



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

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

**Forty-ninth session**

11 – 29 July 2011

Item 6 of the provisional agenda\*

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

**Reports 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\*\***

**International Labour Organization**

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\* CEDAW/C/49/1.

\*\* This document was submitted late due to delayed inputs from other sources and will be available only in English.

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## I. Introduction

The provisions of article 11 of the Convention on the Elimination of All Forms of Discrimination Against Women are dealt with in a number of ILO Conventions. Of the 189 Conventions adopted so far, the information in this report relates principally to the following:

- Equal Remuneration Convention, 1951 (No. 100), which has been ratified by 168 member States;
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 169 member States;
- Workers with Family Responsibilities Convention, 1981 (No. 156), which has been ratified by 41 member States.

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

### *Forced Labour*

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

### *Child Labour*

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

### *Freedom of Association*

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

### *Employment Policy*

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

### *Maternity Protection*

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

### *Night Work*

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

### *Underground Work*

- Underground Work Convention, 1935 (No. 45)

### *Migrant Workers*

- Migration for Employment Convention (Revised), 1949 (No. 97)

- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

*Part-time Work*

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

*Home Work*

- Home Work Convention, 1996 (No. 177)

*Domestic Workers*

- Domestic Workers Convention, 2011 (No. 189)

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 Part II of the present report consists of summaries of observations and direct requests made by the Committee. Observations are comments published in the CEACR'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 on the ILO's database of supervisory activities, ILOLEX.

The information below sets out brief references to the much more detailed comments made by the ILO supervisory bodies. The relevant comments of the Committee of Experts referred to in Part II can be found by going to: [www.ilo.org/ilolex/index.htm](http://www.ilo.org/ilolex/index.htm) and then referring to the APPLIS database.

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

### **Costa Rica**

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

*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. 89: The Committee of Experts had previously recalled the fact that member States were increasingly required to initiate a review process of their protective legislation aiming at the gradual elimination of any provisions which would be contrary to the principle of equal treatment between men and women, except those connected with maternity protection, and with due account being taken of national circumstances. In its 2009 direct request, the Committee invited the Government to consider the ratification of the Night Work Convention, 1990 (No. 171), which was not devised as a gender-specific instrument but focused on the safety and health protection of all night workers irrespective of gender in all branches and occupations, and to denounce Convention No. 89.

Convention No. 100: The Committee of Experts has previously noted that full legislative effect has not been given to the principle of equal remuneration for men and women for work of equal value. In its 2009 direct request, the Committee noted the Government's indication that work was being undertaken to introduce the necessary legislative changes. With regard to the fixing of minimum wages, the Committee noted the Government's statement that classifications did not give rise to wage discrimination on the ground of gender; and that the fact that the demand for a specific job was more female or male, or

vice versa, was a characteristic of labour market supply and demand. In this connection, the Committee referred to its 2006 general observation, in which it observed that “historical attitudes towards the role of women in society, along with stereotypical assumptions regarding women’s aspirations, preferences, capabilities and ‘suitability’ for certain jobs, have contributed to occupational sex segregation in the labour market” (paragraph 2). The Committee wished to emphasize that it was precisely for this reason that it was essential to undertake a comparison of these jobs, examining the various tasks that they involved on the basis of entirely objective and non-discriminatory criteria to avoid an assessment being tainted by gender bias. The Committee therefore asked the Government to provide information on the manner in which the application of the principle of equal remuneration for work of equal value was ensured in the fixing of minimum wages and how the National Wage Council contributed to the promotion and application of this principle, including in the private sector.

The Committee noted the objective set out in the Plan of Action 2008–12 for the National Gender Equality and Equity Policy and the establishment of an inter-institutional coordination body to promote the access and retention of women in technical and technological careers. The Committee asked the Government to provide information on the establishment of the coordination body referred to above and its activities, as well as on any other activities carried out to reduce the segregation of women in the labour market by sector and occupational category. It also referred to the Paid Domestic Work Act of 2009, and asked for information on the progress achieved in extending the certification process of the National Learning Institute to domestic work.

Convention No. 111: In its 2009 observation, the Committee of Experts noted that, since the entry into force of the 2007 Act No. 16566 amending the Act against Sexual Harassment in Employment and Teaching, the Office of the Defender of Women had made efforts to follow up on and assist in the elaboration of internal labour regulations concerning sexual harassment. The Committee noted that in its 2008-09 report, the Office of the Defender of Women formulated recommendations to eradicate bad legal practices, and suggested strategies for prevention of sexual harassment and related capacity building. The Committee, however, noted that according to this report, 40 per cent of the sexual harassment complaints received were dismissed, and that 25 per cent of these cases failed because women complainants did not want to pursue the complaints.

Furthermore, the Committee noted that the Gender Equality Unit of the Ministry of Labour and Social Security considered that most of the women who were victims of sexual harassment desisted from filing complaints before the Office of Labour Inspection owing to the perception that the system was slow and ineffective, to the fear of being victimized, to the fear of counter complaints on the part of the authors of sexual harassment in case they could not gather sufficient evidence supporting their claim, and owing to the fact that the law currently in force had a gap as regards to clear sanctions against the authors of sexual harassment. The Committee asked the Government to provide information on the measures adopted to provide support and to protect effectively the victims of sexual harassment, including from the risk of reprisals and victimization, as well as on educational and sensitization measures.

In its 2009 direct request, the Committee noted that the Plan of Action 2008–12 accompanying the policy of gender equality and equity (PIEG) aimed to strengthen the mechanisms existing within the Ministry of Labour and Social Security to ensure compliance with women’s labour rights and protection against labour discrimination, including dismissal of pregnant or breastfeeding women and sexual harassment at workplace. The Committee asked the Government to provide information on the progress made to strengthen the mechanisms existing within the Ministry of Labour and Social

Security. The Committee also noted initiatives of the National Institute of Women for indigenous and afro-descendant women.

Convention No. 122: In its 2009 direct request, the Committee of Experts noted with interest the proposal under the National Employment Plan (PLANE) to take immediate measures relating to childcare. Under this proposal, childcare facilities would be set up in companies and be managed as private productive initiatives by groups of women. The cost of each child's care would be jointly covered by the state (two-fifths) by the company (two-fifths) and one fifth by a workers' organization or the beneficiaries directly. The Committee requested the Government to provide information on the establishment of childcare facilities and the manner in which they had contributed to generating lasting employment for women.

Convention No. 182: In its 2010 observation, the Committee of Experts noted with interest the adoption of Act No. 8842 of 13 August 2010 amending the Code of Childhood and Adolescence, which provided the prohibition of domestic work by children aged between 15 and 18 years under certain conditions. The Committee requested the Government to take the necessary measures to ensure that children under 18 years of age who are engaged in domestic work benefit from the protection guaranteed by the national legislation in practice and, in this regard, it requested the Government to provide statistics on the number and type of violations observed and the penalties applied.

In its 2010 direct request, the Committee of Experts noted that the ILO-IPEC project on the prevention and elimination of the commercial sexual exploitation of children had ended in April 2009. It noted according to the information contained in the final report of July 2009 on the entire period of the project (2005–09) that 209 children had been prevented from working and 118 (93 girls and 25 boys) had been removed from trafficking or commercial sexual exploitation and had obtained access to educational services or training. The Committee also noted the information that 152 children under 18 years of age who had been victims of commercial sexual exploitation had been taken into care in 2008 and 61 between January and August 2010. With regard to the rehabilitation and social integration measures taken in the context of the National Plan for the elimination of the commercial sexual exploitation of boys, girls and adolescents, the Government's report indicated that vocational training was planned in three provinces to enable young persons to acquire skills in the field of production management. The Committee strongly encouraged the Government to continue its efforts to remove child victims of trafficking and commercial sexual exploitation. Furthermore, it requested the Government to take effective and time-bound measures to ensure the rehabilitation and social integration of these children.

With regard to preventing and combating the commercial sexual exploitation of children in the tourism sector, the Committee noted with interest the information that all tourism associations and chambers in Costa Rica had abided by the code of conduct. It also noted that, under section 19 of Act No. 8811 of 12 May 2010 on incentives to promote the social responsibility of tourist enterprises, legal or natural persons involved in a tourism activity are required to include the following statement in their advertising: "the commercial sexual exploitation of boys, girls and adolescents is an offence punishable by imprisonment". Welcoming the significant measures taken, the Committee requested the Government to pursue its efforts and to continue providing information on the impact of these measures.

### **Djibouti**

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

*Comments made by the ILO supervisory bodies.* 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. 29: In its 2010 direct request, the Committee of Experts noted that the Government's report had not been received. It therefore repeated its previous direct request, noting with interest the adoption of Act No. 210/AN/07/5th L of 27 December 2007 respecting measures to combat trafficking in persons. It noted that the Act contained provisions to prevent and repress trafficking in human beings, meaning of persons liable to be victims of trafficking by reason of a particular vulnerability related to their age (young persons under 18 years of age), gender (women) or a physical or mental disability. While noting the accession on 20 April 2005 of the Republic of Djibouti to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the adoption of the Act of 27 December 2007, the Committee requested the Government to provide information on the effect given in practice to this Act.

Convention No. 89: In its 2008 observation, the Committee of Experts noted that the Labour Code of 2006 no longer gave effect to the provisions of the Convention. According to the Government, the employment of women during the night was a phenomenon generally unknown to the public that the Government had not considered it useful to regulate. The night work was rather rare, almost non-existent, due to the low level of industrialization and the participation of women in the workforce had been constantly on the increase, especially in the education and health sectors and central administration. Despite the situation, the Government indicated its intention to examine measures to ensure compliance with the requirements of the Convention in the framework of the National Council of Labour, Employment and Vocational Training. While noting these explanations and fully understanding the Government's decision to eliminate all gender-specific restrictions on night work, the Committee once again drew its attention to the Night Work Convention, 1990 (No. 171), which shifted the emphasis from a specific category of workers and sector of economic activity to the safety and health protection of all night workers. Under the circumstances, the Committee considered that the Government should consult the National Council of Labour, Employment and Vocational Training on the possible ratification of Convention No. 171, which would offer appropriate protection to all night workers irrespective of gender and occupation, rather than on the reintroduction of women-specific restrictions in conformity with Convention No. 89. The Committee also pointed out the possibility of denouncing Convention No. 89 for a period of one year from February 2011.

Convention No. 100: In its 2010 observation, the Committee of Experts noted with regret that the Government's report had not been received. It therefore repeated its previous observation stressing that section 259(4) of the Labour Code of 2006, which related to collective agreements, was not in conformity with the Convention, as it referred to equal salary for equal work rather than to work of equal value, and was also at variance with section 137 of the Labour Code (which refers to equal value). The Committee asked the Government to take the necessary steps to amend section 259(4) to bring it into alignment with the provisions of section 137, and to bring it into conformity with the Convention.

In its 2010 direct request, the Committee of Experts noted with regret that the Government's report had not been received. In its previous direct request, while noting that section 137 of the Labour Code provided that an equal salary was due for work of equal value, irrespective of the workers' origin, sex, age, status or religion, the Committee referred to the General Union of Djibouti Workers (UGTD)'s statement stressing that the equal pay provisions of the Code recognized that an equitable salary had to be paid, corresponding to the physical effort made. The Committee wished to point out that the principle of equal remuneration for men and women for work of equal value required that

the criteria selected for comparing work performed by men and women were non-discriminatory and free from gender bias. In this regard, the Committee underlined the importance of using a set of objective criteria, such as skills, responsibility, working conditions, and effort; and to include both physical and mental effort when the criterion of effort was being used. The Committee asked the Government to provide information on the measures taken or envisaged to promote the development and use of objective job evaluation methods, including in the context of collective bargaining.

Convention No. 111: In its 2010 direct request, the Committee of Experts noted that the Government's report had not been received. It therefore repeated its previous direct request, noting the Government's efforts to promote women's access to employment and occupation. However, it also noted the existing obstacles in this regard, including traditional attitudes on women's role in the family and society, and the discriminatory practices in the private sector excluding women during or following pregnancy. The Committee noted that under section 31 of the Family Code (Act No.152/AN/02/4th L of 31 January 2002), the husband was the head of the family and that the wife had to respect the prerogatives of the husband to whom she owed obedience. The Committee further noted the National Strategy and Action plan according to which women's access to employment in the private and public sectors remained very limited, whereas women were concentrated in the informal economy. The Committee requested the Government to provide information on the measures taken to address traditional social attitudes impairing the right of women to equality in employment and occupation and discriminatory employment practices. It also requested further information on whether, pursuant to section 31 of the Family Code, a husband might prohibit his wife from taking up a professional activity; on the measures taken to promote equal participation of men and women in education, training and employment in the private and public sectors; and on measures taken to address the situation of women working in the informal economy, including through ensuring equal access to credit.

With respect to Decree No. 83-098/PR/FP, 1983 concerning remuneration and social benefits granted to civil servants, the Committee was concerned that the Decree's provisions on family allowances did not provide for equality of opportunity and treatment of men and women. It therefore requested the Government to indicate the following: (a) whether the allowance provided for in section 5 ("salaire unique") was granted to married women civil servants on an equal footing with their male counterparts; (b) and the manner in which the child benefit was granted under sections 7 to 12 of the Decree in case both spouses were civil servants, and whether women civil servants had the right to receive child benefits in case the husband was employed elsewhere than in the civil service.

Regarding special protective measures for women, the Committee noted that section 111 of the Labour Code of 28 January of 2006 provided that a decree of the responsible ministry, following an opinion of the National Labour Council, would establish the types of work and categories of enterprises prohibited for women, pregnant women and young persons. The Committee requested the Government to ensure that special measures excluding women from employment and occupation did not go beyond what was strictly required to protect maternity, since otherwise they would be contrary to the principle of equality of opportunity and treatment.

Convention No. 182: In its 2010 direct request, the Committee of Experts noted that the Government's report had not been received. It therefore repeated its previous direct request, noting that Djibouti was a country of origin, transit and destination for the sale and trafficking of women and children for sexual exploitation and for domestic labour. Noting also the increasing incidence of prostitution involving girls, as well as the significant gender gap in school enrolment, the Committee requested the Government to take effective and time-bound measures to remove children from prostitution or the production and

trafficking of drugs, and to ensure their rehabilitation and social reintegration. It also requested the Government to continue its efforts with particular attention to the enrolment of girls in school and their engagement in the worst forms of child labour.

### **Ethiopia**

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

*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: In its 2010 direct request, the Committee of Experts noted with regret that the Government's report had not been received. It therefore repeated its previous direct request, recalling that, while sections 14 and 87 of the Labour Proclamation No. 277/2003 prohibited discrimination based on sex in respect of remuneration, these provisions did not specify that equal remuneration was required for men and women performing work of equal value. In this context, the Committee drew the Government's attention to its 2006 general observation in which it stressed that the concept of work of equal value included but went beyond equal remuneration for "equal", the "same" or "similar" work, and also encompassed work that was of an entirely different nature, which was nevertheless of equal value. The Committee asked the Government to state whether under the Labour Proclamation, equal remuneration was claimed in cases where men and women perform different work, which was nevertheless of equal value. The Government was also requested to indicate whether consideration was being given to include the principle of equal remuneration for men and women for work of equal value in the legislation.

Regarding the use of objective evaluation methods as an important tool to ensure that men and women also received equal wages when engaging in work of equal value, the Committee reiterated its request for information on the measures taken to promote the use of such methods.

*The Government's most recent report has been received and will be examined by the Committee of Experts in 2011.*

Convention No. 111: In its 2010 observation, the Committee of Experts noted that the Government's report had not been received. It therefore repeated its previous observation, recalling that section 13(3) of the Federal Civil Service Proclamation No. 262/2002 authorized preferential recruitment of women and members of ethnic groups under-represented in the civil service. However, the Committee regretted that no information had been provided in response to the Committee's previous comments that women remained highly under-represented in the civil service in the regions and at the federal level, particularly among civil servants with higher educational qualifications. Consequently, the Committee urged the Government to provide, in particular, information on the measures taken to promote equality of opportunity and treatment of men and women in the civil service, including in respect to recruitment, training and promotion.

*The Government's most recent report has been received and will be examined by the Committee of Experts in 2011.*

Convention No. 156: In its 2010 direct request, regarding the workers excluded from the scope of Labour Proclamation No. 42/1993, the Committee of Experts noted the Labour Proclamation No. 377/2003 and the Civil Servants Proclamation No. 515/2006. The Committee requested the Government to provide more detailed information on all regulations or specialized legislation providing protection at least equivalent to that afforded under the Convention to the categories of workers excluded from the application

of the Labour Proclamation No. 377/2003 and the Civil Servants Proclamation No. 515/2006.

The Committee also noted that section 14(1)(f) of Labour Proclamation No. 377/2003 provided that it should be unlawful for an employer to discriminate between workers on the basis of nationality, sex, religion, political outlook or “any other conditions”, and that pursuant to section 26(2)(d), marital status, family responsibilities and pregnancy should not be considered legitimate grounds for termination of an employment contract. The Committee further noted that the Government’s report did not contain any information on any measures taken to make it an aim of national policy to enable persons with family responsibilities who are engaged or wish to be engaged in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities. The Committee once again, drew the Government’s attention to the need to ensure that any policies or programmes adopted to give effect to the Convention apply to men as well as to women with family responsibilities, and urged the Government to take specific steps to this end.

Convention No. 138: In its 2010 observation, the Committee of Experts noted that the Government’s report had not been received. It therefore repeated its previous observation, noting that the third five-year Education Sector Development Program was launched in 2005, with the goal of improving educational quality, relevance and efficiency and expanding access to education with special emphasis on primary education in rural areas and the promotion of education for girls, as a step to achieving universal primary education by 2015. Nonetheless, the Committee was seriously concerned by the large number of children who, in practice, do not attend school, and in view of the fact that compulsory schooling is one of the most effective means of combating child labour, it urged the Government to take the necessary measures to set the age of completion of compulsory schooling at 14 years in the near future.

*The Government’s most recent report has been received and will be examined by the Committee of Experts in 2011.*

Convention No. 182: In its 2010 direct request, the Committee of Experts noted that the Government’s report had not been received. It therefore repeated its previous direct request, noting that Ethiopia was one of the top ten countries of origin for children trafficked from Africa. Every year thousands of women and girls were reported to be trafficked from Ethiopia to the Middle East, especially to Lebanon, Saudi Arabia and the United Arab Emirates. It further noted that child prostitution was a major concern in Addis Ababa since girls as young as 11 years old had been reportedly recruited to work in brothels. The Committee expressed its concern at this situation and strongly encouraged the Government to take effective and time-bound measures to prevent children from being engaged in trafficking and prostitution.

The Committee further recalled the ILO/IPEC rapid assessment on child domestic workers in Addis Ababa of July 2002. With regard to the assessment, the Committee noted that 83 per cent of child domestic workers were female, and that children labouring in domestic work were the objects of extreme exploitation in terms of toiling for long hours for minimal pay or modest food and shelter. Moreover, domestic child labourers were beaten frequently and lived in a state of constant fear. According to the findings, a good proportion of girls, particularly those who were more than 12 years of age, were sexually harassed, mostly by sons of the employers. The Committee therefore requested the Government to provide information on measures taken or envisaged to protect child domestic workers. Expressing its serious concern, it urged the Government to take immediate measures to protect child domestic workers from the worst forms of child labour.

*The Government's most recent report has been received and will be examined by the Committee of Experts in 2011.*

### **Italy**

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

*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: In its 2010 direct request, the Committee of Experts noted that research carried out during 2005-8 by Institute for the Development of Workers Training (ISFOL) had found 10.83 per cent of the wage differences between men and women to be due to discrimination. The level of wage discrimination was highest against women with elementary education (20.96 per cent) and lowest against women with higher secondary-level education (5.45 per cent); it rose to 12.09 per cent for women with university-level education. For management, intellectual and scientific and teaching posts, the level of wage discrimination against women amounted to 7.48 per cent and rose to almost 15 per cent for artisans and specialized workers, as well as for farm workers, machine workers and operators and non-qualified professions. In typically female jobs the level of wage discrimination amounted to 8.70 per cent as compared to 12.69 per cent for their work. Further, the level of wage discrimination appeared to be lower in the public sector (7.50 per cent) than in the private sector (12.92 per cent). The Committee further noted that the ISFOL research identified a number of areas where interventions would be necessary with a view to eliminating progressively the wage gap. The Committee asked the Government to provide information on the measures taken or envisaged to reduce wage discrimination against women, including any follow-up action given to the recommendations made in the ISFOL research, and results achieved.

With regard to the triennial affirmative action plans to be adopted by public administrations, the Committee asked the Government to provide information on the number of triennial affirmative action plans that have been adopted by public administrations and how the promotion of the principle of equal remuneration for men and women for work of equal value has been reflected in those plans.

With regard to the objective job evaluation, the Committee noted that the ISFOL research had identified evaluation process, methods and contents as one of the thematic areas in which interventions are necessary in order to reduce the gender wage gap. The Committee asked the Government to indicate the measures taken, in cooperation with workers and employers organizations, to promote and develop the use of objective job evaluation methods free from gender bias in the public and private sectors.

Finally, the Committee noted the tables on annual contractual earnings of 2005-06, which were not disaggregated by sex. It also noted the data on annual per capita earnings by gender of 2002 and the Government's indication that more recent data would be published (up to 2006). It further noted that no statistics were available on the number of violations of the equal remuneration provisions in Legislative Decree 198/2006 detected by the labour inspection services. The Committee asked the Government to continue to supply information indicating a general appreciation of the application of the Convention.

Convention No. 111: In its 2010 direct request, the Committee of Experts noted with interest the amendments to Legislative Decree No. 198/2006 on equal opportunities between men and women, regarding the prohibition of discrimination and instruction to discriminate on the ground of sex, legal protection with respect to access to goods and

services, and the right of representative associations and organizations to submit claims. It also noted the amendments to the Single Act on maternity and paternity.

Recalling the Directive of 23 May 2007 regarding measures to implement the principle of equal opportunity between men and women in the public administration, the Committee noted that 58 % of the administrations had prepared a triennial plan to promote the access of women in sectors where they were under-represented, in accordance with section 48 of the Act on Equal Opportunities between Men and Women (Legislative Decree No. 198 of 6 April 2006), while only three ministries and only three public universities had prepared a triennial plan. The Committee requested the Government to provide detailed information, including up-to-date statistics on employment since 2006, showing the impact of triennial plans and affirmative action measures on promoting access of women to sectors and posts in which they are under-represented.

In addition, the Committee noted that section 9 of Act No. 53 of 8 March 2003, providing for subsidies for enterprises adopting measures to meet the needs of workers with family responsibilities, had been amended with a view to extending the scope of persons covered and the actions eligible for funding. The Committee requested the Government to indicate any measures taken to promote a more equal balancing of family responsibilities between men and women workers as well as a greater awareness of the subject at enterprise level, especially in southern regions. The Committee further noted that the Department of Equal Opportunities and the National Statistics Institute were conducting during 2009-10 the first multipurpose survey on discrimination based on gender, sexual orientation and gender identity and ethnic origin.

With regard to the promotion of affirmative action within the meaning of section 43 of Legislative Decree No. 198 of 6 April 2006, the Committee noted that in July 2008 the National Committee for the Implementation of the Principle of Equality of Opportunity and Treatment between Men and Women (National Equality Committee) had elaborated a programme setting out the types of affirmative action projects. During 2008, the National Equality Committee had examined 682 applications for financing, submitted by a wide range of actors, and approved 41 affirmative action projects. The Committee further noted that a Memorandum of Intent had been signed between the Department of Equal Opportunities and the National Law Council aimed at promoting equal opportunities in the legal profession, including developing affirmative action with a view to providing equal opportunities in access to and pursuit of professional activities. The Committee requested the Government to supply additional information on the type of affirmative action projects that have been approved, as well as on the results achieved under the programme of the National Equality Committee.

Convention No. 122: In its 2010 observation, the Committee of Experts noted that Ministerial Decree of 13 November 2008 had identified the regions in which the employment rate for women was less than 20 per cent of men's or in which the unemployment rate for women was more than 10 per cent of men's. It also noted that the Programme of Action for the Re-employment of Vulnerable Workers (PARI), aimed at re-employing vulnerable workers, had been continued and enhanced. The direct beneficiaries of the programme were workers benefiting from income support or other benefits linked to unemployment and particular categories of workers, including women. The Committee invited the Government to provide information on the impact of PARI and other measures designed to encourage and support the employment of women and specific vulnerable categories of workers, such as older workers.

Convention No. 183: In its 2009 direct request, the Committee of Experts referred to the existence of a new collective agreement of 2007, applicable to women domestic workers and which prohibited the dismissal of a woman worker without just cause during pregnancy and up to the end of her maternity leave, but does not extend to a period following her

return to work. Noting that section 1 of the collective agreement provided that women domestic workers who were not covered under that agreement should remain subject to Agreement No. 68 of 24 November 1969, ratified under Act No. 304 of 18 May 1973, the Committee requested the Government to indicate the number of women domestic workers not covered under the above collective agreement. The Committee also asked the Government to indicate the reasons for the repeal of the 2007 Act to put an end to the practice of making newly recruited women sign undated resignation letters, and to provide information on the measures taken to ensure this practice no longer exists.

In addition, the Committee further noted the adoption of Legislative Decree No. 198 of 11 April 2006 issuing the Code on equal opportunities for men and women. However, considering the administrative violations reported, the Committee invited the Government to request the General Inspection Directorate of the Ministry of Employment to carry out a thorough analysis of these cases in order to determine whether the fines were sufficiently dissuasive for employers committing these violations; whether the nature of the violations required the introduction of other types of redress for victims of discrimination relating to maternity; and whether the violations reported included cases relating to the requirement of a pregnancy test or a certificate of such a test at the time of recruitment.

## Nepal

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

*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: In its 2008 observation, the Committee of Experts recalled that article 13(4) of the interim Constitution of Nepal 2007, providing that there should be no discrimination with regard to remuneration and social security between men and women for the same work, was not in conformity with the Convention. Drawing once again the Government's attention to the fact that the concept of "work of equal value" went beyond equal remuneration for the same work, the Committee urged the Government to ensure that the Convention's provisions were taken into account in the preparation of Nepal's future Constitution and that the future labour legislation would give full legal expression to the principle of equal remuneration for men and women for work of equal value.

In its 2008 direct request, the Committee noted the Government's statement that work was being compared and measured, inter alia, "in terms of occupational categories" and "weight or physical effort". It also noted that in the private sector, it was the employer who classified the position of the workers on the basis of the production process. The Committee asked the Government to indicate whether any measures were being taken or envisaged, in cooperation with workers' and employers' organizations, to assist employers to classify their employees on the basis of objective criteria that were free from gender-bias.

Convention No. 111: In its 2008 observation, the Committee of Experts noted that in addition to the provisions concerning the right to equality and the right to employment, set out in the Interim Constitution of Nepal 2007, the inclusion of non-discrimination and equality provisions into the labour or other relevant legislation might be required to ensure that all men and women, in the private and public sectors, were effectively protected from discrimination in employment and occupation on all the grounds covered by the Convention. The Committee urged the Government to ensure that the new labour legislation included provisions prohibiting discrimination in employment and occupation, including with respect to recruitment, on all the grounds covered by the Convention, and that it also prohibited sexual harassment at work.

The Committee noted that the Government's current interim plan emphasized the empowerment of women through access to gainful employment, and that the adoption of a new National Employment Policy and employment generation programmes aimed at reaching in particular marginalized women, young people, Dalits, indigenous people and other minorities. The Committee, requested the Government to provide information on the measures taken to ensure that the National Employment Policy adequately addressed the situation of women, and on the specific programmes and projects aiming at promoting equality of opportunity and treatment.

*The Government's most recent report has been received and will be examined by the Committee of Experts in 2011.*

### **Republic of Korea**

Among the relevant ILO Conventions, the Republic of Korea has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 122, 138, 142 and 182.

*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: In its 2008 observation, the Committee of Experts recalled that the Ministry of Labour's Equal Treatment Regulation (No. 422) provided that work of equal value refers to jobs which are equal or almost equal by nature or which, though slightly different, are considered to have equal value. The Committee considered that limiting the possibility of comparing work performed by men and women to "slightly different" work appeared to limit unduly the full application of the principle of equal remuneration for men and women for work of equal value. The concept of "work of equal value", as provided for in the Convention, also encompassed work that was of an entirely different nature but which was nevertheless of equal value.

The Committee also considered that given the restrictive understanding of the concept of "work of equal value" as prescribed by Regulation No. 422 and accepted by the Supreme Court in its ruling of 14 March 2003 (2003DO2883), the courts might be unable to develop their jurisprudence on this point in a direction that would broaden the current restrictive scope of comparison. In the light of the persisting and very wide gender pay gap, the Committee recalled its 2006 general observation in which it noted that legal provisions that were narrower than the Convention's principle hindered progress in eliminating gender-based pay discrimination against women. It therefore asked the Government to provide information on the progress made in revising the Equal Treatment Regulation No. 422 with a view to bring it into full conformity with the Convention.

Convention No. 111: In its 2008 observation, the Committee of Experts noted that the women's employment rate continued to grow, although at a very slow pace, from 48.8 per cent in 2006 to 48.9 per cent in 2007, and that increases in women's employment mainly occurred in the categories of professionals and managers. The Committee noted with interest that the public sector affirmative action scheme had been extended to workplaces with more than 500 employees as of March 2008. According to this scheme, workplaces where the participation of women was less than 60 per cent of the average female employment rate in the respective industry, had to draw up equal employment plans and report on them. In 2007, out of the 613 workplaces concerned, 333 failed to meet the required level of women's employment and were therefore required to report on the measures taken in this regard by 31 October 2008. The Committee further noted that the Personnel Administration Guidelines for Public Enterprises and Quasi-Government Agencies were revised on 11 April 2007 to ensure that companies introduced gender equality targets when hiring workers through open competition and with regard to women's

representation in management positions. The Committee requested the Government to continue to provide information on the measures taken to promote and ensure gender equality in employment and occupation.

*The Government's most recent report has been received and will be examined by the Committee of Experts in 2011.*

### **Singapore**

Among the relevant ILO Conventions, Singapore has ratified Convention No. 100. It has also ratified Conventions Nos. 29, 45, 98, 138 and 182.

*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: In its 2010 direct request, the Committee of Experts noted that the Government's report had not been received. It therefore repeated its previous direct request, which emphasized once again that the promotion of objective job evaluation was an important means to ensure the application of the Convention's principle. The Committee therefore trusted that the Government would provide information on the measures taken or envisaged to promote objective job evaluation in the private and public sector.

The Committee welcomed the detailed statistical information concerning the gender wage gap provided by the Government. It noted that the income gap between women and men had narrowed from 18.7 per cent in 1997 to 13.7 per cent in 2007 (median gross monthly income of resident full-time employees) and that the gender wage gap was narrowest in the occupational groups of managers (5.4 per cent), professionals (5 per cent) and clerks (9.2 per cent). The Committee, however, noted that it was widest in the occupational group of plant and machine operators (47 per cent). In this regard, the Government indicated that the wide gap in this group could be due to the fact that women were frequently employed as electronic/component assemblers which were typically paid less than male dominated occupations such as crane and hoist operators. Recalling that under the Convention men and women performing different occupations should receive equal remuneration where the work performed was of equal value, the Committee asked the Government to indicate any measures taken or envisaged to ensure that the remuneration in occupations in which women were concentrated was not set at a lower level than for occupations in which men were concentrated which involved work of equal value, as determined on the basis of objective criteria.

### **Zambia**

Among the relevant ILO Conventions, Zambia has ratified Convention No. 100 and 111. It has also ratified Conventions Nos. 29, 87, 97, 98, 103, 105, 122, 138 and 182.

*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. 97: In its 2008 direct request, the Committee of Experts recalled that under Article 6(1), each member State which had ratified the Convention undertook to apply, without discrimination in respect of nationality, race, religion or sex, treatment no less favourable than that which it applied to its own nationals in respect of the matters set out in subparagraphs (a)–(d) of the Article. The Committee asked the Government to indicate the measures which had been taken or were envisaged to ensure that migrant women workers were treated on an equal footing with their male colleagues, with regard to conditions of

work and life, social security, employment taxes and access to justice, in view of the increasing feminization of the migrant workforce.

Convention No. 100: In its 2010 direct request, the Committee of Experts noted that the Government's report had not been received. It therefore repeated its previous direct request, noting the Government's statement that the review of the Employment Act, Cap 268, would incorporate the principle of equal remuneration. Referring to its 2006 general observation, the Committee hoped that the new provisions would specifically guarantee equal remuneration between men and women for work of equal value.

The Committee also noted that significant differences in earnings existed between men and women with, in 2005, men earning almost twice as much as women. The Committee asked the Government to determine the reasons for the differences in earnings between men and women and to provide information on any measures taken or envisaged to address any of the causes identified. It also asked to indicate how any of the measures taken or envisaged under the National Gender Policy were helping, or had helped, to reduce differences in remuneration between men and women.

Convention No. 103: In its 2010 observation, the Committee of Experts noted with regret that the Government's report had not been received. It therefore repeated its previous observation, noting that the period of maternity leave had been increased from 90 days to 120 days by Orders Nos 56 and 57 of 2006 on minimum wages and conditions of employment. However, the Committee regretted that, despite its previous comments, the Government had maintained the requirement of two years' continuous employment from the date of recruitment as a condition for maternity leave in its national legislation. The Committee therefore hoped that the Government would take the necessary steps, as soon as possible, to bring the national legislation, particularly section 15(A) of the Employment Act and section 7(1) of the Schedule to the Order of 14 January 2002, into conformity with the Convention.

The Committee also trusted that the Government would not fail to amend section 15(B) of the Employment Act (the content of which was reproduced in section 7(4) of the Schedule to the Order of 14 January 2002) by establishing a prohibition on the dismissal of a woman during maternity leave or on giving her notice of dismissal at such a time that the notice would expire during her absence, irrespective of the grounds for dismissal.

Convention No. 111: In its 2010 direct request, the Committee of Experts noted that the Government's report had not been received. It therefore repeated its previous direct request, noting from the Labour Force Survey of 2007, that men had been the majority in all occupational categories, except for agriculture, forestry and fisheries, where women had represented 52.3 per cent of the workers. The Committee asked the Government to provide information on the measures taken, and their impact, under the National Gender Policy to address the segregation of women in certain occupations and sectors and to ensure their equal opportunities in all sectors of the economy, as well as to ensure equal access of women and girls to effective skills training, retraining and counselling.

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