



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

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

**Forty-fourth session**

20 July-7 August 2009

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**

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\* CEDAW/C/2009/II/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 International Labour Organization (ILO) Conventions. Of the 188 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 166 member States
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 168 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 which 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 by the ILO 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 summaries 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 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 section II can be found by going to: [www.ilo.org/public/english/standards/norm/index.htm](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****Azerbaijan**

I. Among the relevant ILO Conventions, Azerbaijan has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 98, 103, 105, 122, 138, 142 and 182.

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

**Convention No. 100**

5. The Committee of Experts, in its previous comments concerning sections 16, 154 and 158 of the 1999 Labour Code, noted that these provisions do not fully reflect the principle of equal pay for equal value.<sup>1</sup> In its 2008 observation, the

<sup>1</sup> Section 16 sets forth the principle of non-discrimination based on sex; section 154 provides for a definition of remuneration and states that workers may not be paid less than the minimum wage; and section 158 states that forms and systems of remuneration and rates are to be specified in collective agreements and employment contracts, and in relevant cases by mutual agreement between the employer and the trade union.

Committee also commented that the Act on Ensuring Gender Equality of 10 October 2006, in particular section 9, failed to fully reflect the principles of the Convention.<sup>2</sup> The Committee emphasized that the concept of “work of equal value” is important to ensure that men and women enjoy the right to equal remuneration, not only when they perform the “same” or “similar” work, but also when they perform work that is different but nonetheless of equal value, whether or not within the same enterprise. The Committee stressed that legislation which establishes the principle of equal remuneration for work of equal value is important to ensure full application of the Convention. The Committee requested that the Government indicate measures introduced for the purpose of bringing the legislation into conformity with the Convention.

6. The Committee noted in its 2008 direct request that the gender pay gap remains very wide in certain industries, with the largest gap existing in oil and gas production (50.9 per cent). The Committee asked the Government to provide information on the measures taken to reduce the gender pay gap, particularly in the industries with the highest wage gaps. It asked the Government to indicate any specific action taken under the National Plan of Action on women’s issues with a view to promoting and enforcing the principle of equal remuneration for men and women for work of equal value.

#### **Convention No. 103**

7. In its 2008 direct request, the Committee commented on the compulsory nature of postnatal leave pursuant to Article 3, paragraphs 2, 3 and 4. Section 125(1) of the Labour Code provides for maternity leave of at least 126 days (i.e., 18 weeks), of which 70 days before confinement and 56 days afterwards. However, there is no provision which specifically refers to the compulsory nature of postnatal leave for a period of at least six weeks after the actual date of confinement, during which the employer may not authorize the worker to start working again so as to protect her health and that of her child. Furthermore, in cases where the confinement occurs after the presumed date, the legislation does not specify that the period of postnatal leave should not be reduced. The Committee noted that the Government report stated that preparatory work undertaken for the purposes of ratifying the Maternity Protection Convention, 2000 (No. 183) envisaged adopting such a provision. The Committee noted this information with interest and asked to be kept informed of the progress of ratifying Convention No. 183.

#### **Convention No. 111**

8. In its 2008 observation, the Committee noted with interest the adoption and entry into force of the Act on Ensuring Gender Equality of 10 October 2006, which aims to eliminate discrimination based on sex, including in relation to employment. The Committee requested that the Government provide information as to the implementation of this Act, including measures taken to make its provisions widely known. The Committee also noted that the Government had introduced measures to promote gender equality in its employment strategy (2006-2015). The Committee

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<sup>2</sup> Section 9(1) sets out that the salary of employees working under equal conditions, in the same enterprise and with the same skills shall be equal. Section 9(2) provides that, in the event of a difference in wages, bonus and other forms of remuneration, an employer, at the request of an employee, shall prove that the difference is not related to the sex of the employee.

further noted that the Decent Work Country Programme (DWCP) (2006-2009) envisages the ratification of the Workers with Family Responsibilities Convention, 1981 (No. 156), and the elaboration of measures to promote reconciliation of work and family, and the creation of family-friendly workplaces. The Committee requested the Government to provide detailed information on the specific measures taken under the employment strategy to ensure women's equal access to the labour market, including self-employment. The Committee also requested the Government to indicate the progress made in the examination of the national legislation with a view to ensuring compliance with international labour standards on gender equality.

9. In its direct request of 2008, the Committee asked that the Government provide information regarding the implementation and enforcement of provisions prohibiting sexual harassment contained in the Labour Code, the Criminal Code and the Act on Ensuring Gender Equality, and on any educational or awareness-raising measures undertaken by the Government as a means of preventing sexual harassment at work. The Committee also stressed the need to review the list of hazardous workplaces and occupations which are prohibited for women by virtue of Decision No. 170 of 20 October 1999 in relation to section 241 of the Labour Code. The Committee found this list to be very extensive and called for an examination, in cooperation with workers' and employers' organizations, of the reasons for these restrictions in order to ensure that they do not go beyond what is necessary to protect women's reproductive functions and that they are not based on stereotyped assumptions.

#### **Convention No. 122**

10. In its 2008 direct request, the Committee noted that on 22 November 2005, the Cabinet of Ministers approved the issuing of regulations with regard to the application of quotas for persons needing social protection and facing difficulties in the labour market. The persons covered by this instrument include single parents and mothers of children with disabilities.

### **Denmark**

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

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

#### **Convention No. 100**

11. In its 2008 direct request, the Committee of Experts noted that in 2006, women's average gross hourly earnings were 17 per cent lower than their male counterparts. A 2004 report on the wage gap between men and women, cited by the Government, concluded that the main reasons for the wage gap are the difference in education levels and work experience, and that men and women perform different jobs in both the public and private sectors. Similar conclusions had been reached by the social partners. The Committee asked the Government to continue to provide information in respect of the wage gap and its causes.

12. The Committee noted that the amendments to the Equal Pay Act came into force on 1 January 2007, which requires employers with 35 or more workers to provide gender-disaggregated statistics or alternatively, prepare an equal pay report and action plan. The Committee noted that 12 cases concerning non-compliance with the Act had been brought before the Gender Equality Board since its establishment in 2000, and the complainant was successful in three of these cases. The Committee asked the Government to continue to report on the implementation of the Act and on any cases brought under the Act.

13. The Committee welcomed new parental leave entitlements developed in partnership between the Confederation of Danish Employers and the Danish Confederation of Trade Unions, but noted that no agreement had been reached between the ILO and the Employers' Association in Agriculture to promote equal pay in the agricultural sector. The Committee asked the Government to provide information on initiatives taken by the social partners to promote equal remuneration, particularly in the agricultural sector. The Committee noted the report from the Danish Government concerning occupational sex segregation in the labour market, which includes a set of recommendations, and requested the Government to continue providing information on measures taken to address the underlying causes of the gender wage gap. It also asked the Government to indicate specific measures taken to promote objective job evaluation methods.

#### **Convention No. 111**

14. In its 2008 direct request, the Committee noted from information provided by the Government that there was a rise in the rate of employment of women immigrants, though it remained lower than that of immigrant men. The rate of employment for both men and women immigrants remained lower than that of persons of Danish origin. The Committee noted a number of initiatives taken by the Government, and under agreements between workers' and employers' organizations, for the purpose of promoting greater integration of immigrants and refugees into the labour market, including training courses and upgrading skills.

15. The Committee noted that the information provided by the Government indicated a rise in gender discrimination cases brought before the courts concerning pregnancy or maternity and parental leave. The Committee noted that this could indicate that discrimination based on maternity remains prevalent and may need to be addressed through specific measures. The Committee therefore asked for further information on measures taken to prevent and eliminate discriminatory dismissals based on pregnancy, or taking maternity or parental leave.

16. The Committee noted that in 2007, a Bill was tabled proposing the establishment of a Board on Equal Treatment as a centralized body tasked with determining discrimination cases to replace other administrative bodies. The Committee requested the Government to provide information on the progress of the proposed legislation.

#### **Convention No. 182**

17. At the time of the 2008 session, the Committee had not yet received the Government's report. The Committee had previously noted that a Plan of Action to Combat Trafficking of Children and Young People had been launched in 2005 as an amendment to the Plan of Action to Combat Trafficking in Women. This Plan

consists of preventive measures, recovery and protection of victims, and prosecution. The Committee also noted the Government's indication that a new plan was being drafted. The Committee requested the Government to provide information on the implementation of the Plan of Action to Combat Trafficking of Children and Young People, especially with regard to the measures to protect and recover child victims of trafficking. The Government's report has since been received, and will be examined by the Committee at its next session.

## **Guinea-Bissau**

I. Among the relevant ILO Conventions, Guinea-Bissau has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 89, 98, 105, 138 and 182.

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

### **Convention No. 100**

18. The Government's report was not received. In its earlier comments, the Committee noted the Government's indication that the principle enshrined in the national Constitution includes equal remuneration for equal work as well as for equal value. The Committee also noted that sections 31 and 32 of the draft Uniform Labour Act of the Organization for the Harmonization of Business Law in Africa (OHADA) gives legal expression to the provisions of the Convention. Given that the draft Act would have the direct force of law in Guinea-Bissau, the Committee stated that it looked forward to its adoption. The Committee has repeatedly requested information on the measures taken to give practical effect to the principle of equal remuneration for men and women for work of equal value. The Committee expressed its regret that the Government continued to consider that no further measures were needed to this end. The Committee asked the Government to supply further information including on the measures taken or contemplated to promote and facilitate the application of the provisions of the Convention; concrete and practical information that would enable it to assess whether the principle of equal remuneration is applied not only to cases where the same or similar work is performed between men and women, but also to work performed by men and women that is of a different nature. The Committee also noted the renewed request by the Government for ILO technical assistance to carry out a study on job classification.

### **Convention No. 111**

19. The Government's report was not received. In its recent comments (direct requests 2006 and 2008), the Committee noted that the Government continued to indicate that there is no national policy on equality and the Committee expressed concern regarding the Government's statements that there is no discrimination in law or in practice. The Committee further noted that the draft Uniform Labour Act of the Organization for the Harmonization of Business Law in Africa (OHADA) includes provisions promoting equality between men and women and prohibiting discrimination in accordance with the Convention, and it looked forward to its

adoption. The Committee also stressed the importance of ensuring that the Convention's provisions are fully applied in practice. The Committee expressed the hope that the Government would make every effort to take measures towards the adoption of a national policy on equality of opportunity and treatment and to give practical effect to the legislative prohibition against discrimination. The Committee also noted the absence of national legislation on sexual harassment, and requested the Government to provide information on any measures taken or envisaged to address sexual harassment such as educational programmes for workers and employers in the public and private sectors.

#### **Convention No. 45**

20. In its 2005 direct request, the Committee pointed out that on the basis of the conclusions and proposals of the Working Party on Policy regarding the Revision of Standards, the Governing Body of the International Labour Office decided to invite the States parties to Convention No. 45 to contemplate ratifying the recent Safety and Health in Mines Convention, 1995 (No. 176), as well as denouncing Convention No. 45 (see document GB.283/LILS/WP/PRS/1/2, para. 13). Contrary to the old approach based on the total prohibition on underground work being performed by any female workers, the modern standards emphasize risk assessment and risk management and provide sufficient preventive and protective measures for workers in mines, regardless of their sex, whether they are employed on the surface or at underground sites.

### **Japan**

I. Among the relevant ILO Conventions, Japan has ratified Convention No. 100. It has also ratified Conventions Nos. 29, 45, 87, 98, 122, 138, 142, 156 and 182.

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

#### **Convention No. 100**

21. In its observation of 2007, the Committee of Experts noted the discussion of the Conference Committee on the Application of Standards in June 2007 and the resulting conclusions of the Conference Committee. The Committee noted in particular that the Conference Committee urged the Government to promote more actively equal remuneration for men and women for work of equal value in law and in practice.

22. The Committee noted that according to information provided by the Government, the gender pay gap in hourly earnings among full-time workers increased from 31.2 per cent in 2004 to 32.9 per cent in 2006. The gender pay gap is highest in manufacturing (41.4 per cent) and finance and insurance (45.2 per cent) and lowest in transport (23.1 per cent) and telecommunications (28.3 per cent). The Committee noted that the gender pay gap remains very high. It expressed particular concern that the hourly earnings gap for full-time workers has increased since 2004. The Committee noted that the Government planned to undertake an analysis of the causes of the gender wage gap, and asked the Government to provide the results of this analysis and information about action taken to address the underlying causes.

23. The Committee noted that the Government expected that the amendments made to the Part-time Working Law in May 2007 would contribute to the reduction of the gender pay gap. The Committee noted that under the revised provisions, certain part-time workers shall be deemed to be equivalent to full-time workers which, inter alia, implies that there shall be no discrimination in respect of wages, education and training, welfare facilities and other conditions. The Committee noted that according to the Japanese Trade Union Confederation (JTUC-RENGO), discrimination against part-time workers is still, in many ways, discrimination based on gender, and that the new law covered only a small portion of part-time workers. The Committee asked for information on the proportion of part-time workers, disaggregated by sex, that benefit from protection against wage discrimination under the revised Law and whether any consideration was being given to extending this protection to the part-time labour force more generally.

24. The Committee reiterated that section 4 of the Labour Standards Law<sup>3</sup> fails to reflect fully the principle of the Convention, because it does not refer to the element of equal remuneration for work of equal value. In its report, the Government reiterated its position that the provision satisfies the requirements of the principle, and referred to a court case in which wage disparities between men and women performing different work was found to be discriminatory and hence in breach of section 4. The Working Women's Network stated that there was only one final judgement based on section 4 of the Labour Standards Law which held that the female plaintiff's work was "work of equal value" to that of a male comparator. Highlighting the length of the equal pay proceedings, the Network argued that enforcing the principle of equal remuneration for men and women for work of equal value would be more effective if the principle was stated in the legislation.

25. The Committee emphasized that the principle of equal remuneration for men and women for work of equal value necessarily implies a comparison of the jobs or work performed by men and women on the basis of objective factors such as skills, effort, responsibility, or working conditions. Where such a comparison is not possible, the Committee stated that it was difficult to see how the principle could be applied. The Committee requested that the Government take steps to amend the legislation to provide for the principle of equal remuneration for men and women for work of equal value. The Committee also recalled the Conference Committee's request to the Government to examine further the impact of employment management systems and wage systems on the earnings of women, with a view to addressing wage discrimination, and asked the Government to indicate the steps taken in this regard and the results obtained from such an examination.

26. Recalling that in accordance with the Convention all forms of indirect discrimination in respect of remuneration should be addressed, the Committee asked the Government to provide detailed information on the application of section 7 of the Equal Employment Opportunity Law and section 2 of its Enforcement Ordinance. It asked the Government to continue to consult on the issue of indirect discrimination with workers' and employers' organizations, to report on any relevant judicial cases, and to indicate the progress made in ensuring that the definition of

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<sup>3</sup> Section 4 of the Labour Standards Law provides that in respect of wages an employer shall not engage in discriminatory treatment of a woman, as compared to a man, by reason of the worker being a woman.

indirect discrimination provides effective protection from all forms of indirect discrimination in respect of remuneration.

27. Regarding the career tracking system, JTUC-RENGO and the Working Women's Network stated that career tracking systems continue to be used in practice as gender-based employment management. They also stated that the Equal Employment Opportunity Guidelines issued by the Government created an opening for this, because they restrict the application of the prohibition of gender discrimination to men and women within each "employment management category", which excludes comparisons between men and women employed in different categories. The Committee stated that the principle of the Convention cannot be restricted to men and women within each different employment category established by an enterprise, and asked the Government to supply a copy of the Equal Employment Opportunity Guidelines for the Committee's examination, and to provide updated statistical information on the extent to which career tracking systems are being used, including, the number of men and women on the different tracks. The Committee asked the Government to examine further the impact of career tracking systems on the earnings of women, with a view to addressing wage discrimination, as requested by the Conference Committee, and to report on the results of such an examination. The Committee also requested that the Government provide information on the specific methodologies used by labour inspectors to identify instances of wage discrimination where men and women are engaged in different posts but nevertheless perform work of equal value.

## **Lao People's Democratic Republic**

I. Among the relevant ILO Conventions, the Lao People's Democratic Republic has recently ratified Conventions Nos. 100 and 111 (on 13 June 2008). It has also ratified Conventions Nos. 29, 105, 138 and 182.

II. *Comments made by the ILO supervisory bodies.*

### **Conventions Nos. 100 and 111**

28. There are no comments of the Committee yet, owing to the relatively recent ratification of the Conventions by the Government. In conformity with the relevant procedures, the Government's first report will be due in 2010.

## **Liberia**

I. Among the relevant ILO Conventions, Liberia has ratified Convention No. 111. It has also ratified Conventions Nos. 29, 87, 98, 105 and 182.

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

### **Convention No. 111**

29. For a number of years, the Committee of Experts has been seeking information from the Government on the measures taken to implement the Convention. In its 2008 observation, the Committee, in the absence of a Government report, repeated

its previous comments, in which it had noted that there was no legislation or national policy to implement the Convention, and expressed its hope that the Government would soon be in a position to provide full information on any administrative, legislative or other measures explicitly designed to eliminate discrimination based on all of the seven grounds prohibited by the Convention (race, colour, sex, religion, political opinion, national extraction or social origin) and to promote equality of opportunity and treatment in respect of employment and occupation. The Committee also requested the Government to provide full information on how the Convention is applied in practice. The Government's report has since been received and will be examined by the Committee of Experts at its November-December 2009 session.

## Spain

I. Among the relevant ILO Conventions, Spain has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 3, 29, 87, 98, 103, 105, 122, 138, 142, 156 and 182.

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

### Convention No. 100

30. In its 2008 direct request, the Committee of Experts noted, with regard to the information technology tool known as the ISOS programme (relating to manuals for the appraisal of jobs and the identification of indicators of wage discrimination), that according to the Government, a series of practical difficulties had been encountered in its use by the labour inspectorate. The Committee requested information on any other mechanisms used by the Government to assess the wage gap and to evaluate the impact of the measures taken on reducing this gap. It also asked the Government to provide information on any measures taken to eliminate the gender wage gap, as agreed with the social partners under the terms of the 2004 Declaration for social dialogue.

### Convention No. 111

31. In its 2008 observation, the Committee noted a communication from the Trade Union Confederation of Workers' Commissions (CC.OO). The CC.OO expressed concern at the negotiation of affirmative action measures in enterprises with fewer than 250 workers, because the Council on the Participation of Women had still not been established within the Ministry of Equality, and because many foreign women were having difficulty securing recognition of their right to enter the labour market owing to the fact that they work in the informal economy. The Committee will examine these matters at a future session, together with any comments the Government may wish to make.

32. The Committee noted that the Government had adopted a series of legislative and administrative measures to promote equality, including Basic Act No. 3/2007 of 22 March on effective equality between women and men. It also noted with respect to migrant workers that orders have been adopted (Nos. TAS/3698/2006 and TAS/711/2008) to regulate the registration of non-community foreign workers in

public employment services and employment agencies. The Committee asked the Government to continue to provide information on these matters, including copies of the provisions of collective agreements setting out measures to promote equality, pursuant to Basic Act No. 3/2007, and on the practical implementation of the right of worker's representatives to receive information on the application of the principle of equality at work. The Committee also asked the Government to provide statistical information indicating the proportion of men and women in precarious employment. The Committee noted further that the Labour and Social Security Inspectorate 2008-2010 had prepared a plan of action with a view to verifying that equality between men and women is effectively applied in enterprises, and that Instruction No. 2/2008 had been issued in this connection.

### **Convention No. 156**

33. In its 2006 direct request, the Committee noted with interest the legislation, plans, agreements and court decisions aiming at securing effective equality of opportunity between men and women workers. It noted in particular the legislation to reconcile family life and work (Act No. 39/1999 of 5 November, adopting measures to promote reconciliation of work and the family and Act No. 12/2001 of 19 July, on urgent measures to reform the labour market by increasing jobs and improving their quality) which introduced quota bonuses for employers who hire unemployed women in the 24 months following their period of confinement. It also noted that on 8 November 2001, the Comprehensive Family Support Plan (2001-2004) was approved and that it includes the reconciliation of family life and work among its three strategies. To implement these measures, Royal Decree No. 125/2001 of 16 November was adopted to regulate the Act on the reconciliation of family life and work. A "Code of Good Practice" has also been drawn up in cooperation with social partners and was approved with the signing on 30 January 2003 of the Interconfederation Agreement on Collective Bargaining (ANC 2003). In the Fourth Equality Plan (2003-2006), which comprises eight strategic areas, area 7 concerns the reconciliation of family life and work and one of its aims is to extend parental leave and to step up services for the care of children and dependent persons. The Committee requested the Government to continue sending information on the measures adopted to give effect to the Convention and on the effect given in practice to measures already adopted.

34. The Committee noted that the Government also indicates that the law currently in force gives part-time workers the same rights as full-time workers. The Committee requested information about the percentage of women employed on a part-time basis and whether they have the same employment and training opportunities as full-time workers. The Committee also noted the initiatives to support child care for infants under 3 years of age during the working day of their mothers and fathers, and the Government's indication that this is key to reconciling work and family life.

## **Switzerland**

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

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

**Convention No. 100**

35. In its 2008 direct request, the Committee of Experts noted comments of the Swiss Federation of Trade Unions (USS), indicating that the unions are drawing an unfavourable first assessment from their campaign to monitor wage equality. If wages continue to develop so slowly, USS states that another 30 years will be required to achieve wage equality. USS indicates further that very few enterprises have agreed up to now to a binding joint monitoring exercise undertaken with the assistance of the trade unions. The Committee noted that according to the Government's report, the wage system in the public service has been designed so that in theory, there can be no direct or indirect discrimination. The Government has a system in place for monitoring this (Logib), for which it was drafting a guide. The Committee requested that the Government provide information on the application of the Logib programme and the associated guide. The Committee also noted that in May 2008, the Federal Council launched a consultation procedure relating to the total revision of the Federal Public Contracts Act, requiring tenderers to comply with the principle of equal wages for men and women as a prerequisite. The Committee requested further information on the application of the Logib programme and certain specifics relating to the revision of the Federal Public Contracts Act.

36. The Committee noted that a memorandum had been prepared by the Federal Bureau for Equality between women and men. The memorandum is designed as guidance for judges dealing with cases relating to wage discrimination, pursuant to the Equality Act. Harmonization of judicial practice in this field may reduce the length of complaint procedures. The Government indicated that the issue of wage equality was a priority matter which the social partners wished to address jointly, and the Federal Administration was facilitating dialogue between them with a view to helping them reach agreement on the measures to be taken to eliminate the wage gap resulting from discrimination. The Committee requested that the Government provide information concerning the measures adopted by the social partners, working with the Government, to reduce the wage gap resulting from discrimination and to continue providing information on the enforcement of the Equality Act.

37. The Committee noted that the 2006 Wage Structure Survey showed that remuneration systems were continuing to become more diversified through the addition of new wage components to basic wages. The Government indicated that the results of the survey on additional wage payments did not yet permit the provision of statistical data disaggregated by sex. The results of the latest Swiss Wage Structure Survey (ESS) in 2006 showed that wage differentials between women and men were in general continuing to diminish. It showed that wage differentials between women and men decreased slightly in 2006 in relation to 2004 in the private sector and in the public cantonal sector. Nevertheless, women earned 19.1 per cent and 18.8 per cent less than men in these sectors, respectively. The difference was 12.9 per cent in the federal public sector and 9.4 per cent in the communal public sector. The Committee asked the Government to provide information on the reasons behind the ongoing differentials and measures adopted to reduce these wage gaps.

**Convention No. 111**

38. The Committee noted several measures adopted by the Government to improve knowledge and the application of the Equality Act and its provisions relating to sexual harassment. The Committee noted that, according to the Government's report, a parliamentary intervention calling for paternity leave was rejected on 19 December 2007 by the Council of States. Noting that the Federal Council considers that paternity leave should be provided under collective agreements, the Committee requested the Government to provide information as to the proportion of workers and sectors in which paternity leave is utilized under such agreements. The Committee also requested that the Government continue to provide information on its collaboration with the social partners and their efforts to include provisions enabling men and women workers to reconcile family and working life in enterprise policies and collective agreements. The Committee also requested the Government to indicate whether it had introduced projects, in the context of vocational training, to motivate young women to engage in training leading to occupations considered to be traditionally male.

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