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

**Sixty-sixth session**

13 February-3 March 2016

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-sixth session, reports on the implementation of the Convention in areas falling within the scope of their activities.

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\* 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 this report relates principally to the following:

- Equal Remuneration Convention, 1951 (No. 100), which has been ratified by 172 member States;
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 173 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)

*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 (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 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 Committee on the Application of Standards of the International Labour Conference. Direct requests (produced in English and French – and in the case of Spanish-speaking countries, also in Spanish) are not published in book form, but are made public. At a later date, they are published on the ILO'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 by going to:

<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**

### **El Salvador**

6. Among the relevant ILO Conventions, El Salvador has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 29, 87, 98, 105, 122, 138, 142 and 182.

7. *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*

8. In its 2012 direct request, the Committee recalled that it has been referring for years to the fact that under article 38(1) of the Constitution, section 123 of the Labour Code and section 19 of the Standard Work Regulations for the Private Sector, the principle of equal

remuneration for men and women applied only where the work performed was equal and performed in the same enterprise and under identical circumstances. The Committee further noted that pursuant to the Act on equality, equity and eradication of discrimination against women of 8 April 2011, the State shall adopt policies for the “elimination of all wage discrimination between men and women who perform the same job or work”. It also noted the statistical information provided by the Government indicating the existence of extensive occupational gender segregation. Pointing out that the concept of work of equal value was fundamental in addressing occupational segregation, the Committee asked the Government to take the necessary measures 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 any concrete measures taken or envisaged to reduce the existing marked occupational segregation.

9. The Committee noted that no amendments or reforms had been adopted for the incorporation of the principle of “work of equal value” into the Civil Service Act, and asked the Government to take the necessary measures to include such principle in the Act.

10. Moreover, the Committee noted that the self-assessment guide for labour standards and the guide to programmed inspections used by the labour inspection services, only referred to the concept of “equal work” and that in their activities labour inspectors promoted the principle set out in the Labour Code, which was more restrictive than that established by Convention No. 100. The Committee asked the Government to take the necessary measures to ensure that labour inspectors are trained on the principle of equal remuneration for men and women for work of equal value, including on how to detect and address unequal remuneration, and on the concept of “work of equal value”.

11. The Committee noted that, according to information provided by the Salvadorean Institute for Women’s Development (ISDEMU), the impact of the Plan of Action 2005–09 was moderate because it was not used as a tool to reduce gender inequality nor to change public policies with a view to reducing the gender gap: activities were mainly focused on awareness raising of the issue in general, without dealing with the causes or reforming institutions. The Committee noted from the Government’s report that an institutional gender diagnosis would be undertaken with a view to mainstreaming equality in the State’s institutions, and indicators would be drawn up to assess the impact of the measures taken. It asked the Government to provide information on its outcome. Noting that the Plan was based on the principle of equal work, the Committee urged the Government to ensure that all the measures adopted under this Plan would be based on the principle of “equal remuneration for work of equal value”, as set out in Convention No. 100.

12. Furthermore, the Government indicated that the ISDEMU was preparing Plans for Equality and the Eradication of Discrimination and the System for Substantive Equality, and it was planning to establish gender units in the various state institutions, and developing the System of Gender Indicators.

13. Finally, the Committee noted the Government’s indication that, in 2011 and 2012, the ISDEMU prepared two reports as part of the implementation of the women’s policy. The first was “Updated national women’s policy: Measures up to 2014”, which had the specific objective of wage equality, which implied ensuring the application of the principle of equal wages for equal work. The second was “Assessment of the autonomy of women in El Salvador: Progress and retrogression on the road to peace, 1992–2012”, which described developments in the participation of women in the labour market and in education and according to which, there remained cultural gender bias in the determination of income from work.

*Convention No. 111*

14. In its 2012 Observation, the Committee recalled that for a number of years it has been referring to cases where women were obliged to provide pregnancy tests in order to

apply for or remain in employment and to the dismissal of women with disabilities, particularly in the *maquila* (export processing zones) and in the industrial, trade and services sectors. In this regard, the Committee noted the Government's statement that between June 2009 and July 2012 the Special Unit on Gender and the Prevention of Discriminatory Labour Practices carried out 701 inspections in export processing zones, 186 of which gave rise to procedures for the imposition of fines. It further noted that inspections were also carried out at the request of the interested parties following the dismissal of pregnant women and that the special Unit also undertook activities to disseminate Ministerial Circular No. 001/05 prohibiting employers from requiring HIV or pregnancy tests from women.

15. The Committee noted with *interest* the adoption of the Act on equality, equity and the elimination of discrimination against women (Decree No. 645 of 4 April 2011), which is of general application and adopts a transversal approach to the elimination of both direct and indirect discrimination in law and practice. The Act also provides that the Office of the Public Prosecutor shall be responsible for defending, guaranteeing and promoting equality and non-discrimination against women, and will accordingly establish an appropriate department as part of its structure and organization.

16. The Committee noted the Government's indication that its gender equality policy was implemented through its Five-Year Development Plan 2009–14, (which included the national policy for women), updated and adopted by the ISDEMU. The Government also referred to creation of women's units at the municipal level, and the formulation of municipal gender equality policies. However, the Committee noted that the statistics supplied by the Government showed a serious gap in the participation of men and women in management positions in both the public and the private sectors and in both urban and rural areas.

17. The Committee noted the adoption of the Special Comprehensive Act on a life free from violence for women (Decree No. 520 of 25 November 2010), covering harassment at work and physical, sexual, psychological, emotional and work-related violence where there exists a relationship of power or trust. The Act stipulates that the offences it covers are subject to criminal action and lays down procedural guarantees for women who are the victims of acts of violence, together with specific penalties for the various offences. The Committee noted that the ISDEMU was the body responsible for implementing the Act, preparing a framework policy and ensuring its enforcement, and that it, along with other institutions, had adopted a strategy for preventing sexual harassment involving public awareness and information measures. It noted, however, that the Act does not define sexual harassment at work clearly, in terms of including both *quid pro quo* and hostile working environment sexual harassment, and it was unclear whether it covers harassment by colleagues at work.

18. In its 2012 direct request, the Committee noted the Government's indication that in 2008 the Special Unit on Gender and the Prevention of Discriminatory Labour Practices identified five cases of sexual harassment, one of which resulted in a fine. The four remaining cases were closed for lack of proof of sexual harassment. During the period between January and June 2009, the Special Unit investigated four cases of sexual harassment, which were closed due to lack of evidence of sexual harassment. The Committee once again invited the Government to consider the adoption of specific measures guaranteeing protection against sexual harassment at the workplace.

19. The Committee noted from the information provided by the Government, that there was marked occupational segregation from the training stage and requested the Government to take appropriate measures in this regard.

20. The Committee noted the adoption of measures to improve women's access to the labour market in rural areas, including the decentralization of public employment services to regional or departmental offices; the implementation of the land distribution programme

for rural women by the Salvadorean Agrarian Transformation Institute; training for the production of various goods; and the distribution of seeds.

21. Furthermore, the Committee noted the development of measures, actions, circulars and programmes by the Government to familiarize employers and workers with labour rights, such as the handbook on affirmative action to promote gender equality in employment generation adopted under El Salvador's National Occupational Training and Labour Integration Project.

22. With reference to measures to reinforce the technical and operational capacities of inspectors, the Committee noted that in July 2009 the Training Centre for Labour Rights and Duties was inaugurated as the institution responsible for providing training to workers, employers and persons employed in the Ministry of Labour on subjects related to discrimination in employment and occupation. The Committee also noted that inspectors received training on preventing and dealing with sexual harassment, gender issues, reducing the stigmatization and discrimination of vulnerable groups, and the training of gender trainers.

*Convention No. 182*

23. In its 2014 direct request, the Committee observed that girls were often informally employed in domestic work under very difficult and degrading conditions.

24. *The Government's most recent reports on Convention Nos. 100 and 111 have been received, and were examined by the Committee of Experts at its November-December 2016 session. New comments by the Committee will be made publicly available in the course of February 2017.*

**Germany**

25. Among the relevant ILO Conventions, Germany has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 3, 29, 87, 97, 98, 105, 122, 138, 142, 182 and 189.

26. *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. 97*

27. In its 2012 direct request, the Committee noted that a main focus of the National Action Plan for Integration was the integration of migrant women and girls, and that studies undertaken by the Federal Office for Migration and Refugees indicated the importance of adequate training for the integration of migrant women in the labour market.

*Convention No. 100*

28. In its 2013 direct request, the Committee noted the Government's indication that the unadjusted wage differential between men and women was 22 per cent in 2012. The Government also indicated that it considered that addressing the structural causes of the gender pay gap should be tackled as a matter of priority, including women's low representation in certain occupations, sectors and at higher levels, as well as those structural causes due to family responsibilities, and the failure of individual and collective negotiations to make a substantial contribution to the undervaluation of work typically done by women.

29. With regard to measures taken to reduce horizontal occupational segregation, the Committee noted the Government's indication that it had instituted both Girls' Day and

Boys' Day, during which young women and men were provided with information on employment opportunities in sectors where they were underrepresented. Regarding vertical segregation, the Committee noted that the Government had also adopted measures to promote women's access to senior management positions.

30. The Committee noted the Government's indication that it had adopted policies with a view to improving the reconciliation of work and family responsibilities for men and women by promoting paternity leave, providing greater access to childcare facilities, and supporting women's re-entry into the workplace following career breaks for family reasons. The Government drew attention to its parental benefits policy, allowing parents to care for their children during the first year of life by replacing 65–67 per cent of the stay-at-home parent's average net income in the year preceding the child's birth. In this regard, the Committee noted that the proportion of fathers who claimed parental benefits, rose from 3.5 per cent to 27.3 per cent between 2006 and 2011.

31. With regard to the public service, the Committee noted the Government's indication that the objectives of non-discrimination and equal pay for men and women had been implemented through the collective agreement for the public service, which included a litigation agreement that there should be no wage discrimination. It also noted the Government's indication that longer career breaks and reduced working hours tend to have a negative impact on earnings prospects. In this regard, the Government reported that the Law amending Civil Service Labour Regulations of 2009, provided that pregnancy, maternity and parental leave may not have an adverse effect on hiring and career advancement.

32. The Committee further noted the Government's indication that there were numerous regulations in collective wage agreements which promoted the implementation of the principle of the Convention, including regulations which supported the compatibility of work and family, and enabled women to increase their working hours in order to overcome pay inequality. It also noted that the federal Family Ministry had sponsored a two-year research project run by the University of Erlangen-Nuremberg and the Institute for Employment Research which aimed to identify starting points for reducing remaining pay differentials during collective wage agreement negotiations. The Committee further noted that the federal Family Ministry had commissioned the establishment of a checklist for collective wage agreements, which would be distributed to the social partners in order for them to verify that the collective wage agreements were non-discriminatory.

33. The Committee noted that in March 2012, the federal Family Ministry approved 10 regional equal opportunities alliances composed of policy makers and businesses; and that each regional alliance signed a written declaration pledging to ensure that men and women were paid equally for work of equal and equivalent value.

34. The Committee noted the Government's indication that a project was launched by the German Association of Agricultural Women with the Government, to ensure fair earnings perspectives for rural women. The first phase of the project demonstrated that work-related decisions in rural communities prioritized the needs of the family over the individual, and that the commonly held perception that family care is a woman's job limits women's employment prospects and contributed to the wage gap. The Committee also noted that the project would also develop curriculum to be used to train equal-pay experts who will advise and support individual women and businesses in rural areas.

35. Finally, the Committee noted the information provided by the Government concerning the use of tools to promote pay equality. In particular, the Committee referred to the Logib-D equal pay assessment tool, a free online tool for calculating the wage gap between men and women adjusted for personal and employment characteristics, and to the equality-of-pay check ("eg-check") tool. It further noted that an evaluation of the Logib-D pilot project was being prepared and that analysis of wage equality using the eg-check tool was planned to be performed by the

Anti-Discrimination Office in conjunction with private and public sector employers.

*Convention No. 111*

36. In its 2013 direct request, the Committee noted the Government's indication that the Women on Board index collected data regarding the number of women on the supervisory boards of 160 public companies. It noted that from 2010 to 2013, the percentage of women on supervisory boards rose from 13 to 21 per cent. The Government indicated that as part of the Women Shareholders Call for Equality project, members of the German Women Lawyers' Association visited shareholders' meetings of large public companies in order to obtain information about the advancement of women in the company. Moreover, the Committee also noted the findings of the Fraunhofer Institute's study on women's career breaks, which showed that an overall shift in corporate culture was necessary to increase women's representation in leadership positions, and that efforts to change the corporate culture should target both women and men.

37. In relation with reconciliation of work and family responsibilities, the Committee noted the adoption of the Family Care Time and Flexible Retirement for Civil Servants of the Federal Government Act (BGBl No. 35 of 10 July 2013) providing civil servants with the same benefits provided for in the Family Care Time Act. The law allows civil servants to apply for part-time work for a maximum of 48 months, during which period an advance payment is made to the employee by the employer. Upon return to full-time work, the employee continues to receive the salary paid during family leave in order to gradually reimburse the wage advance which was granted. With regard to the Family Care Time Act, the Government indicated that it applies to all enterprises. The Government reported that as of 27 June 2013, 213 applications for family care time loans or inclusion in group insurance had been submitted by employers.

38. The Committee noted with *interest* that between November 2010 and February 2012, the FADA instituted a pilot programme in which five enterprises and three public sector employers depersonalized their job application processes with a view to increasing fairness in the selection of applicants by withholding the applicant's photograph, name, date of birth and marital status until a decision had been made on whether to invite the candidate for an interview. The Government indicated that the results of the pilot programme were overwhelmingly positive, with women and persons with a migrant background benefiting in particular.

39. *The Government's most recent reports on Conventions No. 100 and 111 were received in 2016, and will be examined by the Committee of Experts at its November-December 2017 session.*

**Ireland**

40. Among the relevant ILO Conventions, Ireland has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 105, 122, 138, 142, 177, 182 and 189.

41. *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*

42. In its 2013 direct request, the Committee noted from the report of the European Commission "Progress on equality between women and men in 2012", that the gender pay gap (average gross hourly earnings) increased from 12.6 per cent in 2009 to 13.9 per cent in 2010. The same report indicated that while gender segregation in occupations decreased

from 27.9 per cent in 2007 to 26.3 per cent in 2012, it remained higher than the European Union (EU)-27 average (24.5 per cent in 2012). Gender segregation in economic sectors also decreased from 23 to 20.7 per cent during the same period, but stood above the EU-27 average of 18.7 per cent (2012). With regard to the underlying causes of the gender pay gap, the Government pointed to the high proportion of women in part-time employment (68 per cent of part-time workers), the prevalence of individualized pay bargaining, coupled with strict confidentiality clauses, and the unequal burden of family responsibilities, with women responsible for more than 80 per cent of the tasks linked to the family. It also noted the information provided by the Government on the policies and awareness-raising initiatives on gender equality at the national and the EU level. The Committee asked the Government to provide detailed information on the measures taken or envisaged to address more effectively the structural causes of the gender pay gap, including in the context of the National Women's Strategy (2007–16) and the European Pact for Gender Equality 2011–2020, and the impact of such measures on reducing pay differentials between women and men.

43. Regarding individualized pay arrangements, the Committee again asked the Government to indicate any measures taken or envisaged to examine the issue of more and higher bonuses to men, and to address directly or indirectly discriminatory practices in respect of payment of bonuses.

44. Moreover, the Committee noted that the Government acknowledged the importance of the minimum wage in reducing the gender pay gap, and suggested that many women working part-time were paid minimum wages. The Committee asked the Government to continue to provide information on the steps taken to improve enforcement of minimum wages, and the impact of such measures on the gender pay gap.

45. In relation with equality reviews and objective job evaluation, the Committee noted with *interest* the gender pay review template, “Gender Pay Reviews: A template for examination of gender pay in organisations”, researched, developed and piloted by the Irish Business and Employers’ Confederation (IBEC), supported by the Equality Mainstreaming Unit of the Equality Authority, and which was published in 2012 under the European Social Fund. The template was developed with a view to assisting organizations in carrying out an objective equal pay review and to protect against future equal pay inequity. The template provided guidance, inter alia, on data collection and analysis, establishing pay rates, recruitment, performance management, and promotion, and sets out competency profiles and performance management ratings, a sample pay analysis, job profile and job evaluation methodologies.

*Convention No. 111*

46. In its 2013 observation, the Committee recalled its concern that article 41.2 of the Constitution, providing that “the State recognizes that by her life within the home, woman gives to the State a support without which the common good cannot be achieved” and that “the State shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home”, may encourage stereotypical treatment of women in the context of employment, contrary to the Convention. The Committee noted the information provided by the Government on the establishment in 2012 of a Constitutional Convention, made up of 66 citizens, 33 parliamentarians and an independent Chairperson, to make recommendations on constitutional reform, including with regard to article 41.2, and welcomed the Government’s indication that a sizable majority of members of the Constitutional Convention voted in favour of amending it with a view to adopting gender-neutral language. However, the Committee noted that providing that “[carers] shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home”, while aiming at recognising the role of caregivers in society, was likely to apply mainly in practice to women, who, according to the Government’s indication were responsible for

more than 80 per cent of family-related tasks. The Committee considered the provision may continue to hinder the inclusion or re-entry of women in the labour market and requested the Government once again to consider reviewing it.

47. The Committee recalled that it had previously noted that section 2 of the Employment Equality Act excluded from the Act's scope of application with regard to access to employment "persons employed in another person's home for the provision of personal services for persons residing in that home where the services affect the private or family life of such persons". The Committee pointed out that, in practice, the broad and non-exhaustive definition of "personal services" in section 2 appeared to allow employers of domestic workers to make recruitment decisions on the basis of the grounds of discrimination set out in section 6(2) of the Act (gender, among others), and urged the Government to take steps to amend the relevant parts of section 2 of the Employment Equality Act.

48. In its 2013 direct request, the Committee noted the measures taken, in cooperation with the social partners, with a view to promoting equality of opportunity and treatment between men and women, such as various initiatives and guidance tools developed to address discrimination on the basis of pregnancy or maternity. The Government indicated that since 2009, a total of 11,350 women were assisted through the vocational training programmes implemented under the Equality for Women Measure (EWM 2008–2013), which aimed to promote women's entrepreneurship, as well as their access and return to the labour market.

49. In relation with the 2011 decision to create the Human Rights and Equality Commission by the merging of the Equality Authority and the Irish Human Rights Commission, the Committee noted the Government's indication that the members appointed to the new Commission had been requested by the Minister of Justice and Equality to undertake a review of additional staffing needs. It further noted that the Bill establishing the new institution had been submitted to the Joint Oireachtas Committee on Justice, Equality and Defense for consideration.<sup>1</sup>

### **Jordan**

50. Among the relevant ILO Conventions, Jordan has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 98, 105, 122, 138, 142 and 182.

51. *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*

52. In its 2013 observation, the Committee welcomed the Government's indication that the National Steering Committee for Pay Equity (NSCPE) had been granted permanent and official status pursuant to a ministerial decree of 15 May 2013. It also noted the detailed information provided by the Government regarding the activities carried out by the NSCPE and its media and promotion subcommittee, which organized media and promotion activities with a view to raising awareness of pay and employment equity issues, including through mass media and a recently developed pay equity website.

53. The Committee noted the legal review conducted by the NSCPE, with the support of the ILO, which aimed at identifying and documenting the legal and practical obstacles hindering the achievement of pay equity in Jordan, and providing recommendations. In this

<sup>1</sup> The Irish Human Rights and Equality Commission Bill was adopted in 2014.

regard, the Committee noted that an action plan was prepared in order to implement the study's recommendations for improvement at legislative level, and that a workshop was organized in July 2013 by the Ministry of Labour, the NSCPE and the National Committee on Child Labour, in collaboration with the ILO, in order to discuss specific amendments to the Labour Law, 1996, and its related Interim Act of 2010, prior to their consideration by Parliament.

54. The Committee recalled its previous comments with regard to the limitations on women's access to family allowance pursuant to section 25 of the Civil Service Regulations No. 30 of 2007, and once again asked the Government to amend it.

55. The Committee welcomed the amendments proposed in the NSCPE legal review, providing for equal remuneration for men and women for work of equal value "including work of a different type", and referring to the use of objective job evaluation methods to determine if jobs are of equal value. The Committee urged the Government to take the necessary steps to give full legislative expression to the principle of the Convention, and asked it to provide information on any measures taken or envisaged to promote objective job evaluation methods in the public and private sectors.

56. In its 2013 direct request, the Committee noted the measures taken to address the persistent pay gap between men and women, such as the study on the gender pay gap in the private education sector commissioned by the NSCPE, in collaboration with the ILO, which was published in 2013. The study showed that, although women represented 88 per cent of workers in private schools, the gender pay gap remained as high as 41.6 per cent. In private universities, women represented 30 per cent of the labour force, and the gender pay gap stood at 23.1 per cent. The study also indicated that some of the underlying causes of pay inequality included a lack of policy and regulatory framework incorporating the principle of equal remuneration for men and women for work of equal value, negative stereotypes regarding women's professional abilities and aspirations, limited participation in workers' organizations and limited access to vocational training. With regard to the recommendations emanating from the study, the Committee noted, *inter alia*, the need to develop and implement gender-neutral job evaluation methods in order to ensure gender equality in the determination of remuneration.

57. The Committee recalled that section 3(b) of the Labour Code, provided that agricultural workers, domestic workers, gardeners and cooks would be governed by specific regulations. It noted the Government's indication that the regulations on agricultural workers had not yet been issued. The Committee further noted the information provided by the Government on complaints filed by domestic workers, including through embassies of countries of origin, and the Government's indication that female domestic workers were entitled to a monthly minimum wage of 110 Jordanian dinars (JOD). The Committee asked the Government to provide detailed information on the manner in which the principle of equal remuneration for work of equal value was applied to the groups of workers excluded from the scope of the Labour Code.

58. With regard to its previous comments on the importance of minimum wages as a means of promoting the application of the principle of the Convention, the Committee noted the Government's reference to the NSCPE legal review, which stated that the principle of equal remuneration for men and women for work of equal value was not taken into consideration in the minimum wage fixing process and recommended adding a new subsection under section 52 of the Labour Law to include the principle. The Committee asked the Government to provide information on any follow-up action given to the recommendations of the Minimum Wage Committee, and on its impact on the remuneration of women and men respectively. In relation with sectoral minimum wages, the Committee requested the Government to take proactive measures to ensure that the principle of the Convention is applied in the minimum wage setting mechanisms and that the rates fixed were free from gender bias. Moreover, the Committee once again asked the Government to

indicate how in practice it was ensured that the principle of the Convention applies to workers in the Qualifying Industrial Zone (QIZ) and domestic workers.

59. Finally, the Committee welcomed the various initiatives undertaken by the Government to raise awareness among the general public, employers and their organizations, as well as government officials, of pay equity issues. It noted, in particular, that a number of capacity-building workshops for labour inspectors were held, with the support of the ILO, and provided specific training on equal remuneration and non-discrimination.

*Convention No. 111*

60. In its 2013 observation, the Committee recalled the absence of legislative provisions clearly defining and prohibiting direct and indirect discrimination, covering all aspects of employment and occupation. The review conducted by the NSCPE proposed a range of amendments, including to section 4 of the Labour Law, to prohibit direct and indirect discrimination on the basis of among other grounds, gender and family responsibilities, with respect to any aspect of employment, working conditions, rights or benefits, promotion at work, training or termination. The Committee asked the Government to provide information on the steps taken to implement the recommendations of the NSCPE legal review.

61. The Committee also recalled the insufficient protection against sexual harassment in employment and occupation. In this regard, the Committee noted that the NSCPE review recommended the amendment of section 29A(6) of the Labour Law, which provided that workers subject to sexual harassment may only leave their employment without giving notice. The review also recommended ensuring that workers had a right to a harassment-free environment, adding a specific definition of both quid pro quo and hostile environment sexual harassment, and a wider range of remedies, as well as covering sexual harassment by co-workers. The Committee asked the Government to provide information on the steps taken to implement the recommendations of the NSCPE.

62. Moreover, the Committee recalled that pursuant to section 69 of the Labour Code, the Minister shall specify industries and occupations in which it is prohibited to employ women, and times during which women shall not work. It noted that Ordinance No. 6828 of 1 December 2010, which had been issued pursuant to section 69, excluded all women from working in a range of industries and occupations (section 2), and allowed women to work at night, after approval, in only a very limited number of sectors and jobs (section 4). While noting that the Ordinance also prohibited the employment of pregnant and breastfeeding women in certain hazardous occupations (section 3), the Committee considered that the broad limitations on women's employment set out in sections 2 and 4 of the Ordinance constituted obstacles to the recruitment and employment of women and were contrary to the principle of equality of opportunity and treatment of men and women in employment and occupation. The Committee asked the Government to take the opportunity of the legislative review process to amend section 69 of the Labour Code and the corresponding Ordinance.

63. In its 2013 direct request, the Committee noted that pursuant to amendments made to section 5(a)(5) of the Regulation No. 90/2009 in 2011, domestic workers were no longer prohibited from leaving the house without the householder's permission, but were required "to notify the householder before leaving the house or of any absence". With respect to section 5(c), according to which if a worker runs away "without good cause attributable to the householder, the worker shall bear all financial obligations" set out in the contract of employment, including repatriation costs, the Government indicated that payment of compensation for termination of the employment contract, whether by nationals or non-nationals, could only be ordered by the court. Noting the Government's explanation that the female domestic worker was required to inform the employer before leaving or being absent from work, the Committee considered that requiring migrant workers under

section 5(a)(5) to notify their employers (even when they were not working, that they are leaving the house), could in practice limit their freedom of movement, and that the limitations in section 5(c), even if subject to judicial scrutiny, were vague and put the worker under threat of an excessive financial burden. The Committee expressed its concern that these provisions could increase migrant workers vulnerability to discrimination and abuse, based on prohibited grounds, including sex, race or colour. The Committee asked the Government to provide information on any steps taken or envisaged to address effectively the situation of dependency and vulnerability of migrant workers, including the revision of Regulation No. 90/2009, as amended, as well as on the activities of the Non-Jordanian Domestic Worker Committee.

64. Furthermore, the Committee noted that pursuant to section 72 of the Labour Code, as amended by Interim Act No. 26 of 2010, enterprises with at least 20 women workers were required to provide adequate childcare facilities for children under four years of age. According to section 67, women were entitled to unpaid leave for one year to raise their children. The Committee drew the Government's attention to the fact that while such provisions may be seen as corresponding to the needs of women who continue to bear an unequal burden of family responsibilities, they raised issues with respect to equality of opportunity and treatment, as they reinforced and prolonged social attitudes that hinder the realization of gender equality. The Committee pointed out that it was therefore important to move toward making arrangements and entitlements aimed at reconciling work and family responsibilities available to both women and men on an equal footing. Noting that the legal review conducted by the NSCPE proposed amendments to sections 67 and 72 of the Labour Code so as to extend their coverage to men and women with children, and in the context of the labour law review process, the Committee asked the Government to consider amending these sections so as to guarantee equality of opportunity and treatment for men and women.

65. The Committee recalled the persistence of gender segregation in the public service, and noted the Government's indication that, pursuant to Regulation No. 3/2013 on the selection of civil servants for higher level jobs, appointments to leading posts are made on the basis of competencies and efficiency, regardless of sex. It also noted the Government's reference to the third National Strategy for Jordanian Women (2012–15), which was developed by the National Commission for Women and aimed to promote women's political empowerment and improve their participation in public life and government structures. The Committee asked the Government to provide information on the implementation of Regulation No. 3/2013, indicating the concrete steps taken to ensure that no stereotypical considerations were being given to women's suitability for certain posts upon appointment, and the practical impact of such measures on women's access to higher level positions in the public service. The Government was also asked to provide detailed information on measures taken, in the context of the National Strategy for Jordanian Women, to address occupational gender segregation in the public service.

66. Recalling its previous comments regarding the need for continued measures to promote women's access to a wide range of training opportunities and occupations, the Committee noted that, according to the statistics provided by the Government on the enrolment of men and women in vocational training programmes in 2012, the rate of female participation in higher level courses remained particularly low. The Committee asked the Government to continue to pursue its efforts to promote women's access to training, including in remote areas, with a view to addressing occupational gender segregation and enabling them to effectively access a wider range of jobs.

67. The Committee noted the collective agreement for the period 2013–15 concluded between the Jordan Garments, Accessories & Textiles Exporters' Association (J-GATE) and the Association of Owners of Factories, Workshops and Garments (AOFWG); and the General Trade Union of Workers in Textile, Garment & Clothing Industries, which contained a specific clause prohibiting discrimination on among other grounds, sex.

68. The Committee welcomed the training that had been provided to labour inspectors in August 2013, in the context of ILO technical assistance, with a view to increasing their capacity to identify issues of discrimination and unequal pay.

69. *The Government's most recent reports on Conventions No. 100 and 111 were received in 2016, and will be examined by the Committee of Experts at its November-December 2017 session.*

#### **Micronesia (Federated States of)**

70. The Federated States of Micronesia is not a member of the ILO.

#### **Rwanda**

71. Among the relevant ILO Conventions, Rwanda has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 89, 98, 105, 122, 138 and 182.

72. *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*

73. In its 2014 observation, the Committee recalled that the definition of the expression “work of equal value” in section 1.9 of Law regulating labour No. 13/2009 of 27 May 2009 referred only to “similar work” and that this Law did not contain any substantial provisions prescribing equality of remuneration for men and women for work of equal value. It noted that the Government referred again in its report to article 37 of the Constitution, which referred to “equal wage for equal work”. It further noted the Government’s indication that, in practice, there was no discrimination between men and women with regard to remuneration, and also its commitment that, on a legislative level, full effect would be given to the principle of equal remuneration for men and women for work of equal value when Law No. 13/2009 would be revised. The Committee asked the Government to amend Law No. 13/2009 of 27 May 2009 regulating labour.

74. In its 2014 direct request, the Committee recalled that in its previous comments it had asked the Government to clarify the content of section 12 (non-discrimination criteria) of Law No. 13/2009, since the Kinyarwanda, English and French versions of section 12 differed. The Government indicated that the purpose of this section was to ensure equal remuneration for work of equal value while prohibiting all discrimination based on the specified grounds. It also stated that differences between the Kinyarwanda and English versions, which referred to salary, and the French version, which did not refer to salary, would be examined in the context of the revision of Law No. 13/2009. The Committee asked the Government to report on progress made in this regard.

75. Moreover, the Committee noted the Government’s indication that a statistical framework relating to gender and also gender indicators had been drawn up in four sectors of activity in order to provide a basis for the assessment of pay differentials between men and women

##### *Convention No. 111*

76. In its 2014 observation, the Committee noted the Government’s explanation that the prohibition of direct or indirect discrimination, established under section 12 of Law No. 13/2009 regulating labour, covered all stages of employment, including recruitment, and an act needed not be intentional to constitute discrimination within the meaning of this section. In addition, the Committee requested once again the Government to take the necessary steps to align the different linguistic versions of section 12, so that they explicitly prohibit

any direct or indirect discrimination in employment and occupation as regards access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

77. The Committee further noted that no legal proceedings had been instituted on the basis of any of the prohibited grounds of discrimination, nor had any penalty been imposed.

78. The Committee noted the Government's indication that a provision specifically concerning sexual harassment and covering quid pro quo and hostile environment sexual harassment would be included in Law No. 13/2009, when revised. The Committee requested the Government to provide information on progress made in this respect and on any other provisions adopted on sexual harassment in employment and occupation.

79. The Committee notes the information supplied by the Government concerning the measures taken to promote education for girls by the Ministry of Education (free schooling for nine years, scholarships, etc.), and the adoption in 2012 of a new national gender policy, which provided for the implementation of measures combating the social, cultural and economic factors that obstructed the participation of girls and women at all levels of education, particularly in fields traditionally occupied by men.

80. The Committee welcomed the numerous measures adopted by the Government to foster gender equality in employment and occupation and promote greater autonomy for women in economic terms, especially as regards access to credit and land. In particular, the establishment of a guarantee fund for women and the adoption of Organic Act No. 08/2005 of 14 July 2005 regulating land ownership in Rwanda, section 4 of which prohibited any form of discrimination on the basis of sex with regard to access to land and the enjoyment of land rights and stated that men and women have equal rights regarding land ownership.

81. The Committee also noted the indication in the Government's report that a strategic plan for the employment of women had been adopted. However, it noted that, according to the information in the introduction of the new national gender policy adopted in 2010, many women worked in the informal economy and most women in employment occupied low-level unskilled jobs. With respect to employment in the private sector, it also noted that the 2010 gender policy provided for the adoption of measures aimed at improving the access of women to positions of responsibility in all sectors and to technical jobs and for the dissemination of better information on job opportunities to women. Provision had also been made for the adoption of legislation aimed at combating discrimination in the field of employment.

82. Furthermore, as regards section 206 of the Civil Code, which states that "the husband is the head of the household", and its negative impact on gender equality in employment, the Committee noted the Government's indication that the proposed amendments to discriminatory legislation submitted by the Ministry for Gender and Promotion of the Family had been examined in the context of the revision of the Penal Code, which was due to be promulgated soon, and the Family Code, which was before Parliament. The Committee requested the Government to provide information on the new provisions adopted concerning gender equality in the context of the revision of the Penal Code and the Family Code and to specify which discriminatory provisions such as section 206 of the Civil Code, had been repealed.

83. In relation to vertical occupational gender segregation in the public service, the Committee noted the statistical data provided by the Government concerning the representation of women in key public posts at central and decentralized levels (2011) and data on the percentage of women in the public service by category (2010). It noted in particular that 38.4 per cent of senators, 56.25 per cent of deputies, 42 per cent of ministers, 50 per cent of Supreme Court judges and 70 per cent of High Court judges were women. However, at the local level, very few women were district mayors (9.6 per cent). Moreover, statistics on the composition of the public service showed that women were greatly

outnumbered by men in the six higher categories but accounted for nearly 61 per cent of staff in the general services.

84. Finally, the Committee welcomed the establishment by the National Institute of Statistics, in collaboration with the Gender Observatory, of a general framework for statistics disaggregated by sex (GSF) aimed at enabling an evaluation of the situation of men and women in various fields; and the importance given by the Gender Observatory to the collection and dissemination of statistics disaggregated by sex and to the promotion of the use of such statistics vis-à-vis those responsible for formulating and implementing policies and measures relating to gender equality.

*Convention No. 122*

85. In its 2015 direct request, the Committee noted in relation with the informal economy, that the Government highlighted in its report the initiative taken under “Kuremera”, a programme established to provide start-up capital to youth and vulnerable groups, including women street vendors to acquire decent workplace premises in public markets.

86. *The Government’s most recent reports on Convention Nos. 100 and 111 have been received, and were examined by the Committee of Experts at its November-December 2016 session. New comments by the Committee will be made publicly available in the course of February 2017.*

**Sri Lanka**

87. Among the relevant ILO Conventions, Sri Lanka has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 98, 103, 105, 138 and 182. Sri Lanka has ratified Convention No. 122 on 3 February 2016.

88. *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*

89. In its 2014 observation, the Committee recalled its concern regarding the absence of legislation providing for equal remuneration for men and women for work of equal value and the limitations of the principle of equal wages arising out of wage ordinances and collective agreements to the “same” or “substantially the same” work. It noted the Government’s statement that there were no specific provisions to ensure that minimum wages were paid for men and women without discrimination under the Wages Boards Ordinance, but that it was ensured that there were no different minimum wages for men and women determined by the wages boards. The Government therefore considered that there was no need to specifically indicate that employees should be paid their wages without discrimination based on gender. The Committee again urged the Government to take steps to give full legislative expression to the principle of equal remuneration for men and women for work of equal value.

90. With regard to the payment of additional emoluments, the Government repeated its statement that there was a legal requirement to pay wages in legal tender. However, the Government did not provide information on the practice of providing meals for men rural workers, but not for women. The Committee therefore once again asked the Government to take measures to ensure that all emoluments, whether in cash or in kind, are available and granted to men and women on an equal footing, and to provide information on any steps taken in this regard.

91. In addition, the Committee noted the notification of new wages boards rates as of January 2013, made under the Wages Boards Ordinance, revising the minimum wages in a number of trades. It noted, however, that sex-specific terminology remained in use in the wages boards decisions. The Committee further noted from the Government's report that the simplification of the wages boards system was in progress. In this context, the Committee again asked the Government to take the necessary steps to ensure that the rates of wages fixed by wages boards were based on objective criteria free from gender bias, so that work predominantly done by women was not undervalued compared to work predominantly done by men. The Government was also requested to take appropriate measures to ensure the use of gender neutral terminology in defining the various jobs and occupations in Wages Boards Ordinances to avoid stereotypes concerning whether certain jobs should be carried out by men or women.

92. Finally, the Committee welcomed the inclusion in the National Action Plan for the Protection and Promotion of Human Rights 2011–16 of "equal pay for work of equal value" as an explicit objective to be achieved through the conduct of a study on introducing of a job evaluation system. The Committee asked the Government to take steps to conduct the study planned in order to develop an objective job evaluation method based on the work to be performed and using objective criteria free from gender bias, such as qualifications and skills, effort, responsibilities and conditions of work.

93. In its 2014 direct request, the Committee noted the Government's statement that it was factually wrong to state that women were concentrated in lower paid occupations. Noting that no data was provided in support of this assertion, the Committee asked the Government to provide information on the distribution of men and women and their corresponding level of wages in the various occupational categories (unskilled, semi-skilled, skilled, higher skilled and managerial occupations) in enterprises in Export Processing Zones.

94. The Committee noted from the Government's report that a National Pay Commission had been established to evaluate the existing wage policy and to introduce a new wage policy applicable to both the public and private sector.

*Convention No. 111*

95. In its 2014 observation, the Committee recalled that for a number of years, it had been urging the Government to introduce anti-discrimination provisions into its national legislation covering all aspects of employment and occupation and all the grounds enumerated in the Convention. It noted the Government's statement that constitutional provisions addressing discrimination were above all other legislation and were implemented effectively. The Committee recalled that the Constitution guaranteed equality before the law and generally only protected citizens against discrimination on, among other grounds, "sex" (article 12), and guaranteed the freedom to engage in employment and occupation (article 14) and the right of every person to apply to the Supreme Court in respect of violations of these rights by the State (article 17). It also noted the Government's indication that no discrimination cases in employment had been reported to the Department of Labour. The Committee again urged the Government to take the necessary steps to introduce anti-discrimination provisions in its national legislation.

96. The Committee noted that in 2013 the labour force participation of women remained low at 35.6 per cent (74.9 per cent for men) and had been relatively stable for the past ten years. According to the 2013 data, women represented only 10.3 per cent of employers; 33.6 per cent of employees; 26.5 per cent of own account workers and 78.5 per cent of contributing family workers. In this context, the Committee welcomed the approval of a comprehensive National Plan of Action for Women and the establishment of specific units. It also welcomed the inclusion in the National Action Plan for the Protection and Promotion of Human Rights (2011–16) of measures regarding women's rights and gender equality in

employment, including the formulation through a consultative process and the enforcement of a policy for the private sector adhering to the principle of non-discrimination, and research on the problems faced by working women. The Committee again asked the Government to provide information on the status of the adoption of the Women's Rights Bill.

97. The Committee recalled its previous comments regarding the absence of effective protection of workers against sexual harassment in employment and occupation, and welcomed the inclusion in the National Action Plan 2011–16 of measures addressing sexual harassment, such as “reviewing and implementing an anti-sexual harassment policy in the government sector institutions” and establishing a mechanism in order to “monitor the implementation of the anti-sexual harassment policy in the private sector”. It also welcomed the new Code of Conduct and Guidelines to Prevent and Address Sexual Harassment in Workplaces developed in 2013 by the Employers' Federation of Ceylon, in collaboration with the ILO, which was an important step in combating this serious form of sex discrimination, but was applied on a voluntary basis. In addition, the Committee noted that the Government referred to provisions in the Penal Code covering sexual harassment and stated that there was no need for a separate law in this respect. It also noted that section 345 of the Penal Code referred to “a person in authority” and requested the Government to clarify its scope, indicating whether it only applied to sexual harassment committed by a person with authority or also by a co-worker, a client or a supplier of the enterprise.

98. In its 2014 direct request, the Committee noted the Government's indication that draft amendments to the Shop and Office Act allowing women to work at night in the Information Technology – Business Process Outsourcing (IT-BPO) industry with a view to increasing their participation in the labour force, were being discussed by the National Labour Advisory Council. The Government indicated that the trade union representatives objected to the amendments whereas the employers' representatives supported them. The Committee understood from the report that the Ministry of Labour had not yet taken any decision in this regard and requested the Government to provide information on any developments in this regard.

99. The Committee welcomed the adoption of the National Action Plan for the Protection and Promotion of Human Rights 2011–16, which included labour rights as one of the eight focus areas and set “equal opportunities for all in both the public and the private sectors” as an explicit objective. It noted that, according to the Action Plan, discriminatory laws, policies and practices, should be identified and amended or repealed.

100. The Committee noted that the statistics provided by the Government on the enrolment of trainees (2014), according to which women trainees represented 36 per cent, showed that women were entering some non-traditional courses and IT courses, but confirmed the existence of gender segregation in vocational training. The Committee requested the Government to provide information on the concrete measures taken or envisaged to address gender disparities in vocational training and to improve access of girls and women to education and vocational training, especially in traditionally “male” sectors, and on any measures aimed at maintaining their attendance in school or in training institutes.

101. The Committee welcomed the organization of workshops for labour officers on gender equality and women's rights.

### **Ukraine**

102. Among the relevant ILO Conventions, Ukraine has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 29, 45, 87, 103, 105, 122, 138, 142, 176 and 182. Sri Lanka has ratified Convention No. 122 on 3 February 2016.

103. *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*

104. In its 2014 observation, the Committee noted from the information provided by the Government and the State Statistics Service of Ukraine on average monthly wages and salaries of women and men, that the gender wage gap was 22.8 per cent in 2013 and 24 per cent in the first quarter of 2014 (compared to 23 per cent in 2009). Data from 2013 also showed a significant gap in the monthly wages of women and men in certain sectors of the economy, particularly in manufacturing (30.3 per cent), postal services (35.4 per cent) and sports, entertainment and recreation (37.8 per cent). The Government indicated that differences in wages were largely due to the system of the gender division of labour, with women being concentrated in sectors with relatively high educational requirements, but lower wages, primarily in the public sector. The Government also indicated that the State Programme to Ensure Equal Rights and Opportunities for Women and Men, 2013–16, includes activities aimed at reducing the gender gap in wages between men and women.

105. For a number of years, the Committee had been commenting on section 17 of the Law on Ensuring Equal Rights and Equal Opportunities of Women and Men, 2006, which required the employer to ensure equal pay for men and women for work involving equal skills and working conditions, which was more restrictive than the set out in the Convention. Moreover, by linking the right to equal remuneration for men and women to two specific factors of comparison, the Committee considered that section 17 may had the effect of discouraging or even excluding objective job evaluation on the basis of a wider set of criteria. Noting that the Labour Code was being amended, the Committee urged the Government to take the necessary steps to give full legislative expression to the principle of equal remuneration for men and women for work of equal value in both the Law on Ensuring Equal Rights and Equal Opportunities of Women and Men and in the draft Labour Code.<sup>2</sup>

106. In its 2014 direct request, the Committee noted the Government's indication that the joint representative body of trade unions had developed a gender policy for use in collective bargaining and in regional and sectoral agreements. It noted the examples of industry wide and sectoral agreements including provisions to ensure equal rights and opportunities for women and men, as well as those including commitments to recommend that collective agreements cover gender equality or gender issues. However, none of the examples expressly addressed equal remuneration for men and women for work of equal value.

*Convention No. 111*

107. In its 2014 observation, the Committee noted with *interest* the adoption of the Law on Preventing and Combating Discrimination in Ukraine of 6 September 2012 (amended in May 2014), prohibiting both direct and indirect discrimination and covering among other grounds, sex. It further noted that the Law applies, inter alia, to the areas of education, public service and employment relations (section 4) and establishes a policy to pursue affirmative action with the goal of eliminating inequality of opportunity (sections 1(5) and 7). In addition, the new Employment Law, adopted in 2012 and amended in 2014, provides for protection against discrimination on an expanded set of grounds, including gender (section 11(1)).

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<sup>2</sup> The draft Labour Code has still not been adopted.

108. In its 2014 direct request, Committee recalled its previous comments requesting the Government to take into account the observations raised by the National Forum of Trade Unions of Ukraine (NFTU) to include, among others grounds, gender in the draft Labour Code provisions prohibiting discrimination, to prohibit HIV/AIDS testing and to address restrictions on women's employment. The Committee noted the Government's indication that a working group had been set up to prepare the draft Labour Code. The Committee requested the Government to take into account the observations of the NFTU in the context of the drafting process of the new Labour Code, and expressed its hope that the Government will ensure that the Code provides for effective protection against direct and indirect discrimination on at least all of the grounds set out in the Convention and with respect to all aspects of employment and occupation, and that restrictions on women's employment are strictly related to maternity protection and not based on stereotyped assumptions regarding the type of employment suitable for women.<sup>3</sup>

109. With regard to sexual harassment, the Committee recalled that section 17 of the Law on Ensuring Equal Rights and Equal Opportunities of Women and Men did not appear to cover situations where conduct of a sexual nature creates a hostile working environment, irrespective of whether there is a relationship of subordination between the harasser and the victim. It noted that sections 1(7) and 5 of the Law on Preventing and Combating Discrimination seemed to prohibit pressure on a person due to certain characteristics that leads to hostile environment as a form of discrimination but that it does not explicitly cover sexual harassment. The Committee requested the Government to consider expanding the definition of sexual harassment in the Law on Ensuring Equal Rights and Equal Opportunities of Women and Men to go beyond relationships of subordination and to cover hostile environment sexual harassment.

110. The Committee noted the statistics provided by the Government on the economic participation of men and women in different sectors and occupations indicating overall employment levels of 65.9 per cent for men and 55.3 per cent for women. The statistical information also showed that women workers were outnumbered by men in all sectors with particular imbalances in forestry and construction, and that women and men were more equally represented in the sectors of education, health, and financial services. Furthermore, the Committee noted the adoption of a State Programme to Ensure Equal Rights and Opportunities for Women and Men, 2013–16, which according to the Government, includes seminars, training, campaigns and research focusing on raising awareness and eliminating stereotypes regarding the equality of men and women.

111. The Committee further noted that the prohibition of discriminatory job advertisements provided for in section 17 of the Law on Ensuring Equal Rights and Equal Opportunities of Women and Men of 2006 had also been incorporated into sections 11(3) and 50(5)(1) of the Employment Act, 2012, and according to the Government, in the Advertisement Act of 1996 following amendments in 2013.

112. Finally, the Committee noted that the Law on Preventing and Combating Discrimination empowered the Ukrainian Parliament Commission on Human Rights, as well as several other government bodies, to receive complaints (section 14) and to take a variety of measures to prevent and combat discrimination (sections 10, 11 and 12).

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<sup>3</sup> Ibid.