



**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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Agenda item 6

**Implementation of articles 21 and 22 of the Convention on the
Elimination of All Forms of Discrimination against Women**

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

Report by the International Labour Office

Summary

In accordance with article 22 of the Convention on the Elimination of All Forms of Discrimination against Women, the specialized agencies have been invited to submit to the Committee on the Elimination of Discrimination against Women, at its fifty-fourth session, reports on the implementation of the Convention in areas falling within the scope of their activities.

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I. Introduction

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

- No. 100 (1951) concerning Equal Remuneration, which has been ratified by 171 member States
- No. 111 (1958) concerning Discrimination in Respect of Employment and Occupation, which has been ratified by 172 member States
- No. 156 (1981) concerning Equal Opportunities and Equal Treatment for Men and Women: Workers with Family Responsibilities, which has been ratified by 42 member States

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

Forced labour

- No. 29 (1930) concerning Forced or Compulsory Labour
- No. 105 (1957) concerning the Abolition of Forced Labour

Child labour

- No. 138 (1973) concerning Minimum Age for Admission to Employment
- No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour

Freedom of association

- No. 87 (1948) concerning Freedom of Association and Protection of the Right to Organise
- No. 98 (1949) concerning the Application of the Principles of the Right to Organise and to Bargain Collectively

Employment policy

- No. 122 (1964) concerning Employment Policy
- No. 142 (1975) concerning Vocational Guidance and Vocational Training in the Development of Human Resources

Maternity protection

- No. 3 (1919) concerning the Employment of Women before and after Childbirth
- No. 103 (1952) concerning Maternity Protection (Revised 1952)
- No. 183 (2000) concerning the revision of the Maternity Protection Convention (Revised), 1952

Night work

- No. 89 (1948) concerning Night Work of Women Employed in Industry (Revised 1948), and its Protocol of 1990
- No. 171 (1990) concerning Night Work

Underground work

- No. 45 (1935) concerning the Employment of Women on Underground Work in Mines of all Kinds

Migrant workers

- No. 97 (1949) concerning Migration for Employment (Revised 1949)
- No. 143 (1975) concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers

Part-time work

- No. 175 (1994) concerning Part-Time Work

Home work

- No. 177 (1996) concerning Home Work

Domestic workers

- No. 189 (2011) concerning decent work for domestic workers

3. The application of ratified conventions is supervised by the ILO Committee of Experts on the Application of Conventions and Recommendations (hereinafter the 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's annual report – produced in English, French and Spanish – which are submitted to the Committee on the Application of Standards of the International Labour Conference. Direct requests (produced in English and French – and in the case of Spanish-speaking countries, also in Spanish) are not published in book form, but are made public. At a later date, they are published in 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 are available at <http://www.ilo.org/dyn/normlex/en/>.

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

II. Indications concerning the situation of individual countries

Angola

6. Among the relevant ILO Conventions, Angola has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 89, 98, 105, 138 and 182.

7. *Comments made by the ILO supervisory bodies.* The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the Conventions cited below.

8. *Convention No. 100.* In its 2011 observation, the Committee of Experts noted with regret that for a number of years the Government's reports had failed to respond to the points raised in the Committee's comments, including on activities to raise awareness and understanding among workers, employers, labour inspectors and other enforcement officers regarding the equal pay process under the General Labour Act of 2000.

9. In its 2011 direct request, the Committee of Experts once again asked the Government to provide information on the measures taken or envisaged to address the occupational segregation of women in both the public and the private sectors and to promote their access to better paid and higher status jobs and managerial positions, including through the promotion of greater access of women to education and training.

10. With regard to the application of section 164 (2) and (3) of the General Labour Act, which provided that the different components of the employee's remuneration must be fixed pursuant to methods that were identical for both men and women workers, and that job evaluation criteria utilized must be the same for workers of both sexes, the Committee of Experts asked the Government to provide information regarding the methods of job evaluation used to determine rates of remuneration in the public and private sectors. Noting the adoption of Decree No. 30/08 of 2 May 2008 updating the minimum wage for major economic categories, the Committee asked the Government to indicate how it ensured that minimum wage rates fixed for female-dominated occupations or sectors were not set below the level of rates applying to male-dominated occupations involving work of equal value.

11. *Convention No. 111.* In its 2011 observation, the Committee of Experts recalled the comments submitted by the National Union of Angolan Workers related to cases of age discrimination. The Committee noted the Government's indication that the maximum age for eligibility to work in the public service was 35 years. The Committee considered that such a requirement was likely to be indirectly discriminatory against women as it might particularly affect women wishing to enter or re-enter the labour market following an absence for maternity leave and child rearing. In this respect, the Committee encouraged the Government to take measures to ensure that women were not indirectly discriminated against in access to employment due to the maximum age requirement.

12. With regard to women's participation in the labour market, the Committee of Experts hoped that the Government would take the necessary measures to improve the collection of data so as to include information on the representation of men and women in the different industries and occupations, as well as indications as to the representation of women in decision-making positions and the share of men and women considered to work in the informal economy.

13. In its report the Government stated that violations of the non-discrimination provisions occurred particularly in the private sector where imbalances in participation in decision-making positions and a tendency to exclude women during and after maternity leave could be observed. The Government previously reported that gender-based discrimination also existed in the informal economy. As noted by the Committee previously, there was also a significant gender imbalance in the judiciary and as regards management positions in the civil service.

14. The Government stated that it was difficult to measure the incidence of gender-based discrimination as women did not file petitions or complaints due to shortcomings in the "legal culture". The Committee of Experts encouraged the Government to continue and intensify its efforts to raise awareness and understanding of the principle of non-discrimination and the related legislation among men and women. Given the reports of discrimination based on sex and pregnancy in the private sector, the Committee requested the Government to indicate the measures taken or envisaged to enhance the capacity of the labour inspectorate and other competent authorities to identify and address discrimination in employment and occupation. The Committee considered that the Government should take specific and proactive measures to promote and ensure equality of opportunity and treatment of women in the civil service, including the judiciary.

15. In its 2011 direct request, the Committee of Experts noted that the Government's report contained no reply to its previous comments. The Committee therefore repeated its

previous request, recalling that casual workers and family workers were excluded from the scope of General Labour Act No. 2/00 (sect. 2 (d) and (e)). The Committee asked the Government to clarify whether the term “family work” in section 2 (d) referred to work performed by a member of the family or whether it referred to a non-family member working as a household employee.

16. The Committee of Experts noted the Government’s indication that no records were available concerning cases of sexual harassment at the workplace. To prevent acts of violence and sexual harassment at the workplace, the Ministry of Family and Women’s Empowerment had set up family counselling centres where experts such as psychologists and lawyers provided counselling services for victims of violence and sexual harassment.

17. The Committee of Experts recalled that section 269 (4) of the General Labour Act stated that a list of the jobs that women were precluded from performing was established by an executive decree issued jointly by the Ministries of Labour and Health. The Committee reminded the Government that protective measures with regard to women based on stereotypical perceptions of their abilities and their role in society violated the principle of equality of opportunity and treatment. The Committee requested the Government to take the necessary steps to ensure that protective measures for women were strictly limited to maternity protection.

Austria

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

19. *Comments made by the ILO supervisory bodies.* The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the Conventions cited below.

20. *Convention No. 100.* In its 2009 observation, the Committee of Experts noted that the gross annual income of women employed full-time for 2007 had been some 22 per cent lower than men’s. In the same year women’s gross hourly wage had been 25.5 per cent lower than men’s, the second largest wage gap in the European Union. The gender remuneration gap in respect of gross annual income of employed workers (including part-time workers) had been 40.1 per cent, practically unchanged since 1997. Similarly, wide gender remuneration gaps existed in respect of average hourly wages received by full-time and part-time workers. The Committee expressed concern that this very wide gender remuneration gap persisted.

21. In its 2009 direct request, the Committee asked the Government to indicate whether any efforts had been made to examine existing collective agreements from a gender perspective in order to identify instances of undervaluation of jobs and occupations predominantly carried out by women.

22. With regard to the provincial civil services, the Committee of Experts noted that the Vienna Equality of Treatment Act provided that, in case of breach of the principle of equal remuneration between men and women for work of equal value, a public employee was entitled to payment of the pay difference plus interest and compensation (sect. 11). The Committee asked the Government to provide information on the practical application of section 11 of the Act, as well as on any measures taken to promote and ensure equal opportunities of women as regards career advancement in the federal civil service.

23. The Committee of Experts welcomed the fact that on 2 July 2007 the Austrian Trade Union Federation and the Austrian Chamber of the Economy had concluded a framework

agreement providing for the fixing of a minimum wage of €1,000 in the various sectoral agreements.

24. The Committee of Experts noted that a project under the Federal Ministry for Women's Affairs had established a set of 20 indicators for monitoring earning differentials between men and women. The Committee also noted that tripartite consultations were ongoing on a National Action Plan for Equality which was expected to include measures to promote equal remuneration.

25. The Government's most recent report was examined by the Committee of Experts at its November-December 2012 session.

26. *Convention No. 111.* In its 2009 direct request, the Committee of Experts noted that amendments had been made to the equal treatment legislation in 2008, which had, inter alia, clarified that protection against discrimination in respect of termination also applied to non-extension of a fixed-term contract and during probation. With regard to discriminatory terminations, the amendments granted the victim the right to choose between reinstatement and compensation.

27. The Committee of Experts noted that the elimination of hidden, structural and direct discrimination against women in the workplace remained a declared priority for the Government. Tripartite discussions on the possible introduction of enforceable workplace agreements on gender equality were ongoing. With regard to work and family responsibilities, efforts had focused on strengthening the role of men in parenting and on increasing childcare availability and reintegration after childcare breaks. Recent reforms of the childcare allowance were expected to increase the number of men making use of this entitlement. A study assessing the implementation of the right to part-time work for parents had found a 14 per cent share of men making use of this entitlement. A disadvantage found had been that those in part-time work had taken over less complex tasks. The Committee requested the Government to continue to provide information on the measures taken in this regard.

28. The Government's most recent report was examined by the Committee of Experts at its November-December 2012 session.

Cyprus

29. Among the relevant ILO Conventions, Cyprus has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 97, 98, 105, 122, 138, 142, 143, 182 and 183.

30. *Comments made by the ILO supervisory bodies.* The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the Conventions cited below.

31. *Convention No. 100.* In its 2010 observation, the Committee of Experts noted with interest the adoption of Act No. 38(I) of 2009 (Amendment) regarding equal remuneration between men and women for the same work and for work of equal value, amending Act No. 177(I) of 2002 and Act No. 193(I) of 2004 (Basic Acts). The Committee noted that Act No. 38(I) of 2009 strengthened the definitions of direct and indirect discrimination based on sex, and of remuneration, and inserted provisions regarding the promotion of equal remuneration through social dialogue and dialogue with non-governmental organizations concerned. The Act also provided for out-of-court protection of victims of discrimination (complaints can be submitted to the Ombudsman's Office), enhanced the accessibility of legal proceedings and the provision of legal aid by the Gender Equality Committee in Employment and Vocational Training, and clarified the shifting of the burden of proof to the respondent.

32. In its 2010 direct request, the Committee of Experts noted that the overall gender remuneration gap remained relatively high. The Committee noted the findings and proposals made by the “Analysis of the gender pay gap in Cyprus and practical suggestions for reducing the gap” with respect to the underlying causes of the gender pay gap and the unexplained difference in wages which was presumed to be due to discrimination. The Committee noted that the Ministry of Labour and Social Insurance, with inputs from the social partners, had developed a project with concrete measures aimed at reducing the gender pay gap to be implemented during 2009–2013, and to be co-financed by the European Social Fund.

33. The Committee of Experts noted that employers’ and workers’ organizations had been invited to examine the compliance of the provisions of collective agreements with the equal pay legislation. The Committee asked the Government to provide information on any action undertaken by the social partners to examine the compliance of provisions of collective agreements with the equal pay legislation, and the results achieved.

34. The Committee noted that the increase in the minimum wage rates in 2008 and 2009, as well as the expansion of their coverage to security guards and employees with sanitation and caring duties, had contributed to reducing the gender pay gap.

35. The Government’s most recent report was examined by the Committee of Experts at its November-December 2012 session.

36. *Convention No. 111.* In its 2010 direct request, the Committee noted with interest that the Government had further improved its national legislative framework on equality between men and women, in particular through the adoption of Law No. 39(I) of 2009 (Amendment) regarding Equal Treatment between Men and Women in Employment and Vocational Training, Law No. 40(I) of 2009 (Amendment) concerning Equal Treatment of Men and Women with respect to Social Security Professional Schemes, and Regulation No. 176/2009 concerning Independent Assistance to victims of Discrimination. The new legislation enhanced the protection afforded to victims of discrimination, provided for out-of-court protection of victims of sex discrimination, independent aid for victims of discrimination by the Gender Equality Committee on Employment and Vocational Training and included provisions regarding the shifting of the burden of proof to the respondent.

37. The Committee of Experts noted the Government’s confirmation that the equality legislation and code of practice covered both *quid pro quo* and hostile environment sexual harassment. It also noted the information on the sexual harassment claims handled by the Equality Authority, as well as its involvement in training activities in this area. The Ministry of Labour and Social Insurance had also undertaken particular action, including training of its labour inspectors, to combat sexual harassment.

38. The Committee of Experts noted that no cases had been submitted regarding the practical application of section 4 (2) of the Law on Equal Treatment of Men and Women in Employment and Vocational Training, as amended, excluding certain occupations (listed in a schedule to the Law) from the Law’s provisions concerning access to employment, vocational training and self-employment. With respect to paragraph 4 of the schedule, the Committee noted the Government’s explanation that the restriction on the ground of sex for a profession relating to the provision of personal services to elderly and disabled persons could be objectively justified. The Committee also noted the Government’s assurance that the Ministry of Labour and Social Insurance would give serious consideration to the Committee’s comments concerning inherent job requirements and would hold discussions with the social partners, including on whether there was a need to amend the legislation. With respect to paragraph 7 of the schedule (prohibition of women in underground work) the Committee noted the Government’s indication that, while the Equality Authority had

pointed out that that provision should be repealed, for the national legislation to be amended, Cyprus first had to denounce ILO Convention No. 45.

39. The Committee of Experts recalled the low participation rate of women (54.3 per cent in 2006) in the labour market as compared to men (73.4 per cent in 2006), their concentration in certain occupational groups, and their low participation rate in initial training programmes offered by the Human Resources Development Authority (HRDA). The Committee noted from the most recent figures on women's participation rate in training programmes that the participation rate of women in training programmes offered by HRDA was increasing (34 per cent in 2008), but that men continued to represent the majority of the participants. The Committee also noted the information on the implementation of the Flexible Forms of Employment Project and on the number of women that had benefited from the schemes for the promotion of training and employability of economically inactive women and the unemployed during the period 2007–2008. Similar schemes would be implemented during the 2007–2013 programming period. The Committee further noted that HRDA was in the process of redesigning a comprehensive system aimed at evaluating its impact on the economy. The Committee asked the Government to provide the following: (a) information on the progress made in the design of the new HRDA evaluation system and on the manner in which it would assess the effectiveness and impact of training programmes offered in promoting equal opportunities between men and women in employment and occupation; (b) information on the specific measures taken to ensure that women had access to employment in a wider range of occupational groups and posts of responsibility, including through affirmative action measures; and (c) comprehensive and up-to-date statistical information on the position of men and women in the labour market.

40. The Government's most recent report was examined by the Committee of Experts at its November-December 2012 session.

41. *Convention No. 122.* In its 2011 observation, the Committee of Experts noted that a National Action Plan for reducing the gender pay gap covering the period 2010–2015 had been developed and schemes aimed at improving the productivity of small and medium-sized enterprises (SMEs) and at the enhancement of the competitiveness of micro-enterprises had been implemented by HRDA for the period 2010–2014. The Committee invited the Government to provide information on how the measures adopted had succeeded in mitigating the impact of the debt crisis on the labour market and had translated into the generation of productive and lasting employment opportunities.

42. *Convention No. 182.* In its 2011 observation, the Committee of Experts noted with satisfaction that section 2 of Law No. 87(I)/2007 defined "exploitation" as being the exploitation of labour or services of a person, including forced or compulsory labour or services, slavery or practices similar to slavery, servitude, the exploitation of the prostitution of others or other forms of sexual exploitation, including pornography and, in the case of children, the worst forms of child labour according to Convention No. 182.

43. The Committee of Experts had previously noted that the relevant national legislation (particularly the Children Law (Cap. 352)) had neither protected girls aged 16 to 18 nor boys under 18 from being used, procured or offered for prostitution. Noting the Government's statement that the Children Law was in the final stages of being revised, the Committee expressed the firm hope that the revised Law would prohibit the use, procuring and offering of all boys and girls under the age of 18 for the purpose of prostitution.

Greece

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

45. *Comments made by the ILO supervisory bodies.* The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the Conventions cited below.

46. *Convention No. 100.* In its 2011 observation, the Committee of Experts recalled that the Greek General Confederation of Labour (GSEE) had expressed the view that the measures implemented in the framework of the structural reforms had an impact on the application of the Convention as they entailed far-reaching reform in the area of wages and the related system of collective bargaining, social security and security of employment, which could result in increasing discrimination in pay. GSEE was also concerned that the combined effect of the financial crisis, the growing informal economy and the implementation of structural reform measures adversely affected the negotiating power of women, and would lead to their overrepresentation in precarious low-paid jobs. GSEE further drew attention to the possible deterioration in the wages of domestic workers and workers in agricultural undertakings, excluded from the scope of the labour law protection.

47. The Committee of Experts noted that the measures taken in the framework of the support mechanism had subsequently introduced substantial wage reductions in the wider public sector, had frozen new recruitment in the core public sector and had reduced recruitment on the basis of private law contracts and external collaboration contracts. The Committee also noted that according to information received from the Office of the Ombudsman during the high-level mission, of the 770,000 employees in the wider public sector registered in a recent census, the vast majority had been women and that the measure of the labour reserve would likely have an impact on female unemployment. The Committee further noted from the mission report that Act No. 4024 of 27 October 2011 had also introduced a new public service statute, a new job classification and a new harmonized wage scale resulting in wage cuts of up to 50 per cent in certain cases. With a view to assessing the impact of the measures taken in the framework of the support mechanism on the application of the Convention in the public sector, the Committee asked the Government to provide full information, disaggregated by sex, on the distribution of men and women in the various occupations of the core and the wider public sector and the corresponding levels of remuneration, allowing an assessment of the evolution of the gender pay gap since 2009, as well as statistics of the number of male and female employees who had respectively been dismissed or who had been put in the “labour reserve”.

48. The Committee of Experts noted that Act No. 3846 of 11 May 2010 on “financial management and responsibility” had institutionalized a range of flexible forms of employment including telework, part-time work, subcontracting by temporary employment agencies, rotation work, suspension of work, etc. while providing certain safeguards. The Committee noted from information from the Office of the Ombudsman, received during the high-level mission, that women had been identified as the ones most often offered flexible forms of employment, notably part-time or rotation employment – which had reduced wages. After the adoption of Act No. 3846/2010, part-time work had grown exponentially. Working mothers especially, returning from maternity leave, had been offered part-time and rotation work, reducing their levels of pay. While full statistical and sex-disaggregated data still had to be provided on the use of part time work, rotation work and flexible forms of employment, the Committee was nevertheless concerned at the reportedly disproportionate impact of the legislative measures regarding flexible forms of employment on women’s levels of pay. The Committee asked the Government to take the necessary

measures to monitor the evolution and impact of the austerity measures on the remuneration of men and women in the private sector with a view to determining the most appropriate measures to avoid a widening of the gender pay gap and address existing wage differentials between men and women. To this end, the Committee also asked the Government to collect and provide comprehensive information on the following: (a) statistics disaggregated by sex, showing an evolution of the levels of remuneration of men and women in full-time and part-time employment, in the various economic sectors, industries and occupations, with an indication of the economic sectors and industries most affected; (b) the number of men and women, in particular working mothers returning from maternity leave, who have suffered from pay reductions due to a change in their working arrangements (forms of employment, i.e. part-time work, suspension of work, rotation work or subcontracting by temporary employment agencies) with an indication of the number of workers upon whom the employer has unilaterally imposed the conversion of employment with full pay to rotation work or part-time work with lower pay; and (c) information, disaggregated by sex, showing an evolution of the wage levels of domestic workers and workers in agricultural undertakings.

49. Recalling that collective agreements had been a principal source of determining rates of remuneration, the Committee of Experts called upon the Government to bear in mind that collective bargaining was an important means of addressing equal pay issues in a proactive manner, including unequal pay that arose from indirect discrimination on the ground of sex.

50. The Committee of Experts noted the Government's indication that Act No. 3896/2010 transposing Directive 2006/54/EC of the European Parliament and the Council (recast) replaced the previous legislation regarding equality (Act No. 3488/2006 and Act No. 1414/1984) and enhanced the principle of equal remuneration for men and women. The Committee recalled the need for effective enforcement of the legislation applying the Convention. The Committee noted that Act No. 3896/2010 strengthened the competencies of the Greek Office of the Ombudsman (Gender Equality Department) to address gender equality, including equal pay, and to collaborate with the labour inspectorate, including during mediation, joint inspections and provision of advice. The Committee noted from the Special Report of the Office of the Ombudsman on equal treatment of men and women in employment and labour relations (November 2009) that 25.99 per cent of the cases regarding unfair treatment had related to pay. The Committee noted from the high-level mission report that the labour inspectorate was entrusted with supervision of the legislation on equality between men and women (sect. 2 (2) (g) of Act No. 3996/2011), but did not appear to have the ability to address equality cases effectively. The Committee asked the Government to collect and provide information on the number and nature of cases regarding pay discrimination between men and women handled by the Office of the Ombudsman, as well as information on instances of wage inequalities between men and women detected and remedied by the labour inspectorate and cases handled by the courts.

51. The Government's most recent report was examined by the Committee of Experts at its November-December 2012 session.

52. *Convention No. 111.* In its 2011 observation, the Committee of Experts noted the discussion that had taken place in the Committee on the Application of Standards during the 100th session of the International Labour Conference (June 2011) with regard to the application by Greece of Convention No. 98. It noted that the Conference Committee welcomed the Government's indication that it had been working on arrangements with ILO for the visit of a high-level mission proposed by the Committee of Experts to facilitate a comprehensive understanding of the issues raised by GSEE in its comments concerning the application of Conventions Nos. 81, 87, 95, 98, 100, 111, 122, 138, 150, 154 and 156, all ratified by Greece. The Conference Committee also considered that contact with the

International Monetary Fund and the European Union would assist the mission in its understanding of the situation (Provisional Record No. 18, part II, pp. 68–72). The Committee took note of the report of the high-level mission which visited the country from 19 to 23 September 2011.

53. The Committee of Experts recalled that GSEE had expressed the view that the reforms introduced by the measures taken in the framework of the support mechanism had a direct impact on the application of Convention No. 111 and were likely to lead to an increase in multiple discrimination on the grounds of gender, ethnic or racial origin, age, family responsibilities or disability.

54. The Office of the Ombudsman had observed, since May 2008, a constant and dramatic increase in complaints concerning unfair dismissals due to pregnancy or maternity leave and sexual harassment. The Committee of Experts noted that on 9 November 2011 overall unemployment was at 16.7 per cent, with 20.3 per cent female unemployment (Eurostat data). However, according to the information received from the Office of the Ombudsman, a large number of women had joined the ranks of the “discouraged” workers who were not accounted for in the statistics. SMEs, which constituted an important source of female and youth employment, had been closing down on a massive scale. The Committee asked the Government to take the necessary measures, in cooperation with the social partners and the Office of the Ombudsman, to monitor the evolution and impact of the austerity measures on equality of opportunity and treatment in private sector employment with a view to determining the most appropriate measures to address any direct or indirect discrimination based on sex with respect to access to employment and occupation, terms and conditions of work, and security of employment.

55. The Government’s most recent report was examined by the Committee of Experts at its November-December 2012 session.

56. *Convention No. 156.* In its 2011 observation, the Committee of Experts noted that Act No. 3896/2010 (sect. 20) and Act No. 3996/2011 provided specific protection against unfair dismissals and extended to 18 months the period of time during which working mothers could not be dismissed after their return from maternity leave. Despite these protective provisions, the Committee noted from the information provided by the Office of the Ombudsman that working mothers returning from maternity leave had in particular been offered part-time and rotation work. Mothers returning from maternity leave had been asked to work one day per week whereas the other workers had continued regular work (or worked more days in the week). The Committee, therefore, called upon the Government to make every effort to ensure that the progress achieved by previous action taken to address the needs of workers with family responsibilities in respect of access to free choice of employment, vocational training, terms and conditions of work and social security, as well as childcare and family services, would not be reversed. The Committee encouraged the Government to intensify its efforts to promote a broader understanding of the principle of gender equality and awareness of the rights and needs of workers with family responsibilities, and to address gender stereotypes regarding the role of men and women with respect to family responsibilities. The Committee also asked the Government to monitor carefully the impact of the austerity measures on the employment situation of both male and female workers with family responsibilities and provide information, disaggregated by sex on the number of workers with family responsibilities affected by rotation employment and part-time work, including working mothers returning from maternity leave, whose contracts had been converted into part-time contracts and on whom the employer had unilaterally imposed rotation employment or part-time work.

Hungary

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

58. *Comments made by the ILO supervisory bodies.* The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the Conventions cited below.

59. *Convention No. 100.* In its 2011 direct request, the Committee of Experts noted that the Government's report had not been received. The Committee therefore repeated its direct request, noting that in 2007, the Gender Equality Section of the Ministry of Social Affairs and Labour had set up a Working Group on equal pay for equal work which had conducted a range of activities, including the preparation of several studies, the collection of gender-disaggregated pay data and the preparation of a pay analysis. The Committee also noted the Government's indication that since 2006, the gender pay gap had been widening, in particular in the public sector. The Committee noted in particular the considerable earnings gap in some industries in 2009 such as "financial and insurance activities" (43 per cent), where women were employed in an overwhelming proportion (63.6 per cent of women compared to 25.2 per cent of men). The Committee asked the Government to continue to provide information on measures taken to address the gender pay gap in the public and the private sectors, as well as information on measures taken to address occupational segregation.

60. The Committee of Experts noted from the Government's report that inspections had been conducted by the Equal Treatment Authority and measures had been taken where there had been a failure to adopt a gender equality plan. It also noted that the principle of equal pay for equal work had been promoted by the Authority through lectures and conferences given to the representatives of both employer and employee organizations.

61. The Committee of Experts noted that the development of a long-term National Strategic Plan on the Promotion of Gender Equality had begun in 2007. The aims of the Plan included ensuring equal economic independence for women and men, eliminating the gender pay gap and employment disparities, and eliminating gender stereotypes in society. The Committee also noted the Government's indication that action plans would be developed on a biennial basis and would contain short-term measures to ensure implementation of the priorities identified by the Plan. The Committee, furthermore, noted the reference to Government Decision No. 1008/2009 (I.28.) on the functioning of the Council for Social Equality between Women and Men.

62. The Committee of Experts noted from the Government's report that career structures and salary systems were able, in principle, to specify work and jobs of equal value in the public sector. In the absence of specific information on job evaluation, the Committee requested the Government to provide information on any measures taken or envisaged to promote job evaluation methods.

63. The Committee of Experts noted that the Supreme Court had delivered some decisions concerning pay discrimination. It also noted the Government's indication that the Equal Treatment Authority had the power to investigate cases of violation of the principle of equal pay for equal work, and was assisted by an advisory board of equal treatment in this regard. The Committee noted the opinion of the Advisory Board on the Principle of Equal Pay for Equal Work (384/2008 viewpoints). The Committee asked the Government to provide information on the measures taken or envisaged to ensure the effective contribution of labour inspectors to the application of the principle of the Convention.

64. The Government's most recent report was examined by the Committee of Experts at its November-December 2012 session.

65. *Convention No. 111.* In its 2011 direct request, the Committee of Experts noted that, pursuant to section 63 (4) of the Equal Treatment Act (ETA), “[b]udgetary organizations employing more than 50 persons, as well as legal entities in which the State had a majority ownership were obliged to draw up an equal opportunities plan”. The Committee noted however that the number of proceedings launched in order to inspect budgetary authorities and legal entities remained low.

66. The Committee of Experts noted from the Government’s report the low number of sexual harassment cases, which might suggest that women encountered difficulties in practice in having access to the remedies provided by the ETA. The Committee requested the Government to provide information on measures taken to address the difficulties encountered in the investigation of complaints related to sexual harassment, and the fear of reprisals.

67. The Committee of Experts noted the National Strategic Plan to Promote the Social Equality of Men and Women, the aims of which included creating economic independence for women and men; supporting better harmony of professional, private and family life; supporting equal rate of male-female participation in political and economic decision-making; and ending gender-related stereotypes in society. The Committee also noted the Government’s indication that short-term measures for the implementation of the Plan would be specified every two years. The Committee asked the Government to provide specific information on how occupational segregation was addressed in the Plan, or through other means; and indicate any results achieved through the Hungarian EQUAL Community Initiative Programme to address job segregation.

68. With regard to labour inspections, the Committee of Experts noted that the Government still did not intend to review section 3 (2) of Act LXXV of 1996 on Labour Inspection in order to expand the mandate of the labour inspectors to address violations of equal treatment on a routine basis, and not only in response to a complaint. The Committee requested the Government to indicate whether measures had been taken or envisaged to prevent reprisals against workers bringing complaints to the attention of the labour inspectorate or the Equal Treatment Authority relating to violations of the principles of the Convention.

69. The Government’s most recent report was examined by the Committee of Experts at its November-December 2012 session.

Pakistan

70. Among the relevant ILO Conventions, Pakistan has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 89, 98, 105, 138 and 182.

71. *Comments made by the ILO supervisory bodies.* The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the Conventions cited below.

72. *Convention No. 100.* In its 2011 observation, the Committee of Experts recalled its previous comments asking the Government to ensure that the draft Employment and Service Conditions Act was in full conformity with the Convention. The Committee noted that the draft Act would be sent to the provinces for consideration. The Committee asked the Government to provide information on the measures taken to ensure that legislation giving effect to the Convention provided for equal remuneration for men and women for work of equal value, and that the equal remuneration principle applied both in the public and private sectors, as well as to all aspects of remuneration.

73. The Committee of Experts noted that the Government had reiterated that the same wages for men and women applied to the same job. Recalling that there was a tendency to

set lower wage rates for sectors predominantly employing women, the Committee asked the Government to provide information on how it was ensured that the setting of minimum wages was free from gender bias.

74. The Committee of Experts recalled the comments from the Pakistan Workers' Federation stressing the need to amend the relevant legislation with a view to ensuring its effective enforcement by the labour inspection services, to which no reply had been provided by the Government. The Committee once again encouraged the Government to take appropriate measures with a view to strengthening the mechanisms to enforce the principle of equal remuneration for men and women for work of equal value, including the provision of training for the labour inspectorate and for judges, as well as awareness-raising activities for the general public.

75. *Convention No. 111.* In its 2010 observation, the Committee of Experts noted the Government's continued reference to the Constitution of Pakistan, and its indication that the provisions of the law had been fully implemented. The Committee recalled that for the purpose of achieving the objectives of the Convention, it was essential to acknowledge that no society was free from discrimination, thus continuous action was required to address it. The Committee asked the Government to take steps to ensure that the Employment and Service Conditions Act included provisions expressly defining and prohibiting direct and indirect discrimination, in all aspects of employment and occupation, for all workers, on at least all the grounds set out in article 1, paragraph 1 (a), of the Convention.

76. The Committee of Experts recalled the National Gender Reform Plan, which according to the Government provided for measures to increase women's employment in the public sector, and the 10 per cent quota system in government employment at the federal level. The Committee requested the Government to provide more detailed information on the implementation of the public sector quota system, including statistical information on the distribution of men and women in the different government departments, jobs and positions.

77. The Committee of Experts noted that according to the Labour Force Survey 2010–11 the labour force participation rate (refined) had been 68.7 per cent for men and 21.7 per cent for women (70 per cent for men and 27.6 per cent for women in the rural area; and 66.4 per cent for men and 10.7 per cent for women in the urban area). The Committee noted that the gender differential as regards labour force participation continued to be high, both in the rural area and the urban area. The Committee also noted that the percentage of women in the category of unpaid family workers remained high in 2010–2011 (63.4 per cent). The Committee asked the Government to provide detailed information on the specific measures taken to promote and ensure women's equality of opportunity and treatment in employment and occupation in the public sector, and the specific measures taken to enable women to move from the informal to the formal economy. It also asked the Government to provide information on any measures taken or envisaged to promote equal access of women and girls to education and training at all levels, including in the context of the National Education Policy.

78. The Committee of Experts recalled its previous request for information on the effective implementation of the Protection against Harassment of Women at the Workplace Act 2010. The Government replied that committees were to be established at the workplace to implement the Act. The Committee noted that the preamble to the Act referred to the protection of women from harassment at the workplace, while the definition of "complainant" meant a woman or man who had being aggrieved by an act of harassment (sect. 2). The Committee asked the Government to provide information on any measures taken or envisaged under the Act so as to protect men and women equally against sexual harassment.

Solomon Islands

79. Among the relevant ILO Conventions, Solomon Islands ratified Conventions Nos. 100 and 111 in April 2012. It has also ratified Conventions Nos. 29, 45, 87, 98, 105 and 182.

80. *Comments made by the ILO supervisory bodies.* The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the Conventions cited below.

81. *Convention No. 45.* In its 2011 direct request, the Committee of Experts noted the reference made to the ongoing labour law reform in the country with technical assistance from ILO. It also noted that the Government requested technical assistance from ILO to evaluate the implications of a possible ratification of ILO Convention No. 176 (1995) concerning Safety and Health in Mines and the possible denunciation of Convention No. 45.

The former Yugoslav Republic of Macedonia

82. Among the relevant ILO Conventions, The former Yugoslav Republic of Macedonia has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 3, 29, 45, 87, 89, 97, 98, 103, 105, 122, 138, 142, 143, 156 and 182.

83. *Convention No. 111.* In its 2011 observation, the Committee of Experts noted with interest the adoption of the Law on Prevention and Protection against Discrimination on 8 April 2010, which had entered into force on 1 January 2011. The Law, which applies to both the public and the private sectors, covers, inter alia, work, labour relations and education. It defines and prohibits direct and indirect discrimination based on “sex, race, skin colour, gender, belonging to a marginalized group, ethnic origin, language, citizenship, social origin, religion or confession, other types of belief, education, political belonging, personal or social status, mental and physical disability, age, family or marital status, property status, health condition or any other grounds established by the law or by ratified international agreements”, thus covering all the grounds enumerated in article 1, paragraph 1 (a), of the Convention as well as a number of additional grounds pursuant to article 1, paragraph 1 (b). The Law also made provision for addressing victimization and created a category of “more severe forms of discrimination” which included multiple, repeated or prolonged discrimination. It also provided for the adoption of affirmative action measures until actual equality was achieved and set out the procedure to be established regarding discrimination claims being brought before the Commission for protection against discrimination and before the courts.

84. In its 2011 direct request, the Committee of Experts once again requested the Government to provide information on any relevant judicial or administrative decisions that applied section 9 of the Labour Relations Law prohibiting sexual harassment.

85. The Committee of Experts recalled the various initiatives taken by the Government to promote equality of treatment and opportunity between men and women in the labour market, including with respect to Roma women and women from other minorities, such as Albanian women. The Committee requested the Government to continue to provide information on the measures taken to implement the National Action Plan for Gender Equality and their results in terms of the participation of women in the labour market, by economic sector, including women from minorities.

86. The Government indicated that the State administration bodies had not drafted nor submitted any plans for the promotion of gender equality, pursuant to the Law on Equal Opportunities for Men and Women as the adoption of such plans was linked to the adoption of the National Action Plan on Equal Opportunities for Men and Women which had not yet

been completed. However, the Committee of Experts noted that all ministries had appointed coordinators for equal opportunities of men and women and 84 committees for equal opportunities of men and women had been established at the local self-government level.

87. The Committee of Experts noted that the Law on Prevention and Protection against Discrimination created a Commission for Prevention of Discrimination that was competent, inter alia, to act upon complaints and give opinions and recommendations in discrimination cases. It further noted that the Ombudsman's Office also dealt with discrimination complaints, and, according to the Government's report, among the small number of complaints submitted, those relating to employment and labour relations were the most common. In its previous comments, the Committee had noted that the application of the relevant national legislation concerning the principle of equality of opportunity and treatment between men and women had been entrusted to the Department for Equal Opportunities established within the Ministry of Labour and Social Policy and to commissions for equal opportunities created at the level of local self-government units. It further noted that discrimination on the grounds set out in section 6 of the Labour Relations Law appeared to be supervised by the labour inspectorate, pursuant to section 256. The Committee requested the Government to indicate if the Commission for Prevention of Discrimination, as a specialized equality body, was now operational and had been allocated appropriate human and financial resources for its effective functioning.

88. *Convention No. 122.* In its 2011 direct request, the Government indicated that one of the main reasons for a high female unemployment rate and low employment rate were the traditional living habits and the traditional role of the woman in the family. The Committee of Experts noted that according to the 2009 Labour Force Survey, the employment rate for women had been as low as 29.4 per cent and the unemployment rate had been measured at 32.8 per cent. The Committee requested the Government to provide information on the measures taken to increase the employment participation rate of women in the open labour market.

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

90. *Convention No. 156.* In its 2010 direct request, the Committee of Experts had asked the Government to indicate specific provisions of the legislation that were relevant, and to provide all relevant information, including reports, statistics, disaggregated by sex, administrative regulations, collective agreements, and court decisions which gave effect to the Convention, allowing the Committee to assess how the Convention was being applied in practice.

91. The Government's most recent report was examined by the Committee of Experts at its November-December 2012 session.