



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

Distr.: General
9 May 2008

Original: English

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

Forty-first session

30 June-18 July 2008

Item 5 of the provisional agenda*

**Implementation of article 21 of the Convention on the
Elimination of All Forms of Discrimination against Women**

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

Note by the Secretary-General

Addendum

International Labour Organization

* CEDAW/C/2008/II/1.



Report of the International Labour Organization

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 International Labour Organization (ILO) conventions. Of the 187 conventions adopted so far, the information in the present report relates principally to the following:

- Equal Remuneration Convention, 1951 (No. 100), which has been ratified by 164 member States
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 166 member States
- Workers with Family Responsibilities Convention, 1981 (No. 156), which has been ratified by 40 member States

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

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)

Part-time work

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

Home work

- Home Work Convention, 1996 (No. 177)

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

4. The explanations below are brief references to much more detailed comments made by the ILO supervisory bodies. The relevant comments of the Committee of Experts referred to in section II can be found by going to: <http://www.ilo.org/public/english/standards/norm/index.htm> and then referring to the APPLIS database.

II. Indications concerning the situation of individual countries**Finland**

I. Among the relevant ILO Conventions, Finland has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 29, 105, 138, 182, 87, 98, 122, 142, 175 and 177.

II. Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to the following:

Equal Remuneration Convention, 1951 (No. 100) (2006 observation)

5. The Committee of Experts noted that the Action Plan for Gender Equality 2004-2007 set out a number of objectives and measures aimed at reducing gender-based pay differentials, in cooperation with workers' and employers' organizations. It noted with interest that, as provided for in the Action Plan, the previous equality provisions were strengthened by the Act amending the Act on Equality between Men and Women (Act No. 232/2005). Under the amended Act on Equality between Men and Women, equality plans — which are obligatory for private and public undertakings with more than 30 employees — must include information that enables workers and employers to monitor the equality situation in the enterprise concerned, i.e. details concerning the employment of men and women in different jobs and a

survey of the grade of jobs performed by men and women, the remuneration for those jobs and differences in pay (section 6a(2)). Further, equality plans must set out measures to achieve pay equality and a review of the impact of measures previously taken to this end.

6. According to this Act, employers must also promote equitable recruitment of women and men in the various jobs and create equal opportunities for career advancement (section 6(2)). In the light of that, the Committee asked the Government to provide information regarding the following: (a) implementation and enforcement of the equal pay provisions of the amended Act on Equality between Men and Women, including information as to the activities of the Ombudsperson for Equality and the Equality Board to supervise compliance with the Act, as well as relevant court decisions; (b) progress made in the preparation and implementation of equality plans that address equal pay issues in accordance with the Act, indicating examples of plans that have resulted in the reduction of gender-based pay differentials in the enterprises concerned; and (c) the manner in which compliance with the Act's equal pay provisions is ensured through the promotion and use of objective job evaluation methods.

**Workers with Family Responsibilities Convention, 1981 (No. 156)
(2007 observation)**

7. The Committee of Experts noted that the Government, in cooperation with social partners, carried out a paternity leave campaign in 2002 and 2003 to disseminate information about the extended paternity leave available since 2003 and to encourage the use of family leave by men. According to information released by the Ministry of Social Affairs and Health, by the end of 2006, fathers in Finland made use of fewer than 4 per cent of parental leave days, and according to a 2005 study published by the Social Insurance Institute, paternity leave tended to be taken by men with higher incomes. The Committee noted that legislative amendments made during the reporting period introduced incentives for men to take family leave, inter alia, by linking extended paternity leave to the taking of a minimum period of parental leave and increasing the allowance paid during family leave periods. The Committee also noted that additional legislative measures are being discussed with a view to giving more support for the involvement of men in family matters (Men and Gender Equality Policy in Finland, Ministry of Social Affairs and Health, 2007:2). The Committee requested the Government to continue to provide information on the measures taken to promote a sharing of family responsibilities between men and women, and to provide statistical information on the extent to which men take family leave.

8. With regard to the return to work following family leave and the protection from dismissal, recalling that article 8 states that family responsibilities, as such, shall not constitute a valid reason for termination of employment, the Committee noted that the Central Organization of Finnish Trade Unions (SAK), the Finnish Confederation of Salaried Employees (STTK) and the Confederation of Unions for Academic Professionals in Finland (AKAVA), indicated that despite the fact that employees taking childcare leave, in principle, enjoy increased protection from termination, the employer can rearrange the work and hire new employees so that there is no longer work available for the person returning from family leave, thus making his or her dismissal possible. The Commission for Local Authority Employers (KT) stated that rapid changes in working life may render dismissal

inevitable, for instance in cases where a reorganization of work takes place during extended periods of family leave and the previous job or similar work cannot be offered in accordance with the employment contract. In that regard, the Committee noted that section 9 of Chapter 4 of the Employment Contract Act provides that at the end of a period of family leave, employees are in the first place entitled to return to their former duties. If this is not possible, employees shall be offered equivalent work in accordance with the employment contract, and if this is not possible either, other work shall be offered in accordance with their employment contract. Section 9 of Chapter 7 provides that the employer shall not terminate an employment contract on the basis of the employee's pregnancy or because the employee is exercising his or her right to family leave. However, the Committee understood this provision to be primarily concerned with dismissal during a family leave period, rather than dismissals upon return. It therefore requested the Government to clarify whether and how the legislation protects employees returning from family leave from termination in situations such as described by SAK, STTK and AKAVA and to provide information on any assessments made of the practical application and effects of the provisions concerned on the ability of workers returning from family leave to remain integrated in the labour force. It also requested the Government to provide information on any relevant court decisions.

Iceland

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

II. Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to the following:

Equal Remuneration Convention, 1951 (No. 100) (2005 direct request)

9. The Committee of Experts noted with interest that the Supreme Court, for the first time, decided an equal pay case involving a comparison of jobs performed by women and men which were different in nature (Case No. 258/2004, decision of 20 January 2005). In this case, the female manager of the social affairs department of a municipality claimed compensation for pay discrimination under the Equal Status and Equal Rights of Women and Men Act (96/2000), comparing her remuneration to that of an engineer employed by the same municipality. Relying on a job evaluation exercise that had assessed the two jobs with the same number of points, the Supreme Court considered that the plaintiff had advanced substantial arguments that the two jobs were so closely comparable that she had suffered discrimination, while the municipality did not succeed in demonstrating that difference in pay resulted from objective and relevant considerations. The Committee asked the Government to continue to provide information on the most relevant decisions of the courts and the Equal Status Complaints Committee on equal remuneration for men and women for work of equal value.

**Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
(2005 direct request)**

10. With regard to the position of men and women in the labour market, the Committee of Experts noted from statistical information published by *Statistics Iceland* for 2004 that some 30 per cent of all managers and legislators were female, while men and women were equally distributed in the occupational group of professionals. Women were also underrepresented among craft and related trade workers (23 per cent), while the female ratio among clerks was 87 per cent. The Committee also noted the Government's view that, compared to the high female labour market participation, the rate of women business owners was too low (18 per cent). The Committee asked the Government to provide information on the measures taken to address occupational segregation based on sex (horizontal and vertical), and continue to provide information on the efforts made to increase the number of female business owners and entrepreneurs.

**Workers with Family Responsibilities Convention, 1981 (No. 156)
(2007 direct request)**

11. The Committee of Experts noted the Act Prohibiting Redundancies due to Family Responsibilities No. 27/2000, which, together with the Act on the Equal Status and Equal Rights of Women and Men No. 96/2000, the Act on Maternity/Paternity Leave and Parental Leave No. 95/2000, could to some extent serve as the foundation of a national policy on workers with family responsibilities required by article 3 of the Convention. The Committee also noted the Government's statement that Act No. 95/2000 is considered to be one of the most important steps to prevent discrimination against workers with family responsibilities. The Committee asked the Government to provide in its next report more detailed information on the practical application of the relevant provisions of Acts Nos. 27/2000, 95/2000 and 96/2000 as well as on any other practical measures taken to enable persons with family responsibilities to engage in employment without being discriminated against.

12. In addition, while noting that section 24 of Act No. 96/2000 did not prohibit dismissal on the basis of family responsibilities, the Committee noted with interest that under section 1 of Act No. 27 on the Prohibition of Termination of Employment due to Family Responsibilities, no person's employment may be terminated solely because of his or her family responsibilities. The Act defines "family responsibilities" as the employee's responsibilities towards his or her children or spouse or close relatives who live in the employee's home and clearly need his or her care or custody, for example as a result of illness or disability. The Committee asked the Government to keep it informed of any relevant decisions of courts of law, administrative or other tribunals or the Complaints Committee on Equal Status involving questions of termination of employment related to family responsibilities.

Lithuania

I. Among the relevant ILO Conventions, Lithuania has ratified Conventions Nos. 100, 111, 156 and 183. It has also ratified Conventions Nos. 29, 105, 138, 182, 87, 98, 122, 142 and 171.

II. Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to the following:

Equal Remuneration Convention, 1951 (No. 100) (2006 observation)

13. The Committee of Experts noted from the data published by *Statistics Lithuania* that between 2000 and 2003 the gender remuneration gap for average monthly gross earnings increased from 18.2 per cent to 19 per cent, while it decreased to 17.6 per cent in 2005. The gender remuneration gap in the public sector remained wider than in the private sector. For the public sector it increased from 23 per cent in 2000 to 25.2 per cent in 2002, and then decreased to 22.1 per cent in 2005. The Committee expressed its concern that since 2000 the gender remuneration gap in the private sector had increased from 15.6 per cent in 2000 to 17.9 per cent in 2005. It thus asked the Government to provide detailed information on the measures taken to address the existing gender remuneration gap and to assess and indicate to the Committee the causes of the widening of the gender remuneration gap in the private sector and the measures taken to reverse this negative trend. It also asked the Government to continue providing full statistical information concerning the earnings of men and women according to sector, economic activity, and occupation.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (2006 direct request)

14. The Committee noted that, according to the Government, the implementation of the 2003-2004 State Programme on Equal Opportunities for Women and Men led to positive results. According to a 2006 European Union report, Lithuania has the highest number of female managers in Europe, with 42 per cent of managers at all levels being women. In 2006, a survey of the position of women in small and medium-sized enterprises was carried out. Educational attainment of women remained higher than that of men, but their unemployment rate was slightly higher. The Committee requested the Government to continue to provide detailed information concerning the measures taken to promote gender equality at work and in the labour market, including regarding the implementation and impact of the measures provided for under the Second Programme on Equal Opportunities for Women, 2005-09. The Government was also asked to provide the results of the survey on the position of women in small and medium-sized enterprises as well as statistical information, disaggregated by sex, indicating the position of men and women in the labour market.

Workers with Family Responsibilities Convention, 1981 (No. 156) (2007 direct request)

15. The Committee of Experts noted the various provisions contained in the Labour Code and the Law on Civil Service concerning working time and leave entitlements addressing the needs of workers with family responsibilities. It also noted that the Government had issued recommendations to employers and employees concerning flexible forms of work organization (Order No. A1-160 of 17 October 2003). In this connection, the Committee requested the Government to provide (a) detailed information on the practical application of the Labour Code's provisions accommodating and protecting workers with family responsibilities, particularly those relating to part-time work (article 146) and leave entitlements

(articles 179 and 180), including information on the extent to which these entitlements are being used by men and women; (b) indications whether article 172 of the Labour Code, which provides that an instalment of annual leave may not be shorter than 14 calendar days, precludes workers with family responsibilities from taking shorter leave periods; and (c) detailed information on the progress made in promoting and putting in place flexible forms of work organization to accommodate workers with family responsibilities.

16. In addition, the Committee noted with interest that an amendment to the Labour Code of 8 June 2006 introduced a new paternity leave granted to fathers starting from birth until the child reaches the age of 1 month. Nevertheless, the Committee noted that one of the requirements for receiving cash benefits during paternity leave is that the father be married to the mother of the child. The Committee considered that this requirement could be in contradiction with the principles of the Convention, as well as the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and requested the Government to elaborate in its next report under Convention No. 111, on the rationale for such a requirement in the light of the principle of equality.

Worst Forms of Child Labour Convention, 1999 (No. 182) (2007 direct request)

17. In its recent direct requests the Committee of Experts focused on the trafficking of girls. It noted that according to the Programme for the Prevention and Control of Trafficking in Human Beings for 2002-08, approved by the Government's resolution No. 558 of April 2005, more and more cases of trafficking in minors, especially girls, were disclosed in Lithuania; and more and more cases of the selling of minors from Lithuania were disclosed in foreign States. It also noted that the Committee on the Rights of the Child, in its concluding observations (CRC/C/15/Add.146 of 21 February 2001, para. 53), expressed its concern over the situation of girls trafficked from Lithuania for the purpose of sexual exploitation. The Committee requested the Government to provide information on the concrete measures taken under the above programme to provide direct assistance to girls under the age of 18 years who are victims of trafficking, and the impact of such measures on their rehabilitation and social integration.

Night Work Convention, 1990 (No. 171) (2005 direct request)

18. The Committee of Experts noted section 278(4) and (10) of the Labour Code providing that pregnant women, women who have recently given birth or breastfeeding women may be transferred to daytime positions or, if this is not possible due to objective reasons, be granted extra leave until they go on maternity leave or childcare leave, and that in either case they may not be paid less than their average monthly pay. It also noted that according to section 2(18) and (22) of the Law on Safety and Health at Work No. IX-1672 of 1 July 2003, as amended through to February 2004, the term "breastfeeding worker" means a worker who submits to her employer a certificate issued by a health-care institution confirming that she takes care of her child and breastfeeds the child until 12 months of age, while a "worker who has recently given birth" is defined as a mother who submits to her employer a certificate to this effect issued by a health-care institution and who takes care of her child until the child is 12 months of age. In this connection, the Committee recalled that article 7 of the Convention requires not only that pregnant and breastfeeding women should be protected against unfair dismissal and that their

income should be maintained at a decent level during their temporary transfer to day work on maternity grounds but also that they should not suffer any loss with regard to the benefits, such as seniority or access to promotion, that their regular night work position normally carried. The Committee therefore asked the Government to indicate the measures taken or envisaged in order to meet this requirement of the Convention.

Nigeria

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

II. Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to the following:

Equal Remuneration Convention, 1951 (No. 100) (2006 direct request)

19. The Committee of Experts noted that the Government was considering the report of the Wages, Salaries and Emolument Relativity Panel set up in 2004, which examined pay differences in the private and public sectors. In 2005, a Presidential Committee on Consolidation of Emoluments in the Public Sector was set up and the Salaries, Incomes and Wages Commission was reconstituted. The Committee asked the Government to collect and provide information on how these bodies take the principle of equal remuneration for work of equal value into consideration. It also asked the Government to provide further information on the progress made in updating the job evaluation and grading survey of 1974.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (2007 direct request)

20. The Committee of Experts noted that the Federal Ministry of Women Affairs was working on a new National Gender Policy that would replace the National Policy on Women. The Committee expressed the hope that the National Gender Policy would set out clear objectives with regard to promoting women's equality in employment and occupation, provide for concrete measures to address the existing inequalities and identify the authorities and bodies responsible for their implementation. It requested the Government to provide a copy of the National Gender Policy as soon as it was finalized. The Committee further requested the Government to provide statistical information on the participation of men and women in the labour market and in vocational training.

21. In addition, noting that a reform of the Police Act and Regulation was ongoing, the Committee urged the Government to ensure that the gender discriminatory provisions contained in sections 118-128 of this instrument were brought into conformity with the Convention.

Worst Forms of Child Labour Convention, 1999 (No. 182) (2007 direct request)

22. In its recent direct requests, the Committee of Experts raised, among other matters, the issue of the use, procuring or offering of a child for prostitution. In this

respect, the Committee noted that, by virtue of section 237 of the Shari'a Penal Code of the State of Zamfara, it is an offence to buy, sell, hire, let to hire or otherwise obtain possession or dispose of a person under 15 years of age for the purpose of prostitution. The Committee reminded the Government that by virtue of Article 3(b) of the Convention, the use, procuring or offering of a girl or a boy under 18 for prostitution is considered as one of the worst forms of child labour, and should therefore be prohibited. The Committee requested the Government to take the necessary measures to ensure that the prohibitions are extended to girls under 18 years of age and to boys. Noting the recommendation of the Committee on the Rights of the Child to the Government to avoid criminalizing child victims of sexual exploitation in all circumstances (CRC/C/15/Add.257, 28 January 2005, para. 72), the Committee strongly encouraged the Government to take the necessary measures to ensure that children used, procured or offered for prostitution are considered as victims rather than offenders under the Shari'a.

23. Similar comments were also addressed to the Government with regard to the use, procuring or offering of a child for the production of pornography or for pornographic performances.

Slovakia

I. Among the relevant ILO Conventions, Slovakia has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 29, 105, 138, 182, 87, 98, 122, 142, 171 and 45.

II. Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to the following:

Equal Remuneration Convention, 1951 (No. 100) (2007 observation)

24. In its previous observation, the Committee of Experts had expressed its concern that section 119(3) of the former Labour Code was not in line with the principles enshrined in the Convention, notably with regard to the notion of "the same working conditions, efficiency and results" which did not seem to reflect fully the concept of "work of equal value". In its 2007 observation, the Committee noted with interest the Government's statement that an amended version of section 119(3) of the Labour Code would guarantee "equal wage of men and women for equal work or for work of equal value". The new Labour Code was promulgated and came into force in September 2007, but has not yet been examined by the Committee.

25. The Committee also noted the statistical information provided by the Government on the average earnings of men and women in the year 2005, which showed that during 2005 there was a slight increase in the average wage of women as a share of men's wage of 1.16 percentage points (from 76.34 per cent in 2004 to 77.5 per cent in 2005). Nonetheless, data showed that a significant gap between women's and men's wages still existed with regard to all "age" and "employment" categories represented. In particular, the Committee noted that the highest wage gap could be found among legislators, managing and senior employees (38 per cent), along with tradespersons and qualified blue-collar workers in related fields (38 per cent), whereas the lowest gap was to be found among clerks (17 per cent) and skilled blue-collar workers in agriculture and forestry (15 per cent). When

looking at average earnings according to age, statistics showed that wage differences were the highest in the age category from 35 to 39 years of age (31 per cent), while they were the lowest in the age category from 20 to 24 years of age (14 per cent). The Committee again recalled the importance of increasing women's participation in higher paid jobs, including through training courses. At the same time, while inviting the Government to explore measures to promote access of women to higher paid sectors and occupations, the Committee pointed out that wages in female-dominated sectors and occupations must not be undervalued. It asked the Government to continue to provide statistical information, disaggregated by sex, on the earnings gap between men and women, and to keep it informed on any programmes, projects and measures adopted to reduce the remuneration gap between men and women and to promote women's access to high-paid jobs, as well as their impact.

**Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
(2007 observation)**

26. The Committee of Experts noted that according to the Government's report some employers openly declared a lack of interest in hiring women, either generally or those older than 30 years of age. These cases were referred either to the Slovak National Centre for Human Rights or to labour inspectorates, but the complainants were reported to have been unable to provide any acceptable evidence that could be used as the basis for intervention by the competent authorities. The Committee urged the Government to take steps to increase public awareness with respect to gender discrimination at work and women's rights in that respect. The Committee also requested the Government to provide information on the results achieved by previous and present projects carried out with respect to discrimination against women in the labour market and facilitating their access to a wider range of training courses and occupations. It further invited the Government to continue providing up-to-date information on labour market participation, disaggregated by sex, occupation and sector.

Workers with Family Responsibilities Convention, 1981 (No. 156) (2007 direct request 2007)

27. The Committee noted with interest that the issue of reconciliation of work and family life had been a priority of the Government since 2005 and that the State family policy identified this problem as a priority for the years 2005-2006. The Committee further noted the strategic document "Measures for the reconciliation of life at work and in the family for the year 2006, with perspective until 2010", approved by government resolution No. 560 of 21 June 2006. The Committee also noted the Government's indication that there was a trend towards an increasing ratio of women (66.23 per cent), including women with family responsibilities, among the job seekers participating in training and other preparations for entry into the labour market. The Committee asked the Government to keep it informed of the progress made regarding the implementation of the measures set out in the 2006 strategic document on work and family, and their impact on achieving the objectives of the Convention.

28. The Committee noted that even though the legislation contemplates the possibility of working shorter hours and the Labour Code explicitly establishes a guarantee of equal working conditions of employees working reduced hours and

those working the established number of weekly hours, both men and women workers utilized this option only to a small extent. In 2004, for instance, approximately 0.7 per cent of men and 1.9 per cent of women worked shorter hours in order to care for children and other dependent persons. In particular, the Committee observed that surveys conducted in the previous years confirmed that women generally showed no particular preference for shorter working hours in order to reconcile work and family life; instead they would opt for flexible forms of work, such as flexible hours, a non-traditional working time arrangement and telework. The Committee reiterated its request to the Government to provide information on the number of men and women exercising their right to parental leave, as well as the number of men and women employees requesting flexible working time arrangements, reduced working hours or working from home in order to better combine work with family responsibilities.

United Kingdom of Great Britain and Northern Ireland

I. Among the relevant ILO Conventions, the United Kingdom has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 105, 138, 182, 87, 98, 122 and 142.

II. Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to the following:

Equal Remuneration Convention, 1951 (No. 100) (2006 observation)

29. The Committee of Experts noted from the Government's report that in 2005, the wage gap between men and women stood at 22.6 per cent in the private sector compared with 13.3 per cent in the public sector. The Committee noted that the Government and the Equal Opportunities Commission (EOC) continued to encourage private sector employers to carry out equal pay reviews (EPRs) on a voluntary basis. It noted from research conducted by the EOC in 2005, however, that only a third of large organizations in both the private and public sectors had completed an EPR, falling short of the EOC's target of 50 per cent by the year 2003. The research also showed that, if the current rate continued, the Government would not meet its own EPR target for large public sector firms by 2008 (45 per cent). In the light of this slow progress, the Committee recalled the conclusions of the Conference Committee on the Application of Standards in 2006 encouraging the Government to take more proactive measures to address the remaining gender pay differentials, particularly in the private sector. Given that the Government's efforts to encourage employers to carry out voluntary equal pay reviews did not meet expectations, and considering the Government's indication that it was not convinced of the need for a gender equality duty in the private sector, the Committee asked the Government to provide information on what additional measures it was taking or considering to ensure the application of the principle of equal remuneration in the private sector.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (2006 direct request 2006)

30. The Committee of Experts noted the completion of the Equal Opportunities Commission's (EOC) investigation into occupational segregation in which the EOC found that there was a failure to provide real opportunity and choice for girls and boys to enter work via vocational training and that the current education system was, in particular, failing girls from lower socio-economic groups. The investigation further found a link between the underrepresentation of women in certain sectors and skills shortages in occupations such as construction, engineering, plumbing, ICT and childcare, which remained among the most heavily segregated sectors in the United Kingdom. Noting that the Government had already outlined a plan to tackle occupational segregation, the Committee asked for further information on the action taken and results achieved under this plan to encourage men and women into sectors where they are underrepresented.

31. With regard to sexual harassment, the Committee noted that the EOC began a formal investigation into sexual harassment in the armed services after deciding that there were sufficient grounds to believe that the harassment of servicewomen was frequent and that the measures in place to prevent and deal with it were inadequate. The Committee noted that the investigation was suspended after an agreement was reached with the Ministry of Defence on a three-phase action plan to deal with sexual harassment in the armed services. Noting that the plan was in its second phase and that the entire project was scheduled for completion in early 2008, the Committee asked the Government to keep it informed on the progress of this work and its impact in preventing sexual harassment and improving the mechanisms to deal with sexual harassment complaints in the armed services.

32. The Committee further understood that a case had recently been decided in which a Muslim schoolteacher was suspended from her job at Headfield Church of England Junior School after refusing to remove her veil in the presence of male colleagues. The Committee asked for information on other cases relating to the display of religious symbols in employment or occupation and how the Employment Equality (Religion or Belief) Regulations addressed such situations. It also asked the Government to provide information on awareness-raising and other measures adopted to deal with negative attitudes towards religious minorities in the workplace and to promote and ensure equal opportunity and treatment for workers of different faiths.

United Republic of Tanzania

I. Among the relevant ILO Conventions, the United Republic of Tanzania has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 105, 138, 182, 87, 98 and 142.

II. Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to the following:

Equal Remuneration Convention, 1951 (No. 100) (2006 direct request)

33. The Committee noted that the Employment and Labour Relations Act, 2004, entered into force on 1 August 2006. This Act prohibits direct and indirect discrimination based on sex with respect to remuneration and requires employers to take positive steps to guarantee equal remuneration for men and women performing work of equal value (sections 7(4) and 7(9)). The Committee asked the Government to provide information on the practical application of the Act, including information on measures to address wage discrimination and promote the principle of equal remuneration for men and women for work of equal value provided for in equality plans adopted under section 7(2) of the Act.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (2005 direct request)

34. The Committee of Experts noted the 1998 amendments to the Sexual Offences Special Provisions Act, 1998, sections 148(D)(1) and 138(D)(3), penalizing sexual harassment generally, and quid pro quo sexual harassment within the workplace. The Committee also noted that section 7(5) of the Employment and Labour Relations Act (ELRA) prohibits, but does not define sexual harassment. The Committee requested the Government to provide information on the implementation and enforcement of the above provisions in practice, including any relevant judicial or administrative decisions.

35. It also noted that, according to the National Employment Policy, women constituted 54 per cent of the labour force in mainland Tanzania. However, the Integrated Labour Force Survey of 2000-01 prepared by the National Bureau of Statistics revealed inequalities with regard to the position of women in the labour market. For instance, only 18.6 per cent of persons employed by parastatal organizations were women. With respect to employment status, women were underrepresented in the category of paid employment (29.3 per cent). In this context, the Committee noted that the United Nations Development Assistance Framework for the United Republic of Tanzania (2002-06) identified discrimination against women as reflected in stereotypical occupations with minimum qualifications as a key concern. The Committee requested the Government to keep it informed on the measures taken to strengthen the position of women in the formal and informal labour market. The Government was also asked to provide information (a) on the measures taken to promote equal access of men and women to employment in the government, parastatal and private sectors and to promote women's equal access to income-generating activities in the informal economy; and (b) updated statistical information concerning the position of men and women in the labour force.

Yemen

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

II. Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to the following:

Equal Remuneration Convention, 1951 (No. 100) (2006 direct request)

36. Referring to previous initiatives to bring section 67 of the draft Labour Code, containing a provision limiting female workers' entitlement to wages equal to those of men if they perform the same work under the same conditions and specifications, into conformity with article 1(b) of the Convention, the Committee of Experts asked the Government to clarify whether it still intended to give legal expression to the principle of equal remuneration for men and women for work of equal value contained in article 1 of the Convention. In the absence of any legislative developments, the Committee asked the Government to provide information on any measures taken or envisaged to ensure or promote the application of the principle in practice.

37. The Committee further noted that the Government was giving priority to promoting employment of rural women since Yemeni society remained primarily a rural society. The Committee asked the Government to provide information in its next report on the specific measures taken to increase the levels of income of rural women, for example through enabling them to set up their own businesses, and to promote their access to paid employment in the private and public sectors. It also encouraged the Government to update its assessment of the existing wage disparities in the various sectors, especially in the administrative sector and sales and agricultural occupations, in order to be able to determine the actual nature and scope of the current wage disparities, and the most effective measures to address them.

38. Recalling that the low status of women in society, owing to gender stereotypes, is one of the root causes of unequal remuneration, the Committee asked the Government to provide information on the measures being taken to address gender-stereotyped attitudes among private sector employers, as a means to increase the levels of income and reduce wage disparities between men and women.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (2006 direct request)

39. With regard to section 3 of the Labour Code (Act No. 5 of 1995, as amended by No. 25 of 1997) excluding, among others, domestic workers from its application, the Committee of Experts noted the Government's statement that section 3(4) of the draft amendment to the Labour Code specified that the Code would not apply to household workers or workers of a similar category except with respect to their holidays, minimum wage, dismissal from work and rights relating to end of service, and that their work, rights and duties would be regulated by Ministerial Order. The Government was thus requested to keep the Committee informed of the above-mentioned legislative developments and any regulations adopted to prevent discriminatory practices against both national as well as foreign domestic workers.

40. In addition, the Committee noted that, according to the statistics provided by the Government on women's and men's economic activity rates and their participation in technical and vocational training, in rural areas women's participation rate was as low as 25.9 per cent while men's was at 70.7 per cent; in urban areas, women's participation rate was even lower with 11.5 per cent compared to 68 per cent for men. Furthermore, a high number of women worked in the informal economy, especially in rural areas, and women's economic activity remained focused on traditional sectors such as agriculture, hunting and forestry (87.7 per cent), as well as education (4.3 per cent) and manufacturing (2.6 per cent).

Moreover, the latest data available (1999) indicated an extremely low number of women being employed in the government sector (6.3 per cent compared to 20.6 per cent for men). With respect to technical and vocational training, the Committee noted from the figures provided by the Government that women's participation also remained very low. Recalling the National Strategy on the Advancement of Women, the Committee asked the Government to include in its next report detailed information on (a) the measures taken to improve the level of women's participation in employment and occupation in the public and private sectors; (b) measures taken to overcome social traditions and customs that have a negative impact on women's opportunities in employment, education and skill development; and (c) measures taken to ensure that vocational and skills training for women correspond to the needs of the labour market, and include components enabling women to start their own businesses.

Workers with Family Responsibilities Convention, 1981 (No. 156) (2007 direct request 2007)

41. The Committee noted from the Government's report that draft amendments to the Labour Code were under consideration, including a provision specifying that a worker's service may not be terminated on the ground of his or her family responsibilities. The Committee welcomed this development and asked the Government to keep it informed on the progress of the draft amendments and to forward the text of the relevant legislative provisions upon adoption. The Government was also requested to provide information on the corresponding measures taken by the Government to enforce the provisions, in both the private and public sectors.

42. The Committee also noted the addition of section 45 bis to the Labour Code obliging public and private companies employing more than 50 women employees to set up a nursery for children of women workers on conditions determined by ministerial order. While welcoming these measures, the Committee recalled that the Convention applies to both men and women workers and that the aim of national policies under the Convention should be to promote full coverage of each and every worker in all programmes concerning workers with family responsibilities, including programmes for childcare. It therefore asked the Government to continue to provide information on measures taken or envisaged to create conditions conducive to equality of opportunity and treatment for both men and women workers with respect to work and family responsibilities.

Minimum Age Convention, 1973 (No. 138) (2007 direct request)

43. The Committee of Experts addressed the question of the enrolment of children, especially girls, in basic education. The Committee noted the Government's information concerning the strategy for the development of basic education it launched and on which it based several measures aimed at increasing the educational opportunities for boys and girls in rural areas. The Committee also noted the establishment of the Basic Education Development Project by the World Bank and which had the objective of assisting Yemen in expanding the provision of quality basic education to all (grades 1-9) with special attention on gender equity. According to the project information document, the objective of the Basic Education Development Strategy was to achieve universal access to primary education by 2015. The Committee noted that improvement in this regard had occurred: the ratio

of girls to boys enrolled in basic education increased from 38 to 39 per cent from 2002/03 to 2005 and the gross enrolment rate in basic education increased from 64 to 68 per cent during the same period. However, free access to compulsory education and the high cost of schooling remained an important problem in Yemen. Considering the importance of education for the abolition of child labour, the Committee encouraged the Government to pursue its efforts to improve the enrolment of children, especially girls, in basic education. It requested the Government to continue providing information on the measures taken in this regard.

Employment Policy Convention, 1964 (No. 122) (2006 direct request)

44. The Committee noted the Government's indication that the Second Five-Year Plan for Economic and Social Development (2001-05), outlining the main directions of the Government's socio-economic policy, provided for 896,000 additional job opportunities resulting from economic growth in different sectors and aimed to decrease the unemployment rate from its current level of 11.9 per cent to 9.5 per cent. The Government indicated that the number of employed persons who earned monetary wages represented 88.2 per cent of all employed persons with wages, but only 6.9 per cent of those were women. The Government further stated that it carried out a number of employment programmes and measures aimed, among others, at increasing job opportunities for poor women in rural areas. The Government was asked to provide detailed information on the results and the progress achieved with the implementation of the measures envisaged by the Second Five-Year Plan for Economic and Social Development and, in particular, indications on the results of the measures aimed at increasing the participation rate of women in the formal economy, as well as creating job opportunities for poor women in the rural sector.
