



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

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against Women**

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

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

Note by the Secretary-General

Addendum

International Labour Organization

* CEDAW/C/2008/I/1



**REPORT OF THE
INTERNATIONAL LABOUR OFFICE**

**UNDER ARTICLE 22 OF THE
CONVENTION ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN**

Geneva, November 2007

Table of Contents

Part I **Introduction**

Part II **Indications concerning the situation of individual countries**

Bolivia

Burundi

Finland

France

Lebanon

Luxembourg

Morocco

Saudi Arabia

Part I: Introduction

The provisions of article 11 of the Convention on the Elimination of All Forms of Discrimination Against Women fall within the scope of a number of ILO Conventions. Of the 187 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 164 member States;
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 166 member States;
- Workers with Family Responsibilities Convention, 1981 (No. 156), which has been ratified by 39 member States;
- Maternity Protection Convention, 2000 (No. 183), which has been ratified by 13 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)

Night Work

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

Underground Work

- Underground Work Convention, 1935 (No. 45)

Part-time Work

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

Home Work

- Home Work Convention, 1996 (No. 177)

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

Observations issued by the Committee of Experts may be subject to discussions in the Committee on the Application of Standards of the International Labour Conference (“Conference Committee”). The Conference Committee adopts conclusions addressed to the State concerned.

The relevant comments of the Committee of Experts and the reports of the Conference Committee to which reference is made can be found by going to www.ilo.org/public/english/standards/norm/index.htm, and then referring to the ILOLEX database.

Part II: Indications concerning the situation of individual countries

Bolivia

I. Among the relevant ILO Conventions, Bolivia has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos 29, 45, 87, 89, 98, 103, 105, 122, 138, and 182.

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

Convention No. 100: In its 2005 direct request, the Committee noted that the average wage received by men in urban areas is 1,351 bolívares, while women receive 773 bolívares; in rural areas men receive an average wage of 346 bolívares, while women receive 95 bolívares – a difference of 73 per cent. The average wage of women was always lower than that of men, even when both have the same level of education. With regard to credit, the majority of borrowers are women (58.7 per cent) who take out small loans for business, while larger amounts are borrowed by men and used in manufacturing activity. As regards access to land, the Committee notes that women increasingly were able to access to land through the titularization processes. However, women's main access to land is via inheritance, a right which in the case of indigenous peoples is extremely limited by customs favouring the rights of sons.

While the Committee noted that differentials in the income of men and women are a cause for concern, it considered that the analysis carried out by the Government provides a basis for establishing an effective plan of action to eliminate such

differentials. The Committee noted with interest that the 2004–2007 National Public Policies Plan for the full exercise of women’s rights sets forth a number of policies in this regard. The Committee asked the Government to provide information on the implementation of this Plan and on the Plan’s impact in reducing the differences between the wages of men and women.

Convention No. 103: In its 2003 observation, the Committee noted the adoption on 9 April 2003 of Act No. 2450 regulating salaried domestic work. It noted with interest that this Act, at least to a certain extent, secures the application to women domestic workers of certain provisions of the Convention, including Article 3 (maternity leave) and Article 6 (protection against dismissal). It considered it necessary to supplement Act No. 2450 of 2003 on a number of points (see 2003 direct request). The Committee also noted that the implementing text concerning the affiliation of women domestic workers to the National Social Security Fund, as envisaged in section 24 of Act No. 2450, was still in draft form.

In addition, the Committee expressed the firm hope that the necessary measures would be adopted in the near future to ensure that women agricultural workers benefit in law and practice from the maternity protection afforded by the national legislation (General Labour Act and Social Security Code).

The Committee hoped that the relevant provisions of the labour legislation (section 61 of the General Labour Act and Supreme Decree No. 2291 respecting women workers in the public administration) would be aligned in the very near future with those respecting social security (section 31 of Decree No. 13214 of 24 December 1975) so as to establish explicitly and without ambiguity the right to maternity leave of at least 12 weeks, in accordance with the Convention. It considered the adoption of these

measures all the more necessary as the social security legislation still does not apply to all the women workers covered by the Convention.

The Committee further commented on the need to include in the General Labour Act, the Social Security Code and the legislation respecting the public administration a provision explicitly providing for the possibility of extending prenatal leave where confinement takes place later than the presumed date, without any reduction in the minimum period of postnatal leave of six weeks prescribed by the Convention.

The Government provided information concerning the development of a new national health policy and the adoption of the Act respecting universal health insurance for mothers and children (*Seguro Universal Materno Infantil - SUMI*) on 22 November 2002. In this regard, The Committee requested the Government to provide information on the implementation in practice of the SUMI, with the provision of statistics on the number of women workers in relation to the total number of employees and the number of women workers who have received care from the health services in the context of the SUMI, with an indication of the nature of the care received.

The Committee further requested the Government to indicate the measures adopted or envisaged to ensure the provision of maternity benefits: (i) by means of public funds for women who are not yet covered by the social security scheme; and (ii) in the context of public assistance for those who fail to meet the qualifying conditions prescribed by the Social Security Code.

Convention No. 111: In its 2006 observation, the Committee requested the Government to amend section 3 of the General Labour Act, under which the

proportion of female staff may not exceed 45 per cent in enterprises and establishments which, by their nature, do not require the use of a larger proportion of women workers. The Committee also highlighted the need to re-examine, in the light of up to date scientific knowledge and technical changes, all protective legislation applying solely to women with a view to revising and repealing it, as appropriate, in consultation with the social partners and women workers, taking into account the measures aimed at promoting equality for men and women in employment. The Committee noted the Government's statement that the General Labour Act Bill, prepared with the technical assistance of the ILO, was ready. However, it had not yet been adopted. The current social and political conditions made any amendment to the Act difficult. The Committee hoped that the Government would consider at the earliest opportunity bringing the legislation into line with the Convention and asked to be kept informed in this regard.

The Committee noted that the 2004-2007 National Public Policies Plan for the full exercise of women's rights recognizes the existence of discrimination based on ethnicity and sex, and the resulting poverty, particular among indigenous men and women. It puts forward a series of policies to eliminate discrimination, including institutional, training-related, economic and legal measures. The Committee requested the Government to keep it informed of the measures taken to apply the Plan and of their impact in practice.

Burundi

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

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

Convention No. 100: In its 2005 direct request, the Committee noted the adoption of the new Constitution in 2005 and, in particular, article 57 which states that equally competent persons have the right to equal pay for equal work, without discrimination. Noting that neither article 57 of the Constitution, nor section 73 of the Labour Code are in conformity with the principle of equal remuneration as set out in the Convention, the Committee urged the Government to incorporate fully the principle of equal remuneration into law, not only for equal or the same work but also for work of equal value, and to report on any such changes.

The Committee also noted the adoption of Act No. 1/28 of 23 August 2006 regarding the general status of public servants. Section 6(1) guarantees every civil servant equal opportunity and treatment – including with regard to remuneration – without discrimination on the basis of sex. Chapter 5 of the Act sets out the rules covering remuneration, bonuses and allowances, stating in section 42(4) that public servants of the same grade and step shall receive the same base salary. Noting that the principle of equal remuneration for work of equal value is not explicitly provided for in the Act, the Committee asked the Government to indicate how it is ensured in practice in the public service. With regard to the private sector, the Committee noted the Government's indication that no progress had been made in the adoption of agreements setting minimum wages at the sectoral level.

The Committee also stressed that the implementation of the principle of equal pay for work of equal value necessarily implies some form of comparison between jobs. In

asked the Government to indicate what methods have been adopted to promote an objective evaluation of jobs free from gender bias so as to ensure that the principle of equal remuneration for men and women for work of equal value is reflected in any wage fixing or review process.

Taking into account the limited resources available to the labour inspectorate, the Committee asked the Government to indicate what measures it is considering or implementing to strengthen the supervision of equal remuneration for work of equal value through, for example, targeted training for labour inspectors or the greater involvement of workers and employers in the inspection process.

Convention No. 111: In its 2005 direct request, the Committee noted the Government's indication that while section 122 of the Labour Code prohibits employers from terminating a women's contract while she is on maternity leave, in reality, such practices nonetheless occur in the private sector. The Government stated that in its efforts to counter this practice, the labour inspectorate would undertake activities to sensitize individuals who are the victims of such treatment and encourage them to take legal action to seek compensation. In addition, the Government stated that the setting up of a maternity insurance scheme in the private sector, through which half of the worker's salary would be paid, would help prevent situations of discrimination against women on maternity leave. The Committee asked the Government to keep it informed of the creation and functioning of a maternity insurance scheme in the private sector. It also asked for information on the progress and results of the labour inspectorate's sensitization activities as well as on the number and outcome of cases brought by women whose employment contracts have been terminated while on maternity leave.

With regard to sexual harassment, the Committee noted the Government's indication that in the context of the Labour Code's revision, tripartite consultations on the issue of sexual harassment will be held for those sectors governed by the Code. It also noted that in the public sector, the matter will be submitted to the High Council of the Public Service for consideration.

Finland

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

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

Convention No. 100: In its 2006 observation, the Committee noted with interest that the equality legislation has been strengthened by the Act amending the Act on Equality between Men and Women (Act No. 232/2005). The Committee noted in particular that under the amended Act on Equality between Men and Women, equality plans, which are obligatory for private and public undertakings with more than 30 employees, must include information that enables workers and employers to monitor the equality situation in the enterprise concerned, i.e. details concerning the employment of men and women in different jobs and a survey of the grade of jobs performed by men and women, the remuneration for those jobs and differences in pay. Further, equality plans must set out measures to achieve pay equality and a review of the impact of measures previously taken to this end. Under the Act, employers must also promote equitable recruitment of women and men in the various

jobs and create equal opportunities for career advancement. The Committee requested the Government to provide information on the implementation of the new provisions, including information on the manner in which compliance with the Act's equal pay provisions is ensured through the promotion and use of objective job evaluation methods.

The Committee noted further that the tripartite equal pay working group which had been established to prepare an equal pay programme completed its work in May 2005. The equal pay programme proposed by the group provides for measures to be taken in a number of targeted areas, including measures to address horizontal and vertical occupational segregation by gender, women's career development, equality planning, reconciliation of family and work responsibilities, pay systems, employment contract policies and statistics. The programme aims at closing the current gender pay gap of approximately 20 per cent, calculated on the basis of regular monthly working hours, by at least 5 per cent by 2015.

France

I. Among the relevant ILO Conventions, France has ratified Conventions Nos 100, 111 and 156. It has also ratified Conventions Nos. 3, 29, 45, 87, 98, 105, 122, 138, 142 and 182.

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

Convention No. 100: In its 2005 direct request, the Committee noted the Government's acknowledgement that, despite a significant reduction in the wage gap

between men and women from 1950 to 1995, recent progress on reducing this gap has been stagnant. It noted that in 2003 the differential between men's and women's wages in the private sector was 24.8 per cent while in the public sector the gap between male and female workers stood at 14.2 per cent (2002).

The Committee noted the adoption in 2004 of a National Charter for Equality between Men and Women and the commitment on the part of the Government and social partners to take action on some 300 items to fulfil the Charter's vision. Noting that 15 per cent of these actions were completed in 2004 and another 37 per cent were in progress, the Committee asked the Government to provide more details on those measures specific to promoting and ensuring equal remuneration and to provide information on their practical effect in eliminating the wage gap between men and women.

On 23 March 2006, the Act on equal pay for men and women was adopted which lays down the objective of eliminating the gender wage gap by 2010. The Act requires occupational sectors and enterprises to undertake negotiations every year to define and schedule measures to eliminate wage differential between men and women. It also provides for a mid-term evaluation.

Convention No. 111: In its 2005 observation, the Committee welcomed a number of ongoing or planned initiatives by the Government and the social partners aimed at achieving greater conformity with the provisions of the Convention. These include in particular the passage of Act No. 2004-1486 of December 2004 establishing a High Authority to Combat Discrimination and Promote Equality, an independent

administrative body comprising members nominated by the legislative, executive and judicial branches as well as the Social and Economic Council. Its functions include investigating complaints of discrimination, and conducting research, training and awareness-raising campaigns. The Committee also welcomed the adoption of a Diversity Charter in October 2004, under which enterprises undertook to implement a policy of non-discrimination and to seek diversity in human resources management.

The Committee noted the information submitted by the Government in 2005 on the implementation of the Equality Charter, in particular the creation of an Equality Label and a Good Practice Guide to assist enterprises and the administration to promote equality and diversity in employment and occupation. It also notes with interest the framework agreement between the National Employment Agency (ANPE) and the Service for the Rights of Women and Equality (SDFE) of January 2005 to promote the access of women to the labour market, especially in sectors in which they are under-represented.

The Committee recalled Act No. 65 of 17 March 2004 and its implementing circular of 18 May 2004 banning the wearing, in public schools, of any conspicuous religious signs or apparel under penalty of disciplinary measures including expulsion. The Committee noted that for the school year 2003-04 initially about 600 pupils did not complying with the Act, which after consultations held with parents and pupils, was reduced to about 100 pupils. It noted that, at the beginning of the school year 2004-05, a similar number of procedures were initiated before the disciplinary councils and that 47 definitive expulsions were pronounced. Against these, 39 appeals were filed to the rectors, who upheld the councils' decisions. Twenty-eight pupils requested the

annulment of the rectors' decisions through the courts, which rejected 26 of these requests for annulment. While the Committee noted that expulsion was applied only after extensive dialogue with the pupil and his or her parents, it nevertheless feared that in practice the Act might end up keeping some children, particularly girls, away from public schools for reasons associated with their religious convictions. The Committee therefore requested the Government to provide further information on the practical impact of the measures in question.

In its 2005 direct request, the Committee noted that in the context of the Equality Charter a number of ministers have programmed activities to diversify occupational and educational orientation, to promote education based on mutual respect and to sensitize educators on gender equality issues. Furthermore, it noted with interest the adoption of the National Inter-Occupational Agreement of 2004 on Diversity and Professional Equality between Men and Women, confirming the responsibility of the social partners to promote equality in vocational training and guidance, recruitment, promotion and upward mobility, and to take measures to combat stereotypes and prejudices affecting women's employment. The Committee requested the Government to provide information on the practical measures employers and trade unions have adopted to address any remaining stereotypes about women's place in employment as well as any other measures taken or envisaged by the Government to change existing attitudes, stereotypes and prejudices regarding women's employment.

Convention No. 156: In its 2006 direct request, the Committee noted with interest the numerous initiatives adopted by the Government to promote equality for workers with family responsibilities and particularly section 11 of Act No. 99-477 of 1999 inserting

new sections L.225- 16 to L.225-19 into the Labour Code, introducing the possibility for workers with family responsibilities to reduce their working time or to take leave for a maximum period of three months to care for a child, parent or a person reaching the end of their life who is sharing the residence of the worker. The Committee requested the Government to provide information with its next report concerning the number of men and women workers making use of this leave or reducing their working time.

The Committee also noted that section 20(VII) of Act No. 2000-1257 of 23 December 2000 on the financing of social security for 2001 amends section L.122-28-9 of the Labour Code, introducing the possibility for workers with family responsibilities to take leave to care for a child suffering an illness, accident or serious disability and to receive family allowances for this period. It noted that workers are entitled to either work part time or obtain leave for a period of four months, which is renewable up to a total period of 12 months. The Committee requested the Government to provide detailed information with its next report on how workers with family responsibilities have made use of this possibility to take remunerated leave to care for a child suffering from an illness, accident or serious disability.

Lebanon

I. Among the relevant ILO Conventions, Lebanon has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 89, 98, 105, 122, 142, 138 and 182.

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

Convention No. 100: In its 2005 direct request, the Committee noted that the draft Labour Code, which provides for the principle of equal remuneration between men and women for work of equal value, is still being revised. It hoped that the draft Code would be adopted soon.

The Committee noted that with regard to the payment of family benefits, priority continues to be given to the father when both the mother and the father meet the conditions. It requested the Government to provide information on the measures taken ensure equal status between men and women within the family and society, and in the payment of employment benefits and family allowances.

In addition, the Committee encouraged the Government to complete the on-going process to develop job descriptions in the civil service and to promote objective job evaluation in the public sector. The Committee hoped that the Government would be able to benefit from ILO assistance in this regard.

Convention No. 111: In its 2004 direct request, the Committee stressed the importance of ensuring, in the context of the on-going revisions of the Labour Code, that provisions explicitly prohibiting direct and indirect discrimination in employment and occupation based on all the grounds set forth in the Convention are included in the legislation. The Committee also commented on the need to introduce provisions defining and prohibiting sexual harassment at work. In this context it can be noted that the ILO assisted the Government in revising the labour legislation by providing

comprehensive comments on the draft Labour Code, with a view to ensure conformity with ILO Conventions.

In 2007, the ILO and IOM prepared a study entitled “*Assessment on the Migrant Labour Situation in Lebanon. The Case of Women Migrant Domestic Workers*”. (available upon request). The study found that women migrant domestic workers are in a particularly vulnerable situation due to factors such as gender stereotyping, lack of protection by labour legislation, regulations that curtail their freedom of movement and human rights, and the obligation to live in the employer’s home which exposes them to potential exploitation and abuse. A National Awareness-Raising Workshop on Migrant Domestic Workers was held in November 2005 and during an ILO technical advisory mission on private employment agencies in April 2006, the Government expressed its commitment to improving the legal and policy framework for the protection of migrant domestic workers and developing a national action plan with components on capacity building and awareness raising on the relevant international labour standards applicable to them. In 2006, a National Steering Committee (NSC) on migrant domestic workers was established. Efforts were made to prepare a comprehensive bill on migrant domestic worker and to draft a unified contract for domestic workers.

Luxembourg

I. Among the relevant ILO Conventions, Luxembourg has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 97, 98, 103, 105, 142, 175 and 182.

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

Convention No. 100: In its 2004 direct request, the Committee noted with interest the studies and activities carried out in the context of the project entitled "Equal pay - challenge for democratic and economic development", and the study to evaluate the impact of parental leave. Noting the importance of these studies, activities and statistics for enabling better promotion and application of the principles of the Convention, the Committee encouraged the Government to continue to provide information on the implementation of the this project, and on its impact on pay differentials between men and women.

The Committee noted that the average hourly wage differential between men and women was 28 per cent in 2000 and that, of this 28 per cent, 16 per cent represented structural differences in employment for women and men, leaving 12 per cent of the difference unexplained. It also noted that women do not have the same types and levels of qualifications as men, that they occupied low-paid jobs, that they occupy only 22 per cent of managerial posts, and they represent only 16 per cent of the membership of boards of directors. The Committee noted that, despite a positive trend, it is still mostly women who take parental leave, the effect of which is that they "return to their domestic tasks and are penalized in the job market". The abovementioned studies emphasized, inter alia, the need to adopt a truly active policy for work for women and for achieving a better balance between family life and working life, to promote a fairer distribution of domestic, family and working time between men and women, to encourage the discarding of stereotypes and to promote education and vocational training. The Committee asked the Government to indicate

the measures and activities which have been taken or contemplated to give effect to these recommendations.

Article 11(2) of the Constitution was amended in July 2006 to read as follows: “Women and men are equal in rights and duties. The State must actively promote the elimination of any existing obstacles to equality between women and men.” The provisions concerning equality between women and men previously contained in separate laws, such as Act of 8 December 1981 concerning equality of opportunity and treatment of men and women and Act of 26 May 2000 concerning protection from sexual harassment at work, have been integrated into the new Labour Code (Act of 31 July 2006).

Morocco

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

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

Convention No. 100: In its 2006 observation, the Committee noted the Government’s statement that under a new methodology for interventions, labour inspectors are specifically called upon to monitor the principle of equal remuneration for work of equal value, introduced by section 346 of the Labour Code, and to encourage social partners to implement the principle when determining remuneration. The statistical information provided by the Government indicated that 642 contraventions concerning the payment of wages were addressed by labour inspectors in 2005. The

Committee asked the Government to provide further information regarding the enforcement of the legal provisions on equal remuneration. Noting that direct or indirect discrimination with respect to wages and other benefits, particularly in the textile sector, may be due to the fact that the work experience of women is less valued while seniority may be overweighted as a criteria for determining remuneration, the Committee asked the Government to provide any examples of measures taken by enterprises or the social partners to ensure compliance with section 346 of the Labour Code, such as the use of objective job evaluation methods or reviews of wage scales.

In its 2006 direct request, the Committee underlined the importance collective bargaining as a means to implement the principle of equal remuneration for men and women for work of equal value. Beyond providing for equal wages and benefits for men and women workers, other measures could be provided such as job evaluation free from gender bias or monitoring of wages earned by men and women. The Committee cautioned that provisions of collective agreements that appear to be gender neutral may result in women receiving lower wages than men for work of equal value. It therefore encouraged the Government, in collaboration with the social partners, to undertake an evaluation of how collective agreements currently apply the principle of equal remuneration for work of equal value.

The Committee noted that the Ministries of Public Services and Administrative Reform had initiated a project concerning objective job evaluation. The Committee stressed that objective job evaluation in the public administration is essential in order to ensure equal remuneration for men and women for work of equal value, particularly with a view to ensuring that work in areas where there is a concentration of women, such as health, youth or education, is not undervalued. The Committee

asked the Government to provide further information on the implementation of this project and to indicate the steps taken to ensure that equal remuneration for men and women for work of equal value is one of its explicit objectives.

Convention No. 111: In its 2006 observation, the Committee welcomed legislative amendments concerning non-discrimination and equality, including section 9 of the Labour Code. However, the Committee stressed that practical measures are also needed in order to remove any obstacles to the implementation of equality and reduce inequalities that exist in practice between men and women in employment and occupation.

In this context, the Committee noted that, in 2006, the Government adopted a National Strategy for Equity and Equality between the Sexes through Gender Mainstreaming of Development Policies and Programmes. According to the National Strategy, the employment situation of women remains a concern. Women's economic activity rate decreased from 28 per cent in 2004 to 25 per cent in 2005, while that of men decreased from 77 per cent to 76.5 per cent. Women are disproportionately affected by unemployment and a majority of them work in the informal economy, thus lacking protection from discrimination and exploitation. The Committee noted that equal access of men and women to the labour market is an explicit objective of the National Strategy and that it sets out specific approaches and measures, including the following: integration of a gender perspective in the elaboration of employment policies and programmes and implementing decrees under the Labour Code; enforcement of non-discrimination provisions; encouragement of enterprises to mainstream a gender perspective in their activities; and increased support to women entrepreneurs. The National Strategy also emphasizes the need to combat sexist

stereotypes and prejudices in order to bring about changes in mentalities and behaviour. The Committee welcomed the identification of these key issues, which must be addressed in order to move forward in the realization of gender equality at work. The Committee requested the Government to provide detailed information on the implementation of these measures.

According to the National Strategy, women's participation in employment in the public administration is increasing, but continues to be concentrated in areas such as health, youth or education, and in jobs at the lower end of the hierarchy. The statistics for 2004 indicate that 35.2 per cent of civil servants were women, compared with 34.3 per cent in 2002. A circular letter issued by the Prime Minister in January 2001 dealt with the access of women to positions of responsibility in the civil service.

Saudi Arabia

I. Among the relevant ILO Conventions, Saudi Arabia has ratified Conventions Nos 100 and 111. It has also ratified Conventions Nos 29, 45, 89, 105 and 182.

II. Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts and the recent conclusions reached by the Committee on the Application of Standards of the International Labour Conference relevant to the provisions of CEDAW relate to:

Convention No. 100: In its 2006 direct request, the Committee noted that the new Labour Code, which came into effect on 23 April 2006, contains no reference to equal

remuneration for men and women for work of equal value. The Committee asked the Government to clarify how the Labour Code ensures respect for the principle of equal remuneration between women and men for work of equal value, and what redress is available to workers under the Labour Code where there is a violation of this principle.

The Committee recalled that it has been commenting since 1997 regarding Order No. 37 of 1994, which obliges employers “to treat men and women employees on equal terms as regards remuneration when the conditions and circumstances of the work are the same”. The Committee brought to the Government’s attention the fact that the concept of “work of equal value” set out in the Convention requires a broader scope of comparison than only between jobs performed under the same conditions and the same circumstances. The Committee urged the Government to take measures to ensure the application of the broader principle in the Convention of equal remuneration for men and women for work of equal value in both the public and private sectors, allowing a comparison of jobs which, though carried out under different conditions and circumstances, are of equal value.

The Committee noted the low labour force participation of women, which can be attributed to traditional values concerning the role of women in the family, and attitudes regarding the primacy of men in the workforce. The Committee also noted that, under the Labour Code, women are restricted in the types of jobs they may do, and are only to work in fields suitable to their nature (section 149). The Committee pointed out that social stereotypes that deem certain types of work as suitable for men or women are likely to lead to unequal wages for men and women for work of equal

value, and asked the Government to provide information on the measures taken or envisaged to improve the access of women to a wider range of job opportunities at all levels with a view to reducing inequalities in remuneration that exist between men and women in the labour market.

Convention No. 111: The application of the Convention by Saudi Arabia was subject to a discussion in the Committee on the Application of Standards “(Conference Committee”) of the International Labour Conference in 2005. In its conclusions, the Conference Committee pointed to the need for the Government to declare and pursue a national equality policy which covered all workers, including migrant workers, with a view to eliminating discrimination against them on all the grounds listed in the Convention. The Conference Committee emphasized that such a policy had to include effective mechanisms to address existing discrimination, including remedies accessible to men and women migrant workers. The Conference Committee also noted the Government’s efforts to promote women's access to vocational training and education in various disciplines and hoped that further progress would be possible in the future. It was concerned that women continued to be excluded from certain jobs and occupations and requested the Government to take effective measures to promote and ensure the equal access of women to employment and all occupations. The Conference Committee hoped that the on-going revision of the Labour Code would take the requirements of the Convention fully into account, and that section 160 of the Labour Code, providing that “in no case may men and women co-mingle in the place of work or in the accessory facilities or other appurtenances thereto”, would be repealed. The Conference Committee welcomed the Government's request for an ILO

technical assistance mission. Subsequently, a high-level ILO mission took place in September 2006.

In November-December 2006, the application of the Convention by Saudi Arabia was subject to examination by the Committee of Experts. In its observation, the Committee noted with satisfaction that section 160 of the 1969 Labour Code had been repealed with the adoption of the new Labour Code. In this context, the Committee also noted that the high-level mission concluded that although there is now no legal prohibition to women and men working together, there was little awareness of this fact. The Committee noted further that although the prohibition of women and men working together has been repealed, the Labour Code contains a provision stating that “women shall work in all fields suitable to their nature” and prohibiting employing women in hazardous jobs or industries (section 149). The high-level mission found that section 149 is generally considered a protective measure, and results in occupational segregation, with jobs considered suitable for women being those in traditional areas, such as the education and health sector, and in administration and finance. Statistics provided by the Government confirm that women continue to be concentrated in particular fields, such as social and community services. The high-level mission concluded that while women are beginning to move into non-traditional areas, progress is slow, and hindered by stereotyped views of women’s role in society. There is still an absence of women in high-level government and political positions.

The Committee requested the Government to indicate measures taken or envisaged to ensure that workers and employers are made aware of the fact that there is no longer a legal prohibition to women and men working together. The Committee considered

that a proactive policy to promote gender equality at work and in society is required, which does not reinforce stereotypical assumptions regarding women's aspirations, capabilities and social roles, and requested the Government to provide information regarding measures taken to promote women's access to a wider range of occupations at all levels, including in sectors in which they are currently under-represented. The Committee also requested the Government to review and consider amending section 149 of the Labour Code with a view to ensuring that any protective measures are limited to protecting the reproductive capacity of women and are not aimed at protecting women because of their sex or gender, based on stereotyped assumptions.

The Committee noted from the report of the High-level mission that the authorities acknowledged that there was no national equality policy. It welcomed that, in the context of the high-level mission, the Government requested further ILO assistance with respect to developing such a policy. The mission provided terms of reference to enable the Government to adopt and pursue, with ILO technical assistance, a national policy for the promotion of equality in employment and occupation covering all workers, with a view to eliminating discrimination on the grounds listed in the Convention. The terms of reference focus on the establishment and mandate of a multi-stakeholder task force. The Committee concurred with the conclusions of the mission that, to be effective, a national equality policy must be multi-faceted, including the following: a clearly stated policy; discriminatory laws and administrative practices repealed; stereotyped behaviours and prejudicial attitudes addressed; and monitoring put in place. It should cover all the grounds set out in the Convention – sex, colour, race, religion, national extraction, social origin and political opinion – address direct and indirect discrimination, apply to all aspects of

employment, and ensure effective means of redress. No further developments with regard to the provision of ILO technical assistance have occurred since the High-level mission.