awareness, skills and qualifications, institutions and support, building career paths, empowering employers and job creation. The Committee noted further from the Government's report that a number of initiatives were being carried out to address the challenges relating to women's employment. For example, the identification of telework as one of the main priorities of the new Saudi Government in 2015, the aim of which was to increase opportunities for women, in particular in rural areas and for persons with special needs; the decision to invest heavily in infrastructure development required for transport and mobility; the development of a legal framework and flexible arrangements for part-time work and a participative economy for the purpose of granting employees as well as employers more flexibility; and the Saudization of the sector of mobile phone repairs and sales for both men and woman at 19 technical colleges and institutes at the national level (as of August 2016, 6,200 women have completed these workshops and would benefit from the support provided by the National Business Leadership Institute). The Committee noted that the report indicated that the Ministry of Education had been entrusted by Cabinet Decision No. 152 of 2 August 2016 to prepare the necessary arrangements for establishing childcare facilities. Noting the numerous initiatives taken to promote women's employment, the Committee encouraged the Government to continue its efforts to increase the participation of women in a wider range of occupations, not only those traditionally considered to be "suitable" to the nature of women but also in non-stereotyped jobs and decision-making positions, and to provide information on the impact of the measures taken in that regard. The Committee also requested the Government to provide recent statistical data on the employment rate of Saudi women and men in the various economic sectors and occupations.

57. Noting that the Government had identified seven areas to work on to overcome the obstacles hindering women's employment, the Committee asked the Government to provide detailed information on any action taken regarding the areas for action identified and results achieved.

The Committee welcomed the decision to entrust the Ministry of Education with preparing the necessary arrangements and rules for establishing childcare facilities and requested the Government to provide information on the progress achieved in that regard.

58. With regard to the restrictions on women's employment to "fields suitable to their nature", the Committee noted that the Government again reiterated that section 149 of the

Labour Law prohibited the employment of women in hazardous jobs or in work that would jeopardize their health or expose them to specific hazards, and no longer referred to its previous statement that the repeal of this provision would be given serious consideration, in the context of future amendments to the Labour Law. The Committee urged the Government to review section 149 of the Labour Law to ensure that any restrictions on women's employment were strictly limited to maternity protection, and to repeal Council of Labour Force Order No. 1/19M/1405(1987), paragraph 2/A, which established criteria for women's work.

59. In regard to the Committee's request that the Government provided relevant information on Royal Order No. 8382, which established women's units in courts and judicial bodies under the supervision of an independent women's department in the main judicial system, the Government confirmed the inauguration of women's units in courts. However, the Government's report did not provide information on the competence and jurisdiction of these units. The Committee asked the Government to provide clarifications on the competence and jurisdiction of women's units in courts and on the number and nature of the cases examined by these units.

Convention No. 111

60. Direct request, adopted in 2016. The Committee had previously requested the Government to take the necessary measures to ensure that all workers, including domestic workers, were protected in law and practice against all forms of sexual harassment in employment and occupation and to provide for adequate means of redress. In response, the Government reiterated that there were general regulations in place to protect and safeguard the dignity and rights of human beings and that the means of redress and protection were available to all. With regard to the workplace, the Government indicated that it was possible to initiate a lawsuit through the programmes of the Labour Relations Department by electronic mail, text message or calling the hotline. Complaints received through the hotline were referred to the competent committee for follow-up action, in addition to guidance provided to the complainant. The Committee noted however that the Government's report did not provide any further information on the follow-up given by the Ministry of Labour to the recommendations of the Tripartite Social Dialogue Forum on a decent work environment for women, including the drafting of a regulation with the Advisory Council for Women's Work that would address the issue of sexual harassment and examination by the competent authorities of the possibility of penalizing sexual harassment. Over the years, the Committee had consistently expressed the view that sexual harassment was a serious manifestation of sex discrimination and a violation of human rights (see 2012 General Survey on the fundamental Conventions, paragraph 789). It recalled its general observation of 2003 highlighting the importance of taking effective measures to prevent and prohibit sexual harassment at work. Such measures should address both quid pro quo (any physical, verbal or non-verbal conduct of a sexual nature and other conduct based on sex affecting the dignity of women and men which is unwelcome, unreasonable and offensive to the recipient; and a person's rejection of, or submission to, such conduct is used explicitly or implicitly as a basis for a decision which affects that person's job) and hostile work environment (conduct that creates an intimidating, hostile or humiliating working environment for the recipient). Therefore, the Committee reiterated its concern regarding the absence of specific legislation on sexual harassment in the workplace, including of a definition which encompassed the two components of sexual harassment set out above. It also drew the Government's attention to the fact that, addressing sexual harassment only through criminal proceedings was normally not sufficient, due to the sensitivity of the issue and the higher burden of proof which was harder to meet, especially if there were no witnesses (which is often the case), and the fact that criminal law generally focused on sexual assault or "immoral acts", and not on the full range of behaviour that constituted sexual harassment in employment and occupation (2012 General Survey, paragraph 792). In light of the Government's intention to develop a national equality policy with the technical assistance of the ILO, the Committee recalled that such a policy should also aim to address all forms of sex discrimination, including sexual harassment in employment and occupation, and requested the Government to include in this process the adoption of effective measures to prevent and address sexual

harassment in the workplace. In connection, it reiterated its request to the Government to provide information on any follow-up given to the recommendations submitted by the Tripartite Social Dialogue Forum with regard to addressing the issue of sexual harassment and on the regulation being prepared with the Advisory Council for Women's Work. The Government was also requested to provide information on any developments regarding the adoption of the draft regulation penalizing crimes against men and women employees and its content.

Suriname

61. Among the relevant ILO Conventions, Suriname has ratified Conventions Nos. 100 and 111 on 4 January 2017. The Government's first reports on both Conventions are due in 2019. It has also ratified Conventions Nos. 29, 87, 98, 105, 122 and 182.

62. *Comments made by the ILO supervisory bodies.* There are no pending comments of the ILO Committee of Experts on the Application of Conventions and Recommendations relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.
