

Distr.: General
28 June 2017

Original: English only

ADVANCE UNEDITED VERSION

Committee on the Elimination of Discrimination
against Women

Sixty-seventh session

3-21 July 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-seventh 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.

Contents

	<i>Paragraphs</i>	<i>Page</i>
I	Introduction	
II	Indications concerning the situation of individual countries	
	Barbados	
	Costa Rica	
	Italy	
	Montenegro	
	Niger	
	Nigeria	
	Romania	
	Thailand	

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

Barbados

6. Among the relevant ILO Conventions, Barbados has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 97, 98, 105, 122, 138 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. Direct request (repetition), adopted in 2013. With respect to the national legislation, the Committee noted that there was no legislative framework supporting the right to equal remuneration for men and women for work of equal value. While the Government in its reports had pointed to collective bargaining and the wages councils for determining wages,

there was no indication that these mechanisms were effectively promoting and ensuring equal remuneration for men and women for work of equal value. Noting the Government's repeated indications that there had been no case relating to the principle of the Convention, the Committee considered that it was likely due to the absence of a clear legal framework providing the right to equal remuneration for men and women for work of equal value. The Committee recalled that the concept of "work of equal value" was particularly important to capture in legislation in order to address occupational gender segregation, which was a feature of the labour market of Barbados. The Committee also noted from the Government's reports under the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), that legislation on non-discrimination was being drafted and that a national gender policy was being drafted through an inclusive consultative approach. In the context of the legislative drafting process, the Committee asked the Government to take the opportunity to give full legislative expression to the principle of equal remuneration for men and women for work of equal value, and to provide information in this regard. Recalling the significant occupational gender segregation, the Committee also asked the Government to provide information on the concrete measures taken, including in the context of the national gender policy, to increase women's access to a wider range of jobs, including those with career prospects and higher pay.

9. The Committee noted the information provided by the Government regarding the increase in the general and overtime minimum wage rates for shop assistants. The Committee recalled that the categories of workers covered by the minimum wage setting process had been limited to shop assistants (under the Shops Act) and domestic workers (under the Domestic Employees Act), and that minimum wages for domestic workers had not increased for over 20 years. The Committee noted that the Barbados Workers' Union (BWU) had been calling for some time for a national minimum wage or sectoral minimum wages. The Committee recalled that as women were dominating in low wage employment, and a uniform minimum wage system helped to raise the earnings of the lowest paid, it could have an influence on reducing the gender pay gap. In addition, where minimum wages were set at the sectoral level, there was a tendency to set lower wages for sectors predominantly employing women, and particular attention needed to be given to ensuring that domestic work was not undervalued due to gender stereotypes (General Survey on fundamental Conventions, 2012, paragraphs 683 and 707). Noting that the Government had not provided any information on this point, the Committee again asked the Government to take steps to increase the minimum wage rates for domestic workers, and ensure that the skills required for domestic work were recognized and valued equitably, and free from gender bias, in the setting of minimum wage rates. The Committee also asked the Government to indicate whether consideration was being given to the adoption of a national minimum wage, or in other sectors, and any progress made in this regard.

10. The Committee had noted previously that sex-specific terminology was used in wage classifications in some collective agreements, reinforcing stereotypes regarding whether certain jobs should be carried out by men or women, and thus increasing the likelihood of wage inequality. The Committee asked the Government to take steps, in collaboration with employers' and workers' organizations, to ensure that gender-neutral terminology was used in defining the various jobs and classifications in collective agreements, and that collective agreements promoted the principle of equal remuneration for men and women for work of equal value, and to provide information on progress made in this regard.

Convention No. 111

11. Observation (repetition), adopted in 2013. For many years, the Committee had been commenting that the existing legislation had not provided full legislative protection against discrimination as defined under the Convention. It had noted, in this context, that the Government had continued to refer to the forthcoming adoption of the Employment Rights

Bill since 2004 and that the Barbados Workers' Union had expressed disappointment at the time it was taking to enact legislation on sexual harassment and employment rights. The Committee noted that a new Employment Rights Act, 2012-9 had been adopted. Part VI addressed unfair dismissal for reasons relating to trade union membership or activities, real or perceived HIV or AIDS status, disability, pregnancy, or reasons that related to the race, colour, gender, age, marital status, religion, political opinion or affiliation, national extraction, social origin or indigenous origin of the employee, or the responsibility of an employee for the care and welfare of a child or a dependent family member with a disability (section 27(1) and (3) and section 30(1)(c) ((i)–(iii), (v), (vii), (x) and (xi)(A)–(B) of the Act). While welcoming the inclusion of all the prohibited grounds of discrimination set out in Article 1(1)(a) of the Convention, and the additional grounds as foreseen in Article 1(1)(b), the Committee noted that the opportunity had not been taken to ensure full legislative protection against direct and indirect discrimination, not only with respect to dismissal but in all aspects of employment and occupation and beyond dismissal, for all workers, and that the new Employment Rights Act had not contained provisions protecting against sexual harassment. Noting, however, the Government's statement that discrimination legislation was being drafted by the Chief Parliamentary Counsel, the Committee requested the Government to take steps without further delay to address the protection gaps in the legislation, and to ensure that the discrimination legislation expressly defined and prohibited sexual harassment (both quid pro quo and hostile environment harassment), as well as direct and indirect discrimination in all aspects of employment and occupation, for all workers, and with respect to all the grounds set out in the Convention. In the meantime, the Committee requested the Government to provide information on the practical measures taken to ensure that workers were being protected in practice against discrimination with respect to all aspects of employment and occupation, on the grounds set out in the Convention.

Convention No. 111

12. Direct request (repetition), adopted in 2013. The Committee recalled the significant occupational gender segregation, with women being confined primarily to a limited range of occupations, and previous indications by the Government that a national gender policy was being drafted through an inclusive consultative approach. The Committee urged the Government to provide detailed information on the outcome of the consultations and the status of the national gender policy, on the impact of the gender equality initiatives, and on the measures taken or envisaged to promote access of women to a wider range of occupations. 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.

Costa Rica

13. Among the relevant ILO Conventions, Costa Rica has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 89, 98, 105, 122, 138, 169, 182 and 189.

Comments made by the ILO supervisory bodies

14. 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

15. Observation, adopted in 2016. The Committee had been referring since 1990 to article 57 of the National Constitution and section 167 of the Labour Code, which set out the principle of equal wages for equal work, which was more limited than the principle of

equal remuneration for men and women for work of equal value. In this regard, the Committee noted with deep regret that Legislative Decree No. 9343 to reform labour procedures, adopted on 14 December 2015, which amended various provisions of the Labour Code, had not amended section 167. Furthermore, section 405 of the Legislative Decree provided that “All women workers who perform equal work under subjectively and objectively equal conditions shall benefit from the same entitlements, in terms of working time and remuneration, without any discrimination.” The Committee observed that this provision reaffirmed the principle of equal pay for equal work, which therefore continued to be more limited than the principle set out in the Convention. The Committee also noted the Government’s reference in its report to Bill No. 18752 to reform the Act to promote equality for women which, according to the Government, had the objective of setting out explicitly the right of women to “receive equal wages when they perform the same functions or have a job of equal value to that of a man”, and emphasized the obligation to ensure “equivalent remuneration for men and women in work involving equal functions or the same job”. The Committee once again reiterated that the concept of “work of equal value” provided for in the Convention, included but went beyond equal remuneration for “equal”, “the same” or “similar” work, and also encompassed work that was of an entirely different nature, but which was nevertheless of equal value. Comparing the relative value of jobs in occupations which might involve different types of skills, responsibilities or working conditions, but which were nevertheless of equal value overall, was essential in order to eliminate pay discrimination resulting from the failure to recognize the value of work performed by women and men free from gender bias (see 2012 General Survey on the fundamental Conventions, paragraph 673 et seq.). The Committee also emphasized that the significant occupational gender segregation and the significant wage gap that existed, which were examined in the direct request, illustrated the need to amend the legislation to give full effect to the principle of the Convention. The Committee once again requested the Government to take the necessary measures to amend the legislation 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 progress achieved in this respect.

Convention No. 100:

16. Direct request, adopted in 2016. The Committee recalled that in its previous comments it had referred to the significant pay gap (20 per cent on average, and reaching 39 per cent in certain sectors, such as manufacturing), and to the high level of occupational segregation on the basis of gender that existed in the country. The Committee noted that the Government had not provided information on current trends in the pay gap by sector. However, the information provided by the Government showed that in 2014 the gap by occupational level among directors and managers was 13.31 per cent and 18.9 per cent for professionals and scientists and 28.3 per cent for mid-level technicians and professionals. With regard to occupational segregation, the Committee noted the information provided by the Government on occupational categories, the number of employed persons and average hourly earnings, disaggregated by gender. The Committee noted that this information showed significant vertical occupational segregation. For example, 64.3 per cent of managerial level employees were men and 35.7 per cent were women, with the figures being 57 per cent of men and 43 per cent of women at the professional and scientific levels, and 66 per cent of men and 34 per cent of women for mid-level technical and professional staff, and 54.5 per cent of men and 46.5 per cent of women as administrative support staff. With regard to horizontal segregation, the information provided showed, for example, that 89 per cent of receptionists and 70 per cent of cooks were women, 100 per cent of carpenters were men, 100 per cent of child carers, of cleaners and of domestic helpers were women. The Committee also noted that in the list of minimum wages by sector for 2015, the denominations of occupations were given in a generic masculine, with the exception of certain jobs, such as hairdresser, maid, secretary, weaver, seamstress, manicurist and child minder, which were expressed in the feminine form. The Committee noted the

Government's recognition of these differences and its indication that it was taking measures to address them. The Government referred, in particular, to the measures taken to increase and protect wages in domestic service, in which a significant number of women work. The Committee further noted the general measures for equality adopted by the Government in the context of the Public Policy for Gender Equality and Equity (PIEG) and the second Institutional Plan of Action for Gender Equality and Equity (2016–20). The Committee requested the Government to take the necessary measures, including within the context of the Public Policy for Gender Equality and Equity (PIEG) and the second Institutional Plan of Action for Gender Equality and Equity (2016–20) to address without delay the significant vertical and horizontal occupational segregation that existed, particularly, through education and training measures for women to enable them to gain access to a broader range of jobs with better career prospects and remuneration, including in sectors in which men were in the majority. The Committee also requested the Government to continue taking measures to eliminate gender stereotypes in the public and private sectors which were hindering the access of women to the labour market, including the elimination of the denomination with gender connotations of occupations and jobs in minimum wage lists. The Committee requested the Government to provide information on the pay gap between men and women, disaggregated by sector and level of occupation, in order that trends could be perceived over the years, and on the specific measures taken to reduce and eliminate the pay gap. The Committee asked the Government to provide information on the effectiveness and results achieved through the measures adopted to address occupational segregation on grounds of gender and to reduce the pay gap.

17. The Committee noted the Government's indication that a gender perspective had been included in labour inspection through the Public Policy for Gender Equality and Equity (2012–14). The Committee requested the Government to indicate the results of inspections carried out with a gender perspective and to provide information on whether they have detected cases or received complaints of wage discrimination between men and women, and the circumstances, categories of employment and measures adopted in this regard.

Convention No. 111

18. Direct request, adopted in 2016. The Committee noted that, in its report on Convention No. 100, the Government indicated that the Second Institutional Plan of Action for Gender Equality and Equity (2016–20), in the context of which various measures had been taken, such as the promotion of gender mainstreaming in small and medium-sized enterprises, in the National Learning Institute and in the work of employment managers engaged in the placement of women. In this regard, the Government provided information on the distribution of men and women in jobs, occupations and sectors which showed a significant occupational segregation based on gender, while indicating an increase in the participation of women in activities with a lower number of women. The Government added that the Gender Equality Unit of the Ministry of Labour, which was participating in the technical committee responsible for monitoring the National Policy for Gender Equality and Equity (PIEG), provided training for education centres, enterprises, trade unions and other institutions. The Committee requested the Government to continue providing information on the specific measures adopted in the context of the Second Institutional Plan of Action for Gender Equality and Equity (2016–20), and the National Policy for Gender Equality and Equity and, in particular, their effectiveness and the results achieved in terms of the labour market participation of women and the reduction and elimination of occupational segregation based on gender (Article 3(f)). The Committee requested the Government to provide statistical data on the participation of men and women in the labour market, including export processing zones, disaggregated by sector.

19. With respect to sexual harassment, the Committee recalled that in its previous comments it had noted that the labour inspectorate was competent to investigate any

complaint of sexual harassment. The Committee noted that, in the report provided in relation to Convention No. 100, the Government indicated that the Ministry of Labour and Social Security had carried out training in various public institutions on sexual harassment and the legislation in force. While noting the measures adopted to address sexual harassment in the public sector, the Committee requested the Government to provide information on any prevention and awareness-raising measures adopted in the private sector. The Committee also requested the Government to report the number of complaints of sexual harassment lodged with the labour inspectorate and the judiciary, the action taken thereon, the sanctions imposed and remedies awarded.

Convention No. 122

20. Direct request, adopted in 2014. With respect to women's employment, the Committee noted the steps taken by the Ministry of Labour and Social Security to develop a municipal gender-sensitive employment service model, as well as its role in the drafting of the national technical standard INTE 38-01-01:2013 "Gender Equality and Equity Management System (SIGIEG)". The Committee invited the Government to indicate the manner in which these new measures had helped to increase women's participation in the labour market.

Italy

21. Among the relevant ILO Conventions, Italy has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 3, 29, 87, 97, 98, 105, 122, 138, 142, 143, 175, 182 and 183.

Comments made by the ILO supervisory bodies

22. 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

23. Direct request, adopted in 2013. The Committee noted that according to the statistical information provided in the Government's report, the gender wage gap, taking into account the net hourly wage, had increased during the period 2011–12 by an average of 1.8 per cent. As regards sectors, in particular, it had increased by 4.6 per cent in the transport sector, by 15.8 per cent in the construction sector, and by 8 per cent in the technical professions. It had decreased by 19 per cent in the manufacture sector, by 0.9 per cent in public administration and 1.3 per cent in education, health and social assistance. The Government highlighted that due to the current economic crisis, the net hourly wage of women was 10 per cent higher than that of men in the manufacturing sector. The Committee further noted that the gender wage gap was considerably higher (3.4 per cent) among workers aged 40–49 years. According to a report published in February 2013 by ISTAT, in 2010, workers with higher qualifications have received an average salary of €88,942 for men and €61,361 for women, and workers with lower qualifications had received an average salary for men of €20,064 and for women of €13,784. The Committee noted the Government's indication that due to the current economic and financial crisis, no project had been financed to address specifically the gender pay gap. The Committee noted however, the implementation of the Charter for Equal Opportunities in 546 enterprises and 164 public administrations and the projects carried out by the National Equality Counsellor to improve women's participation in the labour market. The Committee requested the Government to provide information on the impact of the implementation of the Charter for Equal Opportunities and of all the activities carried out by the National Equality Counsellor on the application of the principle of the Convention and the reduction of the gender pay gap. The Committee requested the Government to continue to provide statistical

information disaggregated by sex on the distribution of men and women in the different sectors and occupations and their corresponding earnings, including in higher level occupations, in the public and private sectors so as to allow an evaluation of the progress made over time to reduce the gender pay gap.

24. The Committee noted the Report prepared by the Department of Equal Opportunities and the Department on Public Administration concerning the measures for equal opportunities and treatment in the public administration for 2011. It noted that despite the actions and measures undertaken to promote gender equality, no specific measures appeared to have been taken in order to address wage differentials in the public administration. The Committee again requested the Government to take measures to increase action in public administration so as to promote and ensure equal remuneration for men and women for work of equal value and to reduce the gender pay gap and to report on the results achieved.

25. The Committee noted that the Government referred to the report of activity for 2012 prepared by the National Equality Counsellor according to which a mechanism for the evaluation of the performance of the Administration as well as of its employees was being envisaged and that it would take into account the gender aspect. The Government also referred to the Charter for Equal Opportunities which referred to equality of opportunity in access to employment of men and women. The Committee observed, however, that it had not addressed objective job evaluation. The Committee recalled that the concept of “equal value” provided for in the Convention 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. This objective job evaluation was different from the performance appraisal of jobs which aimed at evaluating the performance of an individual worker in carrying out his or her job. Objective job evaluation measured the relative value of jobs with varying content on the basis of the work to be performed. It was concerned with evaluating the job not the individual worker (see *General Survey on fundamental Conventions*, 2012, paragraphs 695 and 696). Recalling that section 28(2) of Legislative Decree No. 5/2010 provided that “systems of job classification determining remuneration shall adopt common criteria for men and women and be developed with a view to eliminating discrimination”, the Committee again asked the Government to provide information on the implementation of this provision, as well as on any action taken or envisaged to promote, in cooperation with the social partners, the development and use of objective job evaluation methods in both the private and the public sectors.

Convention No. 111

26. Observation, adopted in 2013. With respect to discrimination on the basis of sex, pregnancy or maternity, the Committee had referred in its previous comments to the “licenziamento in bianco”, namely the practice of having the worker sign an undated letter of resignation at the time of hiring for future use by the employer at his or her convenience and which affects more specifically pregnant women. In this respect, the Committee noted that the Government referred to the adoption of Act 92/2012 of 28 June 2012 on Labour Market Reform, which provided that the resignation by a pregnant woman or by the worker with a child under three years old, had to be validated by the labour inspectorate to be effective. The Committee noted, however, that according to statistics provided by the Government, the labour inspectorate had validated 17,681 resignations in 2011 and 19,187 in 2012 which amounted to a 9 per cent increase in one year. According to the Annual report on the validation of resignations of working mothers and fathers, the great majority of these resignations concerned women between 26 and 35 years of age and the motive put forward for resignation referred mostly to the impossibility to reconcile family responsibilities and working obligations due to the lack of available childcare or parental support. Noting the high number of resignations of women between 26–35 years,

the Committee requested the Government to take additional concrete measures in order to address the issue of resignation without cause of pregnant women and working mothers, and to prevent and eliminate all discrimination against women on the basis of pregnancy and maternity.

Convention No. 111

27. Direct request adopted in 2013. The Committee noted the information provided by the Government concerning the measures adopted to improve access of women to employment as well as for the reconciliation of work and family responsibilities. The Committee noted in particular that : Section 4(12–15) of Act 92/2012 provided for tax incentives for the temporary and permanent employment of women; Section 4(24–25) provided for some provisional and temporary measures (2013–15) which consisted of compulsory parental leave of one day accorded to fathers with a possible extension to two more days if the mother decided to return to work before the end of her maternity leave, and a voucher of €300 for babysitting or child care facilities accorded to the working mother during six of the 11 months following the end of compulsory maternity leave; Decree 243/2012 provided for the establishment of a fund for the financing of measures aimed at increasing employment possibilities of young persons and women; the National Equality Counsellor established the Observatory for national and decentralized contracts and time conciliation which gathers examples of good practices in contracting and is a new tool to strengthen women participation in the labour market; the Stability Law (Law 228/2012) entrusts social partners, through collective bargaining, with the establishment of the modalities for the enjoyment of parental leave; the signature on 25 October 2012 between the Government and the regions and provinces of the document “Reconciliation of living and working time for 2012” which provided, among others, for flexible forms of work and the promotion of parental leave for fathers. The Committee also noted the projects implemented by the Department of Equal Opportunities. The Committee asked the Government to provide information on the practical application of these legislative measures, including Legislative Decree No. 5/2010 on equal opportunities and treatment referred to in its previous direct request, and their impact on promoting equality of opportunity and treatment between men and women in employment and occupation, and addressing gender segregation in certain economic sectors and occupations. It also requested the Government to provide information on the impact of all the programmes and measures adopted to promote equal opportunities and treatment for men and women in access to employment and occupation, including “Italia 2020”.

28. The Committee noted the Report prepared by the Department of Equal Opportunities and the Department of Public Administration concerning the measures for equal opportunities and treatment in public administration for 2011. According to this report women continued to be under represented in managerial positions (14.69 per cent of men compared to only 6.67 per cent women) and organizational position (5.30 per cent of men and 3.64 per cent of women); parental leave was mainly enjoyed by women (70 to 87 per cent depending on the public entity under examination); men participated more in training that helped them for career advancement; and there was still little capacity building on issues related to gender. The report further indicated that the great majority of public administrations had drafted triennial plans for affirmative action. The Committee observed, however, that the impact of these triennial plans was not clear. The Committee asked the Government to provide information on the impact of the “triennial plans for affirmative action measures” on promoting the access of women to posts and job positions in the public administration in which they are under-represented. It also requested the Government to provide information on the activities of the “Single Committee to Guarantee equal opportunities in the achievement of the well-being of workers and the prevention of discrimination” (CUG), including the manner in which these committees cooperated with the National Equality Counsellor.

Convention No. 183

29. Observation, adopted in 2014. The Committee noted the observations made by the Italian Union of Labour (UIL) and the Italian Confederation of Workers' Trade Unions (CISL), which had been received on 18 and 23 December 2013, respectively. In particular, the CISL referred to calculation methods and benefit amounts which were unfavourable to semi-dependent (*lavoro parasubordinato*) workers. This was because, since they had not had continuing contracts, their allowance was calculated on the basis of income over 12 months, rather than last salary, resulting in a lower level of benefits. This undermined the possibility of enjoying full protection against discrimination and employment protection. The Committee requested the Government to send its comments on this matter.

30. As regards compulsory period of postnatal leave, the Government indicated that Legislative Decree No. 119 of 18 July 2011 had amended section 16 of the consolidated text concerning the protection of maternity and paternity, paragraph 1bis of which now gave a woman worker the possibility of returning to work in the case of specific events and under specific conditions, thus forgoing, wholly or partially, the postnatal portion of her maternity leave. The Committee asked the Government to indicate how it intended to harmonize this provision with Article 4(4) of the Convention, which provided that "maternity leave shall include a period of six weeks' compulsory leave after childbirth, unless otherwise agreed at the national level by the Government and the representative organizations of employers and workers".

Montenegro

31. Among the relevant ILO Conventions, Montenegro has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 29, 45, 87, 89, 97, 98, 105, 122, 138, 142, 143, 182 and 183. Montenegro has ratified Convention No. 171 on 8 November 2016 (entry into force: 8 November 2017).

Comments made by the ILO supervisory bodies

32. 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. 89

33. Direct request, adopted in 2013. The Committee noted that under section 105 of the Labour Law (Official Gazette No. 49/08), an employed woman working in industry and civil works sectors might not be assigned to a night shift except for women in managerial positions or when it was necessary to prevent damage to raw materials or continue activities interrupted by natural disaster. The Committee also noted section 56(1) of the Labour Law, which defined night work as work performed from 10 p.m. to 6 a.m. of the next day, and was therefore inconsistent with Article 2 of the Convention since it had not covered a period of at least 11 consecutive hours. The Committee wished once again to draw the Government's attention to the need to progressively eliminate any provisions contrary to the principles of non-discrimination in employment and occupation, and equality of opportunity and treatment between men and women, except those connected with maternity protection, and accordingly consider the ratification of the Night Work Convention, 1990 (No. 171), which had sought to improve the quality of working life of all night workers, both men and women, in all branches and occupations. The Committee invited the Government to review gender-specific prohibitions or restrictions to night work and to modernize its legislation, in consultation with the social partners, and in particular with women workers, so as to ensure that the same standards of protection apply to men and women alike in accordance with the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the widely ratified UN Convention on the Elimination of

All Forms of Discrimination against Women. The Committee requested the Government to keep the Office informed of any decision taken or envisaged concerning the possible ratification of Convention No. 171 and the eventual denunciation of Convention No. 89.

Convention No. 100

34. Direct request, adopted in 2013. The Committee noted from the document “Women and Men in Montenegro”, published biennially by the Montenegro Statistical Office and cited by the Government, that the gender pay gap had decreased slightly from 13.8 per cent in 2009 to 13.2 per cent in 2011. The same publication indicated that the gender pay gap stood at 33.5 per cent in the manufacturing industry, 16.1 per cent in the hospitality sector and 13.9 per cent in the health and social service sector. In this connection, the Committee noted the Government’s statement that differences in wages between men and women were a consequence of the high prevalence of male workers in leadership positions, and of female workers in clerical positions. The Committee asked the Government to provide information on the measures taken or envisaged to reduce the gender pay gap in all sectors of the economy, including measures taken to address its underlying causes such as occupational gender segregation, and the results achieved.

35. With respect to national legislation, the Committee noted that, following amendments in 2011 pursuant to Act No. 1298, the Labour Law henceforth expressly provided for the principle of equal remuneration for men and women for work of equal value (section 77(2)). In case of violation of this right, workers might claim compensation equivalent to the underpaid part of the salary (section 77(4)). The Committee noted, however, that according to section 77(3), as amended, work of equal value referred to work requiring the same level of qualification, responsibilities and skills, as well as the same working conditions and performance. Pursuant to section 77(2), the principle also seemed to be limited to workers employed by the same employer. The Committee drew the Government’s attention to the fact that the definition of “work of equal value” as established in the amended Labour Law had not fully reflected the principle set out in the Convention. It recalled that the concept of “work of equal value” under the Convention not only encompassed equal remuneration for workers with the same level of qualification, responsibilities and skills, or working under the same conditions and performance, but also allowed for the comparison of jobs that were of an entirely different nature, but which were nevertheless of equal value (see *General Survey on the fundamental Conventions*, 2012, paragraphs 673 and 677). The Committee therefore asked the Government to take the necessary steps to amend section 77(3) of the Labour Law so as to fully reflect the principle of equal remuneration for men and women for work of equal value, as set out in the Convention, and to supply information on the progress made in this regard.

36. The Committee noted the adoption of the new Law on civil servants and public employees in 2011 (Law No. 23-2/11-6 EPA 632), as well as the new Law on salaries of civil servants and state employees in February 2012 (Law No. 232). The Committee noted that Law No. 232 established basic wage coefficients, as well as titles and pay grades for certain categories of workers, and contained provisions on the calculation of basic wages and on the criteria for determining the variable component of wages. The Committee asked the Government to provide detailed information on how it was ensured that the design and implementation of the pay system in the public service pursuant to Law No. 232 promoted the principle of the Convention.

37. The Committee noted the Government’s indication that there had been no reported cases of discrimination regarding the principle of the Convention. The Government indicated further that, since the entry into force of the Law on gender equality, 2007, women had sought advice from the Ministry of Human and Minority Rights on violations of labour rights and that, in such cases, female workers have been instructed to address their complaints or requests to the labour inspectorate. In this connection, the Government referred to only one case addressed to the labour inspectorate (concerning failure to pay

earnings during maternity leave) which was upheld. The Committee asked the Government to provide detailed information on any measures taken or envisaged to raise awareness of the principle of equal remuneration for men and women for work of equal value, among workers and employers and their organizations. The Government was also requested to indicate how the enforcement of section 77 of the amended Labour Law had been undertaken in practice by labour inspectors, and to provide information on any steps taken to increase the capacity of judges, labour inspectors and other relevant officials to identify and address unequal remuneration.

Convention No. 111

38. Observation, adopted in 2013. As regards restrictions on women's employment, the Committee recalled its previous comments in which it had noted that section 104 of Labour Law No. 49/08, which provided that "an employed woman ... shall not work in a job position with prevailing hard physical labour, works under ground or water, or a job involving tasks that can have detrimental effect on and an increased risk for [her] health and life", might give rise to violations of the principle of equality of opportunity and treatment. The Committee drew the Government's attention to the fact that protective measures for women should be limited to the protection of maternity in the strict sense, and that provisions relating to the protection of persons working under hazardous or difficult conditions should be aimed at protecting the health and safety of both men and women at work, while taking account of gender differences with regard to specific risks to their health (see General Survey on the fundamental Conventions, 2012, paragraphs 838–840). The Committee once again asked the Government to take the necessary measures to revise section 104 of Labour Law No. 49/08 with a view to ensuring that restrictions on women's employment were limited to maternity in the strict sense, and to provide information on the progress made in this regard.

Convention No. 111

39. Direct request, adopted in 2013. The Committee noted the information provided by the Government on the measures taken with a view to promoting equality of opportunity and treatment between men and women. It noted, in particular, the adoption of the second Action Plan for Achieving Gender Equality (2013–17), which set out time-bound goals, specific action and the bodies responsible for each activity related to the implementation of gender equality policies. In order to promote women's employment and eliminate all forms of discrimination against women in the labour market, the plan proposed a multifaceted approach to reduce unemployment and the gender pay gap; encouraged female entrepreneurship and self-employment; ensured the effective implementation of laws; promoted existing complaint mechanisms; and to help men and women reconcile work and family responsibilities. The Committee also noted the information provided by the Government on the training activities targeted at labour inspectors, civil servants, local employees in the education sector, and members of the judiciary with a view to building their capacity on gender equality issues. Finally, the Committee noted the statistical information on the employment and unemployment rate of men and women, as well as the sex-disaggregated data provided in the document "Women and Men in Montenegro", published biennially by the Montenegro Statistical Office. The Committee asked the Government to continue to provide information on the measures taken within the framework of the Action Plan on Gender Equality (2013–17), or otherwise, to promote equality of opportunity and treatment between men and women in employment and occupation, and to improve women's access to the labour market, including detailed information on the impact of such measures and the concrete results achieved.

Niger

40. Among the relevant ILO Conventions, Niger has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 29, 87, 98, 105, 138, 142 and 182.

Comments made by the ILO supervisory bodies

41. 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. Direct request, adopted in 2014. The Committee noted the adoption of Act No. 2012-45 of 25 September 2012 issuing the Labour Code, of which sections 157 to 160 reproduced the provisions of the former Labour Code of 1996. These provisions defined remuneration, provided for the principle of equal remuneration for work of equal value irrespective of origin, sex, age and status, and provided for the shifting of the burden of proof to the employer where there existed serious indicators leading to the presumption of discrimination in relation to remuneration. They also provided that the methods for jobs evaluation should be based on objective considerations mainly on the nature of the work performed. The Committee asked the Government to provide information on the adoption of any regulations implementing the new Labour Code in relation to the principle of the Convention, as well as information on the practical application of sections 157 to 160 of the Labour Code, including any judicial decision relating to the principle of equal remuneration for men and women for work of equal value.

43. For several years, the Committee had been requesting the Government to amend the provisions of the legislation respecting the public service, which were discriminatory towards women in the public service, and particularly those of Decree No. 60-55/MFP/T regulating the remuneration and benefits of officials in state public administrations and establishments, with a view to ensuring, among other objectives, that female officials benefitted from family allowances under the same conditions as male officials. The Committee noted the Government's statement that, by means of Decree No. 2008-244/PRN/MFP/T of 31 July 2008, implementing Act No. 2007-26 of 23 July 2007 issuing the general conditions of service of the State public service, all discriminatory provisions towards women public servants had been abolished. However, the Committee noted that Decree No. 2008-244/PRN/MFP/T explicitly provided in section 1 that "in order to implement Act No. 2007-26 [...] provisions other than those relating to remuneration, motivation and other material and social benefits allocated to officials and contractual employees of the public service shall be determined by the present Decree". Indeed the 2008 Decree had not contained any provisions with respect to allowances, benefits and bonuses. The Committee therefore asked the Government to take the necessary measures to ensure that women officials benefitted from family allowances and other benefits and bonuses on an equal footing with men. In this respect, it asked the Government to indicate precisely the texts issued under Act No. 2007-26 issuing the general conditions of service of the State public service and determining the rate and conditions for entitlement to family allowances, benefits and bonuses. The Committee requested the Government to specify whether Decree No. 60-55/MFP/T, issuing regulations respecting the remuneration and material benefits allocated to officials in state public administrations and establishments, was still in force or whether it had been formally repealed.

44. With regard to the regulations respecting minimum wages by occupational category, the Committee recalled that the Government had undertaken to designate occupations using neutral terms when revising Decree No. 2006 59/PRN/MFP/T determining minimum wages by occupational category. The Government indicated in its report that, irrespective of the term used to designate an occupation, persons of both sexes might apply. Noting the

Government's indication that the 2006 Decree had been repealed and replaced by Decree No. 2012-358/PRN/MFP/T of 17 August 2012, the Committee asked the Government to provide a copy of the 2012 Decree and to specify the manner in which, and the extent to which, the principle of equal remuneration for men and women for work of equal value had been taken into account in its adoption.

Convention No. 111

45. Observation, adopted in 2014. The Committee noted with interest the adoption of Act No. 2012-045 of 25 September 2012 issuing the Labour Code. It noted in particular that the new Labour Code had extended the list of prohibited grounds of discrimination through the addition of HIV/AIDS and sickle cell disease (section 5) and that it contained provisions for the benefit of persons with disabilities (a recruitment quota of 5 per cent – section 10 – and the adaptation of jobs and conditions of employment – section 46). The Committee also noted that penalties against persons engaging in discrimination had been increased considerably (sections 338 to 341) and that the new Labour Code explicitly prohibited certain forms of sexual harassment (section 45). The Committee requested the Government to provide information on the adoption of any regulations to implement the Labour Code in respect of equality and non-discrimination, and on the measures taken to disseminate knowledge of the provisions of the new Labour Code to workers, employers and their respective organizations.

Convention No. 111

46. Direct request, adopted in 2014. The Committee noted that Act No. 2012-45 of 25 September 2012 issuing the Labour Code had introduced into the labour law in Niger provisions explicitly prohibiting “sexual harassment in the context of work, through abuse of authority, for the purpose of obtaining favours of a sexual nature from another person” (section 45). The Committee however recalled that, to be effective, the prohibition of sexual harassment must not only cover behaviour, acts or words intended to obtain sexual favours, but also types of behaviour, acts or words with a sexual connotation which had the effect of creating an intimidating, hostile or humiliating work environment for an individual (see General Survey on the fundamental Conventions, 2012, paragraph 789). The Committee also emphasized that the prohibition must not only apply to persons exercising authority, such as a hierarchical superior or an employer, but also work colleagues and even clients of enterprises, or other persons encountered in the work context. The Committee requested the Government to take the necessary measures to extend the definition and prohibition of sexual harassment to sexual harassment due to a hostile working environment and to broaden the scope of the persons to whom these provisions apply beyond individuals exercising authority. The Committee also encouraged the Government to take measures to raise awareness of the provisions of the Labour Code with respect to sexual harassment and the remedies available to victims. It requested the Government to provide information on the following points: (i) the specific measures taken, in collaboration with employers' and workers' organizations, to prevent and combat harassment in employment and occupation; (ii) the procedures and penalties applicable in the case of sexual harassment; and (iii) the provisions applicable in the public sector.

47. In its previous comments, the Committee had emphasized the low proportion of women in public and private employment. The Committee noted that, according to the analysis of the gender situation in Niger contained in the National Gender Policy (PNG) adopted in 2008, the educational level of women was very low and only a small proportion of women managed to overcome the multiple socio-cultural barriers to gain access to training and to the minimum level of vocational qualifications required to obtain paid employment. This analysis also emphasized the existence of inequality of status and social position in the family and in society and of “hidden discrimination” in recruitment and appointments to various types of jobs. The PNG included a vast programme of awareness-

raising for equality of opportunity and treatment with a view to combating prejudices and attitudes relating to the position of women in the family and in society, and the development of strategies to reinforce the effective participation of women in all sectors of activity and their access to the means of production and to economic opportunities. It also envisaged the establishment of a technical monitoring and evaluation committee and the creation of a Gender Promotion Observatory (ONPG). The Committee requested the Government to provide detailed information on the measures taken or envisaged to implement the PNG, particularly with respect to the access of girls and women to education and to vocational training, and especially the promotion of girls to remain in school, as well as on the impact of these measures on the situation of women in paid employment and the various occupations. The Government was also requested to indicate whether the monitoring and evaluation body and the Gender Promotion Observatory had been established and, if so, to provide information on their respective activities.

48. As regards restrictions on the employment of women, the Committee regretted to note that section 109 of the new Labour Code reproduced the provisions of the former Labour Code (section 101) in the same terms under which decrees should be issued to determine “the nature of the work prohibited for women and pregnant women”. In its previous comments, the Committee had emphasized on several occasions that such restrictions on the employment of women went beyond what was strictly necessary to protect maternity and pregnant and nursing women. As the objective was to repeal discriminatory protective measures applicable to the employment of women, the Committee drew the Government’s attention to the fact that it was necessary to examine other measures, such as better protection for the health of men and women, security and adequate transport, and better access to social services, which would be necessary to enable women to have the same opportunities as men to gain access to such jobs. The Committee requested the Government to take the necessary measures to amend section 109 of the Labour Code so as to ensure that its provisions were explicitly and solely intended to afford protection for maternity, and not to women in general. Noting that a draft decree to implement the Labour Code was being formulated, the Committee requested the Government to ensure that the provisions setting out protection measures for women were strictly limited to the protection of maternity and that the list of prohibited types of work was reviewed periodically in the light of technical developments, technology and the improvements achieved in terms of occupational safety and health in general.

Convention No. 156

49. Direct request, adopted in 2012. The Committee noted the Government’s indication that eight regions in the country had centres for mothers and children which were operational and which provided quality care to families.

50. The Committee also noted that the new Labour Code had not explicitly prohibited termination of employment due to family responsibilities. Regarding the protection of workers with family responsibilities against dismissal in practice, the Committee noted that there had been no court decisions on discrimination against workers with family responsibilities. The Committee asked the Government to provide specific information on how workers with family responsibilities were protected against termination of employment.

Nigeria

51. Among the relevant ILO Conventions, Nigeria has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 97, 98, 105, 138 and 182.

Comments made by the ILO supervisory bodies

52. 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

53. Direct request, adopted in 2013. The Committee noted from the Government's brief report that the NAPTIP had been established. The Committee noted that, according to Act No. 24 of 2003, the functions of the NAPTIP also encompassed information and awareness-raising campaigns with regard to the trafficking of human beings. The Committee requested the Government to specify whether the NAPTIP had the power to take specific measures against misleading propaganda relating to emigration and immigration from employment agencies and employers, including sanctions against them, and if so to provide information on any measures taken in this respect. The Committee also requested the Government to provide detailed information on how the measures against misleading propaganda help to put an end to trafficking in persons and particularly trafficking of Nigerian women to Europe for the purposes of sexual exploitation.

Convention No. 100

54. Direct request (repetition), adopted in 2015. The Committee noted that, while the Government briefly indicated that it had noted its comments to ensure the principle of the Convention was reflected in any new labour legislation, the Government provided no further information in this respect. The Committee requested the Government to provide detailed information on measures taken to ensure any forthcoming national legislation in the area of labour law, including the Labour Standards Bill that had been pending since 2008, gave full expression to the principle of equal remuneration for men and women for work of equal value.

55. The Committee noted the Government's justification for limiting the application of the National Minimum Wage (Amendment) Act, 2011, to establishments with 50 or more employees, which was to encourage small-scale establishments to grow. In this regard, the Committee emphasized that while a uniform national minimum wage system helps to raise the earnings of the lowest paid and therefore had an effect of reducing the gender pay gap, special attention was needed in the design or adjustment of minimum wage schemes to ensure that the rates fixed are free from gender bias (see *General Survey on the fundamental Conventions*, 2012, paragraph 683). The Committee therefore invited the Government to provide any recent studies or surveys assessing the gender composition of small-scale business establishments to examine whether women were disproportionately impacted by the exclusion of such establishments from the national minimum wage scheme. The Committee also requested the Government to indicate measures taken to extend the scope of the National Minimum Wage (Amendment) Act, 2011, to those sections of the workforce currently excluded from the coverage.

Convention No. 111

56. Observation, adopted in 2016. For many years, the Committee had been drawing attention to the discriminatory nature of sections 118–128 of the Nigeria Police Regulations, which provided for special recruitment requirements and conditions of service applying to women. Specifically, it had noted that the criteria and provisions relating to pregnancy and marital status contained in sections 118, 124 and 127 constituted direct discrimination, and that sections 121, 122 and 123 on duties that women police officers could perform were likely to go beyond what was permitted under Article 1(2) of the Convention. The Committee also had noted that legal provisions establishing common height for admission to the police were likely to constitute indirect discrimination against

women. Accordingly, the Committee had urged the Government to bring its legislation in conformity with the Convention. The Committee noted the Government's very general reply that the police hierarchy had little room to address the concerns of the Committee without breaching the Police Act of 1967, and that the Federal Character Commission (responsible for fairness and equity in the distribution of public posts) had therefore addressed this issue through advocacy. Recalling once again that each member for which this Convention was in force, in accordance with Article 3(c), was under the obligation to repeal any statutory provisions which were contrary to equality of opportunity and treatment, the Committee urged the Government to bring the Nigeria Police Regulations of 1968 into conformity with the Convention without delay, and to indicate the measures taken to this end.

Convention No. 111

57. Direct Request, adopted in 2016. With reference to its previous comments, the Committee noted once again that the Government provided no information on the specific measures taken to address discriminatory practices against women based on maternity and marital status in the workplace, nor on the number and nature of any case of discriminatory practices based on these grounds addressed by the competent authorities. The Committee urged the Government to indicate the measures taken in collaboration with workers' and employers' organizations to address discriminatory practices based on maternity and marital status in the workplace, including information on the number and nature of the cases identified and addressed by the competent authorities, and particularly by labour inspectors, the sanctions imposed and remedies granted.

58. The Committee noted the materials submitted by the Government on the Community Services, Women and Youths Employment (CSWYE) project, which provided temporary employment opportunities in cleaning and light construction work through community services to unemployed women, youth, and persons with disabilities. It noted that while the project had not provided vocational training except to a limited number of participants, it provided a level of guaranteed income for up to one year that enabled participants to develop skills relevant to the community context, and encouraged the establishment of micro-enterprises; and that at least 30 per cent of participants were women. The Committee noted, however, that no further information had been provided on training activities by the National Directorate for Employment (NDE) and the Technical Vocational Education Training (TVET) programme for rural women and women with disabilities, as requested by the Committee. The Committee noted from the Government's fifth periodic country report of June 2014 on the Implementation of the African Charter on Human and Peoples' Rights in Nigeria that the National Centre for Women Development had been planning to re-activate women development centres across the country, which would provide vocational training to women, especially in the rural areas, and that the National Gender Policy of 2006 was being reviewed (page 130). The Committee further noted that the first session of the eighth Parliament had reviewed the Gender and Equal Opportunities Bill of 2016, which provided comprehensive protection against discrimination based on sex, age and disability, promoted gender equality, and provided for special temporary measures, including in employment and occupation. The Committee requested the Government to provide information on the progress made in the adoption of the Gender and Equal Opportunities Bill of 2016 and the revision of the National Gender Policy of 2006, and to provide copies of the most recent versions of these documents. It further requested the Government to provide specific examples of any training conducted by the Women Development Centres, the TVET programme and the National Directorate for Employment, including statistical information, disaggregated by sex, on the number of participants in various training courses and the results achieved. The Committee also requested the Government to provide information on results achieved through the measures taken by the Federal Character Commission, the Federal Civil Service Commission, the Federal Ministry of Women Affairs and Social Development, and the National Centre for

Women Development, in collaboration with workers' and employers' organizations, to promote equal opportunities for men and women in employment and occupation, including specific examples and statistical information on the results obtained.

Romania

59. Among the relevant ILO Conventions, Romania has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 3, 29, 87, 89, 98, 105, 122, 138, 182 and 183.

Comments made by the ILO supervisory bodies

60. 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. 89

61. Direct request, adopted in 2013. The Committee recalled its previous comment in which it had noted that the national legislation no longer contained a general prohibition against the employment of women during the night with the exception of section 128(2) of the Labour Code which provided that pregnant, recently confined, or nursing women might not be obliged to perform night work, and that therefore the Convention had ceased to apply in law and practice. In its latest report, the Government indicated that it would examine the possibility of denouncing the Convention at the next suitable occasion – in line with action taken by the majority of EU Member States – and would also consider the ratification of the Night Work Convention, 1990 (No. 171). The Committee recalled, in this respect, that Convention No. 89 could be denounced every ten years and would again be open to denunciation for a period of one year as from 27 February 2021. The Committee once again strongly encouraged the Government to give favourable consideration to the ratification of Convention No. 171 and to keep the Office informed of any decision taken in this regard.

Convention No. 100

62. Direct request, adopted in 2014. The Committee noted that, according to Eurostat statistics, in 2012 the estimated overall gender pay gap on the basis of average gross hourly earnings was 9.7 per cent (22.7 per cent in manufacturing, 21.1 per cent in financial and insurance activities, 23.7 per cent in other service activities, and 12.8 per cent in education). The Committee further noted that the elimination of the gender pay gap had been set as an objective by the Government Programme for 2013–16. Recalling the importance of collecting and analysing recent and reliable data on the actual situation in order to address appropriately unequal pay, the Committee asked the Government to provide statistics on the earnings of women and men in employment, by occupational group and economic sector, and any research available on the evolution of the gender pay gap and its underlying causes. It further asked the Government to indicate the steps taken or envisaged to address the structural and underlying causes of the gender pay gap, such as vertical and horizontal occupational job segregation, and all measures taken to combat effectively the gender pay gap in sectors where it was particularly wide.

63. The Committee recalled that the principle of the Convention was reflected in the Labour Code (section 6(3)). The Committee noted that the adoption of the Framework Act No. 284/2010 of 28 December 2010 on the unitary pay system for public sector employees, which repealed the Framework Act No. 330/2009 of 5 November 2009. The new Act, as the previous Act, also provided that the salary system established was based on the principle of equal remuneration for work of equal value (section 3(c)). The Committee asked the Government to provide information on the application of section 3(c) of the Framework Act No. 284/2010 in practice, specifying the manner in which and by which

public authority observance of this provision is ensured, as well as the procedure allowing public servants to enforce their rights in the event of wage discrimination.

64. The Committee noted the Government's indication that labour inspections concerning equal opportunities and treatment between men and women were in general focusing on prevention. While welcoming the statistics on the number of labour inspections carried out and sanctions applied, the Committee noted that the information provided had not related specifically to unequal remuneration. The Committee asked the Government to provide information on training and awareness raising for labour inspectors, judges, workers, employers and their organizations regarding the principle of equal remuneration for men and women for work of equal value. The Committee also asked the Government to provide information on any complaints regarding discrimination in remuneration dealt with by the courts and any cases detected by or reported to labour inspectors, including on their outcomes.

Convention No. 111

65. Direct request, adopted in 2014. The Committee noted from the statistics provided by the Government for 2012, the high proportion of women in the civil service whereas their participation in the private sector remained low (39 per cent in fully private entities and 28 per cent in entities with a majority private ownership). The Committee noted the Government's indication that it was taking active measures to promote the employment of women, including specific measures for women belonging to vulnerable groups (graduates, young women at risk of social exclusion, women with disabilities, women over 45, Roma women, etc.). The Government also indicated that increasing the participation of women in the labour market, including through support measures to reconcile work and family, promote entrepreneurship and the "Second Chance" programme to acquire skills required by the labour market, as well as job scholarships for women and measures to combat occupational gender stereotypes, was one of the goals set by the National Strategy for Boosting Employment 2014–20 (NSBE). The Committee requested the Government to provide information on the concrete measures taken to increase the participation of women in the labour market, including measures to address occupational gender segregation and combat gender stereotypes, and the measures taken to reconcile work and family responsibilities for both men and women workers, under the NSBE as well as any assessment made and results achieved. The Committee requested the Government to provide information on the activities carried out, in the field of training and employment, by the National Committee on Equal Opportunities for Women and Men and the Department for Equal Opportunities between men and Women created in 2014 within the Ministry of Labour. The Government was also requested to provide full statistics on the employment of women and men in the private and public sector, disaggregated by occupational category and job level. The Committee reiterated its request for information with respect to the review of the clauses addressing work and family issues in collective agreements that provided certain entitlements and arrangements only to mothers.

Convention No. 183

66. Observation, adopted in 2013. The Committee noted that, according to information available from Eurostat, in 2011, Romania had one of the highest rates of persons at risk of poverty or social exclusion in the European Union – 40 per cent of the population, with a relatively high proportion of employed persons at risk of poverty (18.9 per cent). According to Eurostat, among part-time workers, the in-work at-risk-of-poverty rate was 61 per cent in 2012. In this situation, the Committee welcomed the fact that the minimum threshold of maternity benefit reported by the Government (600 Romanian new lei (RON) per month) exceeded the at-risk-of-poverty threshold established by Eurostat at 60 per cent of median equivalized income, that is to say, RON448 per month. The Committee noted also the medical benefits package granted to women earning income lower than the national

minimum gross wage. Taking into account that maternity benefit represented 85 per cent of the previously insured earnings, which in certain cases might be lower than the national minimum wage, the Committee requested the Government to specify whether all employed women had the right to receive maternity benefit at the guaranteed minimum level and, if not, what additional forms of protection were provided to ensure that the amount of cash maternity benefit remains at a level allowing maintenance of the mother and child with a suitable standard of living, especially as regards women employed in atypical forms of dependent work, including part-time, temporary and domestic women workers.

Thailand

67. Among the relevant ILO Conventions, Thailand has ratified Convention No. 100. It has ratified Convention No. 111 on 13 June 2017 (entry into force: 13 June 2018). It has also ratified Conventions Nos. 29, 105, 122, 138 and 182.

Comments made by the ILO supervisory bodies

68. 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

69. Observation, adopted in 2016. In its previous comments, the Committee had noted that section 53 of the Labour Protection Act of 2008, in providing only equal wages in cases where men and women performed work of the same nature, quality and quantity, had not fully reflected the principle of the Convention. The Committee noted the Government's indication that the Department of Labour Protection and Welfare had set up a working group to revise the Labour Protection Act, which would take into consideration the definitions of the terms "remuneration" and the terms "equal remuneration for men and women for work of equal value", as provided by the Convention. The Committee expressed hope that the necessary steps would soon be taken to amend section 53 of the Labour Protection Act of 2008 in order to include the principle of equal remuneration for men and women for work of equal value explicitly, and requested the Government to report on the progress made in this regard. The Committee further requested the Government to provide information on any further activities undertaken, in cooperation with workers' and employers' organizations, to promote the principle of the Convention in the public and the private sectors.

70. As regards the public sector, the Committee had previously noted that the former classification method which had divided workers into four occupational clusters (unskilled, semi-skilled, skilled and special skilled employees) had been maintained. The Committee noted with regret that once again no further information had been provided on the manner in which it was ensured that the wage determination mechanisms were free from gender bias. The Committee urged the Government to indicate the specific measures taken to ensure that job descriptions and the selection of factors for job evaluation were free from gender bias, and more particularly with regard to employees working in the public service who were not public officials. The Committee also requested the Government to provide statistical data, disaggregated by sex, on the distribution and remuneration of men and women in the various groups of the compensation schedule.

Convention No. 100

71. Direct request, adopted in 2016. The Government had previously indicated that the Thai Labour Standards (TLS) 8001-2003 stated that employers must not engage in or support any discrimination in employment, wage and remuneration payment, labour welfare provision, opportunities for training and development, promotion, termination of

employment or retirement. The Committee noted however that again no information had been provided by the Government on compliance with standards related to non-discrimination and remuneration and recalled its previous comments noting the need for appropriate training for employers and employees on the principle of equal remuneration for men and women for work of equal value. With regard to the TLS 8001-2003, the Committee urged the Government to provide information on the practical application of the TLS (8001-2003) standards related to equal remuneration for men and women for work of equal value. The Committee also requested the Government to indicate whether any activities, including training, had been organized in the private sector, such as to promote job evaluation and to provide a better understanding of the principle of equal remuneration for men and women for work of equal value.

72. The Committee recalled its previous comments which referred to the underrepresentation of female ordinary civil servants at the executive level, and occupational gender segregation as a main cause of the gender pay gap. The Committee noted that the Eleventh National Economic and Social Development Plan (2012–16) acknowledged that more opportunities should be given to women for career advancement toward managerial and decision-making positions at both local and national levels in the public and private sectors. The Plan also referred to the need to develop laws and regulations to prevent discrimination against women and to amend legislation to allow the appointment for more women to local and national committees. The Committee asked the Government to provide information on the following: (i) the measures taken under the Eleventh National Economic and Social Development Plan to improve women's access to decision-making and management positions, and their impact on reducing the gender pay gap; and (ii) statistical data disaggregated by sex on the participation of men and women in different occupations and sectors of activity in the public and private sectors.

Convention No. 122

73. Observation, adopted in 2015. The Government indicated that the Department of Employment had organized career promotion activities for unemployed women and men by providing training courses on self-employment and entrepreneurship, in which women jobseekers have participated roughly five times more than men jobseekers on average from 2007–11. The Committee requested the Government to provide information on the impact of the measures taken to promote increased participation of women in the labour market and to prevent discrimination in terms of employment, by including relevant statistical data.
