



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

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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 the specialized agencies on the implementation
of the Convention on the Elimination of All Forms of
Discrimination against Women 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 fifty-seventh session, reports on the implementation of the Convention in areas falling within the scope of their activities.

* CEDAW/C/57/1.



I Introduction

1. The provisions of article 11 of the Convention on the Elimination of All Forms of Discrimination against Women are dealt with in a number of conventions of the International Labour Organization (ILO). Of the 189 conventions adopted so far, the information in this report relates principally to the following:

- Equal Remuneration Convention, 1951 (No. 100), which has been ratified by 171 member States;
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 172 member States;
- Workers with Family Responsibilities Convention, 1981 (No. 156), which has been ratified by 43 member States.

2. Where applicable, reference is made to a number of other conventions that are relevant to the employment of women:

Forced labour

- Forced Labour Convention, 1930 (No. 29)
- Abolition of Forced Labour Convention, 1957 (No. 105)

Child labour

- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)

Freedom of association

- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98)

Employment policy

- Employment Policy Convention, 1964 (No. 122)
- Human Resources Development Convention, 1975 (No. 142)

Maternity protection

- Maternity Protection Convention, 1919 (No. 3)
- Maternity Protection Convention (Revised), 1952 (No. 103)
- Maternity Protection Convention, 2000 (No. 183)

Night work

- Night Work (Women) Convention (Revised), 1948 (No. 89), and Protocol
- Night Work Convention, 1990 (No. 171)

Underground work

- Underground Work Convention, 1935 (No. 45)

Migrant workers

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

Part-time work

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

Home work

- Home Work Convention, 1996 (No. 177)

Domestic workers

- Domestic Workers Convention, 2011 (No. 189)

3. The application of ratified conventions is supervised by the 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 Conference Committee on the Application of Standards. Direct requests, produced in English and French, and in the case of Spanish-speaking countries, also in Spanish, are not published in book form, but are made public. At a later date, they are published on the ILO 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 at www.ilo.org/dyn/normlex/en/.

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

II. Indications concerning the situation of individual countries

Bahrain

6. Among the relevant ILO conventions, Bahrain has ratified Convention No. 111. It has also ratified Conventions Nos. 29, 89, 105, 138 and 182.

Comments made by the ILO supervisory bodies

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

Convention No. 111

8. In its observation in 2012, the Committee of Experts noted the adoption of the Labour Law in the Private Sector, Law No. 36 of 2012 (“Labour Law”), which had entered into force on 2 September 2012. The Committee noted that pursuant to article 39, discrimination in wages based on sex, origin, language, religion or ideology shall be prohibited. Article 104 provided that the termination of an employment contract was deemed to be arbitrary dismissal if the termination was due to sex, colour, religion, ideology, marital status, family responsibilities, or the female worker’s pregnancy, delivery of a child or breastfeeding; termination was also deemed to be arbitrary dismissal if the worker submitted a complaint or formal notice or instigated an action against the employer, unless the complaint, formal notice or action were of a vexatious nature. The article further provided that reinstatement was to be ordered by the court where dismissal had been due to one of the enumerated grounds. In addition, article 29 provided that women shall be subject to all the provisions governing the employment of men without discrimination in similar situations, and article 33 prohibited employers from dismissing women on the grounds of marriage or during maternity leave.

9. The Committee recalled its previous comments urging the Government to take steps to ensure that the new Labour Law included provisions explicitly defining and prohibiting direct and indirect discrimination, on all the grounds enumerated in article 1 (1) (a) of the Convention, with respect to all aspects of employment and occupation, and covering all workers, including domestic workers, casual workers and agricultural workers. The Committee noted, however, that the Labour Law did not define discrimination and did not appear to prohibit indirect discrimination. While discrimination in wages and discriminatory dismissals was prohibited, not all the grounds set out in article 1 (1) (a) of the Convention had been included. Protection against discrimination in access to vocational training, access to employment and to particular occupations, and terms and conditions of employment, as set out in article 1 (3) of the Convention, was not covered by the Labour Law, with the exception of wages and dismissal. Pursuant to section 2, the Labour Law did not apply to civil servants and public legal entities or domestic servants and persons regarded as such, including agricultural workers, security house-guards, nannies, drivers and cooks performing work for the employer or the employer’s family members, except in the case of certain specified provisions, which did not include those relating to discrimination. The Committee asked the Government to provide detailed information on the steps taken to ensure that all workers, including those excluded from the scope of the non-discrimination provisions in the Labour Law, were protected against both direct and indirect discrimination, with respect to all aspects of employment and occupation, including access to employment, vocational training and terms and conditions of employment, based on all the grounds enumerated in the Convention. The Committee also asked the Government to consider further revising the Labour Law with a view to giving full legislative expression to the principle of the Convention, and to provide information on any steps taken in that regard.

10. The Committee noted that article 31 of the new Labour Law provided for a potentially much broader prohibition on the employment of women, as it provided that the Minister (in charge of labour-related matters in the private sector) should issue a decision determining the work in which the employment of women was prohibited. The Committee urged the Government to take steps to ensure that protective measures applicable to women were limited to maternity protection in the strict sense and that any provisions otherwise constituting an obstacle to the recruitment and employment of women were repealed and any such measures withdrawn.

11. The Committee noted that in the course of the revision of the Labour Code, the opportunity had not been taken to include a provision expressly defining and prohibiting sexual harassment in employment and occupation. It noted that the Government had again asserted that the provisions of the Penal Code were sufficient and that, in addition, a complainant could submit a complaint of discrimination to the Ministry of Labour. The Committee considered that addressing sexual harassment through criminal proceedings was not sufficient due to the sensitivity of the issue, the higher burden of proof and the limited range of behaviour addressed. It also considered that the non-discrimination provisions in the Labour Law were not sufficient, as they covered only wages and termination of employment and did not expressly define and prohibit all forms of sexual harassment. The Committee once again urged the Government to take steps to define and prohibit expressly sexual harassment in employment and occupation, encompassing both quid pro quo and hostile environment harassment. It also asked the Government to take practical measures to prevent and address sexual harassment.

12. The Committee noted that the Labour Law excluded from coverage under the non-discrimination provisions groups that would be comprised largely of migrant workers, namely domestic servants and persons regarded as such, including agricultural workers, security house-guards, nannies, drivers and cooks. It recalled the adoption of Decision No. 79 of 16 April 2009, article 2 of which provided that a foreign worker shall have the right to transfer from one employer to another without violating the rights of the employer by virtue of the provisions of the law or the text of the labour contract concluded between the parties. The request to change employers must be approved by the Labour Market Regulatory Authority (article 5). The Committee considered that permitting an employer to stipulate limitations on the transfer to another employer in the employment contract could undermine the objective of Decision No. 79 because, owing to unequal bargaining power, migrant workers might be pressured to agree to such provisions, once again placing them in a position of increased dependency, and seriously affecting their enjoyment of labour rights and exposing them to discriminatory practices. The Committee asked the Government to: (a) ensure effective protection of all migrant workers against discrimination on the grounds of race, sex, colour, religion, political opinion, national extraction and social origin, and ensure that they had access to appropriate procedures and remedies; (b) ensure that any rules adopted to regulate the right of migrant workers to change employers did not impose conditions or limitations that could increase the dependency of migrant workers on their employers and thus increase their vulnerability to abuse and discriminatory practices; (c) provide information on the number of migrant workers, disaggregated by sex, occupation and country of origin, that have changed employers pursuant to Decision No. 79 (with employer's approval, without employer's approval, and after the end of the

work permit); (d) provide information on the nature and number of requests received by the Labour Market Regulatory Authority for a transfer of employer without the employer's approval, disaggregated by sex, occupation and country of origin, and how many were refused and on what basis; and (e) continue to provide information on the results of the examination by the Committee to determine the impact of applying the Decision and any follow-up thereto.

13. In its direct request in 2012, the Committee noted the Government's indication that the Supreme Council for Women had been established, as well as a unit for equal opportunities between the sexes in the Ministry of Human Rights and Social Development. The equal opportunities unit coordinated with the Supreme Council of Women in resolving complaints and organizing workshops and training courses. The Committee asked the Government to provide specific information on the following: (a) the mandate of the Supreme Council of Women, the activities or measures undertaken by the Council or the unit for equal opportunities to disseminate information on the Convention and promote equality of opportunity between men and women in employment and occupation, and the results achieved; (b) the nature and number of complaints received by the Council or the unit for equal opportunities and the outcome thereof; (c) the long-term strategy, the National Model for Integrating Women's Needs in Development, and the legislative reform undertaken or envisaged as they related to the principle of the Convention, and their impact on improving employment opportunities for women in employment and occupations; (d) the number of women and men respectively benefiting from vocational training, including information on the type of training, and how such training had translated into employment opportunities; (e) the measures taken to ensure that women had access to a wider range of educational, training and employment opportunities, including in areas traditionally dominated by men.

Additional information

14. In June 2011, workers' delegates to the 100th session of the International Labour Conference presented a complaint under article 26 of the ILO Constitution concerning the non-observance by Bahrain of Convention No. 111. The complaint alleges that following the events of February 2011 in Bahrain, suspensions and various forms of sanctions, including dismissals, were imposed on over 2,000 workers from both the public and private sectors, including trade unionists, union members and leaders, as a result of peaceful demonstrations demanding economic and social changes and expressing support for ongoing democratization and reform. According to the complaint, dismissals allegedly took place on grounds such as workers' opinions, belief and trade union affiliation. The ILO Governing Body was called upon to take action with regard to specific allegations of discrimination based on political opinion and religion.

15. According to article 26, complaints may be filed against a member State for not complying with a ratified convention by another member State which has ratified the same convention, a delegate to the International Labour Conference or the ILO Governing Body in its own capacity. Upon receipt of a complaint, the Governing Body may adopt the necessary decisions regarding the procedure to be followed. In case of persistent and serious violations that are not effectively addressed by a member State, complaints may be referred by the Governing Body to a Commission of Inquiry, the highest-level investigative procedure of ILO.

16. Tripartite discussions concerning the complaint against Bahrain were held during the 312th-319th sessions of the Governing Body. ILO has also undertaken official missions to the country with a view to examining the situation and providing assistance to the Government and social partners. In March 2012, the tripartite constituents in Bahrain signed an agreement concerning the issues raised within the framework of the complaint. As at November 2013, the status of the complaint against Bahrain remains under review by the Governing Body. A decision as to whether a Commission of Inquiry will be established is expected to be taken by the Governing Body in March 2014.

Cameroon

17. Among the relevant ILO conventions, Cameroon has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 3, 29, 45, 87, 97, 98, 105, 122, 138, 143 and 182.

Comments made by the ILO supervisory bodies

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

Convention No. 100

19. In its 2012 observation in 2012, the Committee of Experts recalled section 61 (2) of the Labour Code, which made payment of an equal wage to all workers, regardless of their origin, sex, age, status and religious belief, contingent on there being “equal conditions of work and skill”, so that it did not give full effect to the principle of equal remuneration for work of equal value. The Committee again noted that the Government referred to the Bill to revise the current Labour Code and stated that the version of the draft examined by the Advisory Labour Committee amended section 61 (2) of the Labour Code to align it with the Convention. Noting that the Bill was currently under examination by the Prime Minister’s Office, the Committee trusted that the Government would be able to confirm its adoption in the near future and that the new text would contain provisions that fully reflected the principle of equal remuneration for men and women for work of equal value laid down in the Convention.

20. In its direct request in 2012, with regard to job evaluation, the Committee requested the Government to encourage the social partners to examine the job nomenclatures and classifications in the light of the principle of equal remuneration for men and women for work of equal value, and through the use of objective job evaluation methods, and encouraged it to examine jobs in the administration in the same way.

Convention No. 111

21. In its observation in 2012, the Committee of Experts noted that the Bill revising the Labour Code had been examined by the Labour Advisory Committee and that it was being examined by the Prime Minister’s Office. The Committee trusted that the Government would be in a position to report on the adoption of this text in the near future and that it would contain provisions defining and explicitly

prohibiting direct or indirect discrimination based on at least all the grounds listed in the Convention, in all aspects of employment and occupation, including access to vocational training.

22. For a number of years, the Committee had been urging the Government to take specific steps as soon as possible to implement the process of legislative reform in order to repeal certain provisions, especially the provisions of the Penal Code and the Civil Code and, also, Decree No. 81-02 of 1981, which gave the husband the right to object to his wife working by invoking the interests of the household and the children. The Government merely indicated that these provisions would be removed. Furthermore, as regards the progress of the Bill concerning the prevention and suppression of violence against women, the Government indicated that this was being examined by the Ministry for Women and the Family. The Committee was therefore bound to repeat its request and urged the Government to adopt without delay the necessary measures to ensure that provisions that had the effect of discriminating against women in employment and occupation were removed from the legislation, as well as specific measures to combat stereotyping and prejudice regarding the respective roles of women and men in society so as to remove obstacles to the employment of women. The Committee hoped that the Government would soon be in a position to report on the adoption of the Act concerning the prevention and suppression of violence against women and discrimination based on sex.

23. With regard to the national equality policy required under the Convention, recalling that no society was completely free from discrimination, the Committee urged the Government to take the necessary measures as soon as possible to formulate and implement a national equality policy including programmes of action and specific measures to promote equality of opportunity and treatment without any distinction as to race, colour, sex, religion, political opinion, national extraction or social origin and to take steps to address discriminatory practices in employment and occupation.

24. The Committee further noted that the Government's report did not contain any reply to its previous comments. With regard to the allegation of the General Union of Workers of Cameroon that some companies continued to advertise gender-based job vacancies, the Committee requested the Government to provide information in reply to the Union's allegations, specifying in particular whether labour inspectors had dealt with instances of discriminatory employment vacancies addressed solely to men or to women, indicating any action taken in such instances.

25. With regard to the Union's allegation that some jobs and occupations were reserved for one or the other sex, a case in point being the firefighters, the Committee referred to its previous comments on the need to revise the list of jobs prohibited for women set forth in Order No. 16/MLTS of 27 May 1969. Recalling that measures of protection for women must be restricted to maternity protection and must not be based on stereotypes regarding women's professional abilities and their role in society, which confined women to certain jobs, the Committee urged the Government to take the necessary steps to amend the list of jobs prohibited for women in the light of these principles and to take measures to eliminate the obstacles to women's employment in practice.

26. In its direct request in 2012, the Committee noted that the Government's report did not contain a reply to its previous comment and therefore repeated its previous request.

27. Recalling that section 347 of the Penal Code addressed indecent assault on minors aged between 16 and 21 and did not cover all situations of sexual harassment at work, the Committee trusted that the Government would take the necessary steps to include in the labour legislation provisions that prohibited and punished sexual harassment, both quid pro quo and hostile working environment harassment.

28. While noting the Government's indication that it had focused in particular on promoting access to education and vocational training for young people, notably by granting science scholarships to female students, the Committee requested the Government to provide information on the promotion of equality in education and vocational training and on the manner in which such measures were reflected in women's employment, and particularly women's access to a broader range of jobs traditionally held by men.

Finland

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

Comments made by the ILO supervisory bodies

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

Convention No. 100

31. In its observation in 2012, the Committee of Experts noted from the Government's report that the difference in pay between men and women had been 17.9 per cent in 2011. Performance-related payments (bonuses) had had an influence on the gender pay gap especially during the recent recession, and the Parliament's Employment and Equality Committee was of the view that the Act on Equality between Men and Women (609/1986) should state more clearly that the definition of remuneration includes various additional forms of payment. The Committee also noted the Government's indication that labour market segregation remained the main reason for the gender pay gap. It asked the Government to indicate any measures taken in the context of the economic recession to implement the equal pay programme, and the impact of such measures at the national, sectoral and workplace levels.

32. The Committee noted the Government's indication that according to a government survey in 2008-2009, compliance with the obligation to draft equality plans in the workplace remained insufficient, and the quality of plans and pay surveys required improvement. The Government indicated that a tripartite working group appointed by the Government to examine the functionality and development needs of pay surveys had completed its work in June 2012 and had proposed updating the training on equality plans and pay surveys. The Committee asked the Government to provide specific information on the content of the training on

equality planning for the workplace and on the results achieved. It also asked the Government to provide further information on the actual impact of the pay survey on reducing gender pay differentials in the private and public sectors, including relevant statistical data, and information on the number of equal pay surveys that had resulted in specific follow-up action, including corrective action where pay discrimination had been found.

33. The Committee recalled the concerns expressed by the Confederation of Unions for Professionals and Managerial Staff in Finland that young educated women were employed more often than men on a fixed-term basis, particularly in the public sector, and that career progress for highly educated women employed on a fixed-term basis was as much as 10 years behind that of men with corresponding levels of education. The Committee asked the Government to indicate how the issue of female concentration in fixed-term employment was addressed in the context of indirect discrimination with respect to remuneration and to identify any gaps in the legislation on equal remuneration in that respect.

34. In its direct request in 2012, the Committee noted the Government's indication that the analyses established under the research project "Equal pay, equality and new pay systems", which had been completed at the end of 2010, had showed that the introduction of a new pay system had provided only limited opportunities for reducing the gender pay gap. The Committee asked the Government to provide information on any follow-up activities or research concerning the findings by the research project.

Convention No. 111

35. In its direct request in 2012, the Committee of Experts noted the Government's indication that it had approved the resolution for the Action Plan for Gender Equality 2012-2015 in June 2012. The aim of the Action Plan was to alleviate gender segregation in education, career choices and the labour market; active measures were being launched to reduce key gender differences by half by 2020, with respect to participation in training and results of education at all stages. The Committee noted the Government's indication that in 2009-2010, the education project "Steps for reducing segregation" had been completed jointly by the Finnish National Board of Education and the Ombudsperson for Equality to guarantee that Finnish educational institutions had formulated an equality plan covering their operations. The Committee asked the Government to indicate the concrete action taken under the Action Plan for Gender Equality, with a view to addressing occupational gender segregation.

Convention No. 156

36. In its observation in 2012, the Committee of Experts recalled that promoting men's engagement in parenting and caring for children was an integral aspect of the Finnish gender equality policy. It also noted that one of the long-standing gender equality policy goals, which had been set out in the Government's first report on gender equality (2011), was a more equal distribution of family leave between parents, and that measures to achieve the goal of reconciliation of work and family life included the following: (a) extension of the right to leave for taking care of family members other than dependent children; (b) increasing the use of family leave by fathers; (c) improving compensation for costs incurred by employers due to

parenthood; and (d) addressing the needs of diverse types of families. The Committee asked the Government to provide information on the progress of any legislative amendments with regard to the parental leave system.

37. The Committee recalled that section 9 of chapter 7 of the Employment Contracts Act appeared to be primarily concerned with dismissal during a family leave period rather than dismissals upon return. The Committee asked the Government to provide information on the practical application and effects of the provisions concerned with the ability of workers returning from family leave to remain integrated in the labour force.

38. In its direct request in 2012, the Committee noted with interest the Government's indication that section 7 (a) of the Employment Contracts Act, which had entered into force on 1 April 2011, enabled a person to be absent from work in order to take care of a family member or other close relative in ascending and descending generations. It also noted that the Government's report on gender equality (2011) referred to the importance of extending family leave entitlements for taking care of family members other than dependent children. The Committee asked the Government to provide information on the practical application of section 7 (a) of the Employment Contracts Act, including statistical information on the number of men and women who had requested leave and who had been granted such leave in order to take care of members of the family other than dependent children.

39. The Committee noted the Government's indication that there were a number of flexible working hour arrangements, including part-time work, flexitime, telecommuting, part-time pensions, the working hour bank system and the distribution of work. The Committee asked the Government to provide information on the impact of these arrangements on the possibility for workers to reconcile work and family responsibilities, including statistical information on the number of men and women using such arrangements.

Iraq

40. Among the relevant ILO conventions, Iraq has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 98, 105, 122, 138 and 182.

Comments made by the ILO supervisory bodies

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

Convention No. 100

42. In its observation in 2011, the Committee of Experts recalled the need to revise section 4 (2) of the Labour Code to give full expression to the principle of equal remuneration between men and women for work of equal value, as the provision limited equal remuneration to work of the same nature and the same volume performed under identical conditions. The Government had previously indicated that section 4 of the draft Labour Code provided for equal remuneration for men and women for work of equal value and that the draft text would be discussed by the State Consultative Council. The Committee noted that the Government did not refer in its most recent report to any progress made in revising

the Labour Code, stating generally that there was no discrimination in work undertaken by men and women, in law or in practice, and that the value of the work was determined by the occupation. The Committee urged the Government to ensure that in the revision process, full legislative expression was given to the principle of equal remuneration for men and women for work of equal value, without limiting it to work of the same nature and same volume performed under identical conditions, and ensuring that the principle applied to all workers, whether skilled or unskilled.

43. In its direct request in 2011, the Committee noted the Government's indication that a minimum wage was fixed for unskilled workers based on the criteria set out in section 4 of the Labour Code (Act No. 71 of 1987), which provided generally that every worker should earn a wage that was adequate to meet the essential needs of the worker and the worker's family and to enable the worker to benefit from the results of economic progress. With respect to skilled workers, the Government indicated that wages depended on the agreement made for a particular occupation and on the employment contract and would be linked to experience, skills and place of work, and so forth. The Committee asked the Government to clarify whether the Wage-Fixing Committee established minimum wages for different sectors or different occupational categories and, if so, to provide specific information on the level of wages that had been set. It also asked the Government for information on how it was ensured that the principle of equal remuneration for men and women for work of equal value was applied in the context of wage-setting for skilled workers. Furthermore, noting the low level of women's participation in the labour market and their concentration in a narrow range of sectors, the Committee asked the Government to provide information on any measures taken to increase the participation of women in paid employment and in a wider range of jobs and sectors, including higher-paying jobs.

44. The Government's most recent report has been received and was examined by the Committee of Experts at its November-December 2013 session.

Convention No. III

45. In its direct request in 2011, the Committee of Experts noted the Government's indication that the draft Labour Code had not yet been adopted. The Committee asked the Government to take the opportunity of the revision of the Labour Code to include provisions clearly defining and prohibiting direct and indirect discrimination, for all workers, at all stages of employment and occupation, and covering at least all the grounds set out in article 1 (1) (a) of the Convention.

46. The Committee recalled that the existing legislation did not appear to provide full and adequate protection against all forms of sexual harassment in employment and occupation. It noted that the Government had provided no information in that respect and had merely stated that no complaints of sexual harassment had been submitted. The Committee asked the Government to take the opportunity of the revision of the Labour Code to include provisions explicitly defining and prohibiting sexual harassment in employment and occupation, both quid pro quo and hostile working environment harassment. It also asked the Government to provide information on the practical measures taken to prevent and address sexual harassment in employment and occupation.

47. The Committee noted the Government's indication that the draft Labour Code included provisions on the protection of women workers. The Government also

confirmed that Resolution No. 480 of 1989 prohibiting women from working in certain occupations was still in force. The Committee urged the Government to ensure, in the process of revising the Labour Code, that any protective measures regarding women's employment were strictly limited to maternity protection and that the prohibitions set out in Resolution No. 480 of 1989 were also revised accordingly.

48. The Government's most recent report has been received and was examined by the Committee of Experts at its November-December 2013 session.

Kazakhstan

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

Comments made by the ILO supervisory bodies

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

Convention No. 100

51. In its observation in 2012, the Committee of Experts recalled that the Labour Code of 2007 contained provisions that were narrower than the principle of the Convention. Article 7 (2) prohibited sex discrimination in the exercise of labour rights and article 22 (15) provided that the employee should have the right to equal payment for equal labour without any discrimination. The Committee urged the Government to take concrete steps to amend the Labour Code to give full legislative effect to the principle of equal remuneration for men and women for work of equal value, allowing for comparisons not only of similar jobs, but of jobs which were of an entirely different nature.

52. In its direct request in 2012, the Committee welcomed the adoption of the national minimum wage and recalled that this was an important means by which the Convention was applied. The Committee asked the Government to provide information as to whether any groups of workers or sectors were excluded from the coverage of the minimum wage.

53. The Committee recalled that article 121 (1) of the Labour Code of 2007 provided that the monthly wage of the employee should depend on the qualifications of the employee, the complexity, amount and quality of the work performed, as well as the working conditions, and article 125 set out the manner in which qualification requirements and levels of complexity of the different types of work were to be determined, namely on the basis of manuals elaborated by the State labour authorities. Pursuant to article 22 (23), the worker had the right to be paid in accordance with those criteria. The Committee asked the Government to provide information on job evaluation methods used to compare different jobs, including any set out in the manuals of the State labour authorities, and to indicate how it was ensured that the selection of factors for comparison, the weighting of such factors and the actual comparison carried out were not discriminatory, either directly or indirectly.

54. The Government has been requested to submit its report, which was due for the review by the Committee of Experts at its November-December 2013 session.

Convention No. III

55. In its observation in 2012, the Committee of Experts recalled that the list of jobs for which it was prohibited to engage women pursuant to article 186 (1) and (2) of the Labour Code should be determined by the State labour authority in agreement with the health authorities. The Committee asked the Government to indicate how it was ensured that any measures limiting women's employment were strictly limited to maternity protection.

56. The Committee recalled that the 2009 Law on State Guarantees for Equal Rights and Equal Opportunities for Men and Women provided for gender equality in labour relations and in education and training. It also recalled that the objectives of the Strategy for Gender Equality 2006-2016 included (a) achieving equal representation of men and women in the executive and legislative bodies and in decision-making positions; and (b) developing women's entrepreneurship and increasing women's competitiveness in the labour market. The Committee again asked the Government to provide full information on the practical application of the 2009 Law on State Guarantees for Equal Rights and Equal Opportunities for Men and Women, as well as on all the measures taken to implement the Strategy for Gender Equality 2006-2016.

57. The Committee also recalled that articles 194 and 195 of the Labour Code granted paid leave to adoptive parents and unpaid childcare leave to parents until the child reached the age of three, which were available for women and men on an equal footing. However, the Committee also recalled that article 187 of the Labour Code required the written consent of women with children under the age of seven years and other persons bringing up children under the age of seven years without a mother in cases of night work, overtime work, business trips or rotation work. Under articles 188 and 189, fathers had the right to child-feeding breaks and to part-time work only in respect of children without a mother. The Committee asked the Government to amend articles 187 to 189 of the Labour Code so as to grant the entitlements on an equal footing for women and men. It also asked the Government to provide information on the extent to which the entitlements under articles 194 and 195 of the Labour Code were being used by men and women.

58. The Committee noted that the Government had adopted the Employment Programme 2020, which sought to foster employment opportunities and provide subsidized training to self-employed, unemployed and poorer people, as well as to facilitate entrepreneurship in rural areas. It also noted the Government's indication that in order to tackle the financial crisis, it had adopted a package of measures to stimulate the economy, including the regional employment and managerial training strategy. The Committee asked the Government to provide the following: (a) detailed information on the specific measures taken to promote and ensure equality of opportunity and treatment for women and men in employment and occupation, including measures to promote women's access to occupations and employment in areas where they were underrepresented, including within the civil service; (b) the impact of the measures taken to tackle the financial crisis, including statistical information on the participation of men and women, disaggregated by sex, in the labour market (private and public sectors), branch of economic activity,

occupational group and status of employment; and (c) information indicating how the principle of gender equality had been integrated into the programmes and measures to promote employment, including in the context of the Employment Programme 2020, including statistical information on the number of women who had benefited from employment promotion measures.

59. The Government has been requested to submit its report, which was due for the review by the Committee of Experts at its November-December 2013 session.

Qatar

60. Among the relevant ILO conventions, Qatar has ratified Convention No. 111. It has also ratified Conventions Nos. 29, 105, 138 and 182.

Comments made by the ILO supervisory bodies

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

Convention No. 111

62. In its observation in 2011, the Committee of Experts recalled that the provisions in the Constitution (article 35) and Labour Law No. 14 of 2004 (articles 93 and 98) were considerably narrower than the principle set out in the Convention as they did not cover discrimination based on political opinion, national extraction and social origin and protected against discrimination only in certain aspects of employment. The Committee asked the Government to indicate how protection against discrimination on the grounds covered by the Convention was being ensured, in practice, with respect to access to vocational training and guidance, access to employment and particular occupations, including recruitment, and with respect to all terms and conditions of employment.

63. While welcoming the Government's efforts to improve the protection of workers under the sponsorship system and to establish more effective complaints and dispute settlement mechanisms, the Committee remained concerned that the limitations imposed on the cases in which transfer of a worker to another sponsor was allowed, as well as the requirement to obtain permission of the sponsor, continued to place the worker in a vulnerable situation. It therefore asked the Government to provide information on the concrete measures taken, including by the National Human Rights Committee, the Labour Relations Department and the Human Rights Department, to address discrimination against migrant workers on the grounds set out in the Convention, including through providing accessible and effective complaints procedures and counselling and legal assistance to migrant workers. The Committee requested the Government to continue to provide information on the measures taken or envisaged to allow for appropriate flexibility for migrant workers to change their sponsor which might assist in avoiding situations in which migrant workers become vulnerable to discrimination and abuse. The Government was asked to indicate the number of migrant workers, including domestic workers, who had successfully applied for a change of workplace during the reporting period, indicating the reasons for granting such a transfer.

64. Noting that in 2007, non-Qatari women had constituted 100 per cent of the workers in household services and that the Bill on domestic workers was still being prepared, the Committee asked the Government to take all the necessary measures to protect migrant domestic workers against discrimination on the grounds of the Convention, in law and in practice, and hoped that the Bill on domestic workers would soon be adopted and would be in conformity with the principle of the Convention.

65. The Committee recalled the concentration of women in certain training courses and educational institutions, with no women enrolled in some courses while in others they constituted 100 per cent of the student population. It also recalled the need for more proactive measures to address discriminatory practices in job advertisements and hiring, eliminate stereotyped assumptions by employers of women's and men's suitability for certain jobs, and encourage women to apply for posts traditionally or exclusively held by men. Noting the Government's commitment to improve women's participation in the labour market and to make an effort to gather and communicate the requested information as soon as possible, the Committee asked the Government to ensure that its next report contained full information on the measures taken to address stereotypical views of what jobs were appropriate for women and men with a view to addressing discriminatory practices in advertisement and hiring. The Committee also requested the Government to indicate the findings of the studies undertaken by the Supreme Council for Family Affairs on the barriers that hindered women from reaching leadership positions and to provide information on all measures taken to address the concentration of women in certain occupations and training courses.

Senegal

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

Comments made by the ILO supervisory bodies

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

Convention No. 100

68. In its direct request in 2011, the Committee of Experts recalled that article L.105 of the Labour Code, which stated that where conditions of work, vocational qualifications and output were equal, wages should be equal for all workers, regardless of sex, did not give full effect to the principle of equal remuneration for men and women for work of equal value established by the Convention. Moreover, the Committee noted that article L.86 (7) of the Labour Code provided that collective agreements must contain provisions concerning procedures for the application of the principle of equal pay for equal work for women and young persons. It asked the Government to take the necessary steps to ensure that the principle of equal remuneration for men and women for work of equal value was incorporated into the Labour Code and that articles L.86 (7) and L.105 of the Labour Code were amended accordingly.

Convention No. III

69. In its observation in 2011, the Committee of Experts noted that in the context of the implementation of the National Strategy for Gender Equality and Equity, the Act on Gender Parity in Electoral Lists had been adopted in 2010. It further noted that a plan for the implementation of the National Strategy for 2009-2015 had been adopted in March 2009 and that it included a number of measures to increase economic power and autonomy of women (Effect 3), with the particular objectives of: (a) women gaining access to factors of production and financial resources; (b) women obtaining the technical and managerial skills necessary to carry on their economic activities; and (c) women having more time to devote to production activities. Among these measures, the Committee observed that it had first been envisaged to draw up an assessment concerning the access of women to resources and production factors and an evaluation of needs for the reinforcement of the capacities of active women. It also noted that the drafting and implementation of a plan and a programme for the reinforcement of facilities to lighten the work of women had been envisaged. The Committee requested the Government to provide information on the implementation of the measures under the National Strategy for Gender Equality and Equity in relation to access to resources and factors of production, including land and vocational training, with an indication of their impact on gender segregation in the labour market. It also requested the Government to provide any available information on the impact of the plan and the programme for the reinforcement of facilities to lighten the work of women on the development of women's training and employment for women.

Sierra Leone

70. Among the relevant ILO conventions, Sierra Leone has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 105, 122, 138 and 182.

Comments made by the ILO supervisory bodies

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

Convention No. 100

72. In its direct request in 2011, the Committee of Experts noted with regret that the Government's report had not been received and repeated its previous request. The Committee noted from the Government's report that the draft Employment Act, prepared with ILO assistance, had not yet been finalized owing to structural difficulties and lack of capacity. The Government also indicated that the same difficulties had prevented it from collecting data and preparing surveys and from undertaking a national evaluation of jobs.

73. The Government was asked to continue to provide information on the measures taken to: (a) finalize the ongoing legislative reforms, including the principle of equal remuneration for men and women workers for work of equal value; (b) promote objective evaluation of jobs on the basis of the work performed; and (c) assess the current status of the application of the Convention in the country through data collection, studies and surveys.

74. The Government's most recent report has been received and was examined by the Committee of Experts at its November-December 2013 session.

Convention No. III

75. In its observation in 2011, the Committee of Experts noted with regret that the Government's report had not been received. It therefore repeated its previous observation, recalling that under the Convention, Sierra Leone had the obligation to declare and pursue a national policy designed to promote equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating discrimination regarding vocational training, access to employment and particular occupations, as well as terms and conditions of employment.

76. The Committee recalled that articles 7 to 9 of the 1991 Constitution established economic, social and educational objectives for the State that potentially promoted the application of the Convention. Article 15 guaranteed the right to equal protection under the law irrespective of race, tribe, place of origin, political opinion, colour, creed or sex, and article 27 of the Constitution provided constitutional protection from discrimination. The Committee considered that these provisions might be an important element of a national equality policy in line with the Convention; provisions affirming the principles of equality and non-discrimination in itself could not constitute such a policy.

77. While being aware of the many challenges the Government was facing in the process of consolidating peace, the Committee encouraged the Government to give serious consideration to the application of the Convention in law and practice as an integral part of its efforts to promote peace and social and economic stability. The Government was requested to provide information on measures taken or envisaged to promote and ensure equal access to technical and vocational training, public and private employment, as well as equal terms and conditions of employment. The Committee hoped that the Government would make every effort to take the necessary action in the very near future.

78. The Government's most recent report has been received and was examined by the Committee of Experts at its November-December 2013 session.

Additional information

79. In October 2013, the Governance and Tripartism Department of ILO published an Issues paper entitled "Assessing the scope for labour law reform in Sierra Leone".
