REPORT V (2)

International Labour Conference

THIRTY-THIRD SESSION
GENEVA, 1950

EQUAL REMUNERATION
FOR MEN AND WOMEN WORKERS
FOR WORK OF EQUAL VALUE

Fifth Item on the Agenda

GENEVA
International Labour Office
1950
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INTRODUCTION

At its 107th Session, Geneva, December 1948, the Governing Body of the International Labour Office decided that the question of equal remuneration for men and women workers for work of equal value, which was then placed on the agenda of the 33rd Session of the International Labour Conference (June 1950), should be considered under the double-discussion procedure. According to the Standing Orders of the Conference, the International Labour Office prepared a preliminary report on this question, setting out the law and practice in the different countries, together with a questionnaire which was sent to Governments in September 1949. Governments were asked to send their replies not later than 1 January 1950.

On 4 February 1950 replies had been received from the following twenty-six Governments: Argentina, Austria, Belgium, Bolivia, Canada, Chile, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Finland, France, India, Israel, Luxembourg, Mexico, Netherlands, Pakistan, Philippines, Poland, Sweden, Switzerland, Syria, Turkey, Union of South Africa and United Kingdom.

The replies from these Governments are reproduced in substance in Chapter I of the present report. Chapter II contains a brief survey of the replies and an explanation of the proposed conclusions submitted by the Office as a basis of discussion by the Conference. Chapter III contains the proposed conclusions indicating the principal points which appear to require consideration by the Conference.

Should the Conference decide that the question is suitable for the adoption of one or more Conventions or Recommendations, the conclusions which it adopts at its 33rd Session will then constitute the basis for the preparation by the Office of draft texts to be submitted to the Governments for consideration with a view to enabling a subsequent session to take final decisions on the question.

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2 In addition, the Government of Irak cabled that they regretted that they could not reply to the questionnaire.
CHAPTER I

REPLIES OF THE GOVERNMENTS

The present chapter reproduces the questions which the Governments were asked to answer and the substance of the replies. These replies are grouped under the headings, and in the order used in Report V (1). Some Governments have added to their direct replies to the various points, remarks of a general character, which are reproduced below, as an introduction.

General Remarks

Austria

A resolution unanimously adopted by the First Federal Congress of the Austrian Trade Union Federation held in May 1948 states that, in the conclusion of all collective agreements, the basic principle of equal pay for equal work should be given effect where possible. Thus this basic principle has become part of the official programme of the Austrian Trade Union Federation. Moreover, the Federation emphasises that this principle is not only part of its policy in regard to collective agreements, but is valid for the entire field of remuneration for men and women workers. At the same Congress, a resolution proposed by the Women’s Committee of the Trade Union Federation was unanimously adopted. This resolution expressed the attitude of the women trade unionists who expect that the trade unions should work for comparable wages for women where there is equal production.

Bolivia

The Bolivian Government, in reply to the questionnaire, sent a telegram stating that Article 52 of the Bolivian General Labour Law provides that remuneration must correspond to the job, and prohibits discrimination based on the sex or the nationality of the workers.

Canada

The subject matter of the proposed regulations is one which, in the main, is within the competence of the provinces. Copies of the International Labour Office Report V (1) were sent to all the Canadian provinces in October 1949 with the request that they fill in the questionnaire contained in Chapter V of this report. The questionnaire has also been considered by the Canadian Department of Labour and some other federal
agencies. This reply to the questionnaire consolidates the views expressed by both federal and provincial authorities.

There is general agreement with the principle of equal remuneration for men and women for work of equal value, and the adoption of this principle on a broad basis is regarded as a desirable objective. Generally speaking, it is felt that the attainment of this objective would be reached more effectively through educational and collective bargaining activities rather than through legislation. While it is recognised that for persons coming directly under Government supervision there would be no difficulty in the application of the principle, the enforcement of regulations would present difficult problems in some areas and industries. For these reasons, it is thought that for the present, at least, a Recommendation would be preferable to a Convention.

CZECHOSLOVAKIA

In Czechoslovakia, this principle is applied under a Notification, dated 4 July 1945, concerning equal remuneration for women workers. The principle has also been included in the Czechoslovak Constitution, dated 9 May 1948. In view of the experience of four years during which the principle of equal remuneration for men and women workers has been applied, the Czechoslovak Government wishes to state that women have fully participated in the reconstruction work and, developing their initiative and magnificent enthusiasm for work, they have ensured, in cooperation with male workers, the prerequisites of successful progress towards the socialist construction of the country. The removal of wage discrimination has been fully justified by the magnificent achievements of women workers and by the steady development of the shock-workers' movement among women workers.

DOMINICAN REPUBLIC

There are no provisions in the labour legislation of the Dominican Republic concerning the question constituting item 5 of the agenda of the 33rd Session of the International Labour Conference (equal remuneration for men and women workers for work of equal value). Nevertheless, it is customary to pay equal wages to men and women doing identical work, especially in commerce and industry.

The draft of the Labour Code now before the legislative authorities contains the following provision in respect of this principle: “There shall be equal pay for equal work under identical conditions, whoever performs the work” (Wages, Book III, Labour Code of the Dominican Republic).

ECUADOR

According to the national Constitution and labour laws, there is no discrimination as regards the remuneration of men and women workers for work of equal value. Men and women performing the same work are therefore entitled to the same remuneration.

INDIA

The Government of India have accepted the principle of equal remuneration for men and women workers for work of equal value as
a directive of State policy. Article 39 (b) of the Constitution of India lays down that “The State shall... direct its policy towards securing... that there is equal pay for equal work for both men and women”. The Central Pay Commission accepted the principle of equal pay for equal work as a basis for its recommendations. The Fair Wages Committee, set up by the Central Advisory Council on Labour, has remarked as follows: “Where employment is on piece-rates or where the work done by men and women is demonstrably identical, no differentiation should be made between men and women workers regarding the wages payable. Where, however, women are employed on work exclusively done by them or where they are admittedly less efficient than men, there is every justification for calculating minimum and fair wages on the basis of the requirements of a smaller standard family in the case of a woman than in the case of a man.” The Minimum Wages Act, 1948, which provides for the fixation of minimum wages in certain “scheduled” employments, including agriculture, does not permit the fixation of different rates for men and women workers, although it recognises (Section 3 (3) (a)) the need to fix different rates for adults, adolescents, children and apprentices.

The acceptance of the principle, however, is circumscribed by difficulties arising out of the imperfect development of industrial organisation and by considerations of administrative efficiency. These make it wellnigh impossible for the Government of India to implement the principle at present. In this particular case, the international regulations would impose an obligation upon Member States to create the necessary machinery for fixing wage rates based on job content. This appears to be impracticable, at present at any rate, in underdeveloped countries where even the ordinary wage-fixing machinery has not been fully developed. Moreover, it presupposes the availability of personnel with the requisite qualifications and experience in the matter of evaluating job content. It will be apparent that the underdeveloped countries are short of such personnel. If, in these circumstances, the international regulations take the form of legal obligations on the countries concerned, the regulations would not be acceptable to the underdeveloped countries and the Convention would only remain as an ideal. The Government of India, therefore, strongly feel that the regulations should be embodied in a Recommendation only for the present and not in a Convention, for a Recommendation can be applied gradually and by stages according as circumstances become favourable, whereas a Convention has to be either accepted or rejected in toto. The gradual and successful implementation of the Recommendation would, by itself, strengthen the case for a Convention at a future date. The Government of India have accordingly expressed their preference for 2 (b) rather than 2 (a). The answers to the other questions posed by the Office have to be read in the light of this view, and the affirmative replies take it for granted that the regulations would take the form of a Recommendation. The Government of India are definitely not in favour of the inclusion of any of the points, specified in the report, in a Convention.

**ISRAEL**

The Government of Israel indicate that the replies have been drawn up in consultation with a tripartite committee, consisting of officers from the Ministry of Labour and Social Insurance and representatives of the employers’ and workers’ most representative organisations
concerned. The Government are glad to report that, in general, the replies represent the unanimous opinion of the Committee.

LUXEMBOURG

1. Women workers in Luxembourg. In the Grand Duchy of Luxembourg, women’s work is not as widespread as in other countries. It is true that there are many women salaried employees in commerce and industry and, to a lesser extent, in the public services. It is also true that there are a good many women handicraft workers. On the other hand, the number of women-employed on manual work in industry is relatively small. In October 1949, out of a total of 38,896 manual workers employed in industry, only 1,696 were women.

2. The social protection of women. Considered from the social and family angle, the position is not unfavourable but nevertheless particular attention has always been paid by Luxembourg legislation to the protection of women workers. An Act of 6 December 1876 concerning the employment of women laid the foundations of a system of protective measures which have been confirmed and developed by the ratification of all the international Conventions on the subject. Thus, approval is given by an Act of 5 March 1928 to, among others, the Convention concerning the employment of women before and after childbirth and the Convention concerning the employment of women during the night. Since that date, the provisions of these Conventions have been an integral part of Luxembourg legislation and have always been so strictly observed that no complaints have been brought before the labour inspectorate.

3. Remuneration of women workers. In the same spirit, the Luxembourg public authorities have endeavoured to ensure fair and proper remuneration for women workers. According to Article 11, paragraph 2, of the Constitution, "The people of Luxembourg are equal before the law." This principle of equality signifies that all Luxembourg persons are subject to the law and that all may invoke the protection of the law on equal terms. This protection has been guaranteed to women workers in respect of their remuneration by post-war minimum wage legislation.

Though basing itself on the principle of equal remuneration for equal work performance, the Luxembourg legislation allows a certain differential between the remuneration of men and women in view of the fact that women’s work may be regarded as slightly inferior to that of men and that the principle of "equal pay" is not yet observed in any country with which the Luxembourg economy competes, either in the international markets or in its own home market. Thus, under Article 4 of the Legislative Order of 30 December 1944, which is fundamental to the matter, the minimum rates of wages and salaries of women workers are fixed respectively at 80 and 90 per cent. of those of men.

This percentage, which also prevails in respect of the remuneration of women employed in the public services, has been maintained up to the present by successive decrees amending initial minimum salary and wage rates. On the other hand, the fixing of wages and salaries at a higher rate than the legal minimum has been left to employers and workers or their organisations, without official intervention by the public authorities, the conclusion of collective agreements between the
parties being encouraged by the institution by law of a conciliation and arbitration procedure. Luxembourg legislation now includes a body of provisions to prevent insufficient remuneration for either men or women workers. However, it has not yet gone so far as to embody the principle of equal remuneration for men and women workers for the reasons given above.

**Union of South Africa**

A perusal of Report V (1) and in particular of the detailed analysis of the question of the definition to be placed on the phrase "equal remuneration for work of equal value" makes it clear that it is impracticable to reply to the various questions set out in the questionnaire until the term itself is clearly defined.

As pointed out on page 47 of Report V (1) it is necessary "to clarify the meaning of the expression" and to "reach agreement on a definition which will state the question in such a way as to eliminate the confusion which is found in theory and in practice...".

Replies to the various questions submitted must necessarily be influenced by the meaning of the term when it is used in any international instrument and, in the circumstances, it is suggested that it would be preferable to confine discussions at the next Conference to a consideration of what precisely is intended by the phrase. Until this question is first determined, it does not seem possible for a Conference to proceed with the consideration and adoption of a Convention likely to obtain any satisfactory measure of ratification.

In the light of the above, it is felt that no useful purpose could be served by furnishing detailed replies to the questionnaire.

**Switzerland**

Recognising that not only has the importance of the subject of Report V (1) increased since the war but that the principle of equal remuneration for work of equal value is set out in the Preamble to the Constitution of the International Labour Organisation, it is clearly incumbent on the International Labour Conference to examine the question.

Nevertheless, the Swiss Government do not consider that the principle can be generally applied; the problem is too complex and necessarily includes the general question of wages and, in particular, the determination of wage rates. In Switzerland, the Government cannot intervene in questions of this kind except where conditions of remuneration are unacceptable and should not be maintained. It is left to the persons concerned, i.e., employers and workers or their respective organisations, to fix conditions of work and remuneration by agreement, through individual contracts, collective agreements or other methods. The structure of the country, its way of thinking and the conditions peculiar to it are opposed to the principle of equal remuneration for men and women for work of equal value. This principle cannot form part of the general wage policy, more especially as the situation varies greatly from one branch of production to another. Moreover, it is questionable if the principle is really in the interests of women or if it would not, to a certain extent, reduce their employment opportunities. If, however, it is really desired to regulate the question on the international plane, the regulations should take the form of a Recommendation.
United Kingdom

As a broad affirmation of a general principle, the Government in Great Britain have accepted, as regards their own employees, the justice of the claim that there should be no difference in payment for the same work in respect of sex. They have, however, made it clear that they do not consider that this principle can be applied at the present time in view of the general financial and economic circumstances of the country. In this connection, the Government have felt bound to have regard not only to the heavy cost which would be involved in the introduction of equal pay in the public service, but also to the probable effect of such a measure upon industry and the professions generally. The general position is still under consideration by the Government of Northern Ireland.

In considering the question of international regulations on the subject of equal remuneration for work of equal value, the United Kingdom Government would wish at the outset to stress the far-reaching social, economic and financial considerations which are involved, and which all States Members will, no doubt, feel bound to consider with the utmost care. The United Kingdom Government are of the opinion that international regulations on this question will serve a practical purpose only if they are based on a substantial measure of common agreement and are thus capable of wide acceptance and implementation. It is, therefore, the view of the United Kingdom Government that the first discussion at the Conference should be devoted—

1. to the elucidation and establishment of principles involved in the concept of equal remuneration for work of equal value; and
2. to the assessment of the practical issues which would be involved in the implementation of such principles.

The United Kingdom Government would hope that such discussions would serve to indicate the field within which international regulations might serve a practical purpose. In advance of these discussions, the United Kingdom Government would not wish to express any final opinion as to the provisions which might be included in international regulations, and the answers to questions 4 to 11 below should be read in the light of these general observations.

I. Form of the Regulations

1. Do you consider it desirable that the International Labour Conference should adopt international regulations on equal remuneration for men and women workers for work of equal value?

2. Should the regulations take the form of—
   (a) a Convention and a Recommendation establishing supplementary provisions? and, if so—
   (i) which of the points which follow should, in your opinion, be excluded from the Convention and included in a Recommendation? and
(ii) do you consider that the subject matter of the proposed Convention is appropriate for federal action or appropriate in whole or in part for action by the constituent units of the federation?

or

(b) a Recommendation?

ARGENTINA

1. Yes, since this is one of the problems which are of interest at the present time.

2. (a) No.

   (b) Yes, since this is a problem which has numerous and new political, legal and social aspects. In the discussion of the problem, it would be difficult to reach agreement on the adoption of a Convention; the difficulties would be by-passed by the adoption of only a Recommendation at the present time.

AUSTRIA

1. Yes.

2. In view of the special importance of this subject, it seems desirable for the regulation to take the form of a Convention. Since, however, the basic principle of equal remuneration for men and women workers for work of equal value is not in all countries based on law as regards all groups of employees but, rather, is left to collective bargaining, the Convention should be limited to laying down the most important principles, while the details of application would be included in a Recommendation.

   International regulations could, however, take the form adopted by the International Labour Conference at its 32nd Session in the drafting of the Migration for Employment Convention (Revised), 1949. In accordance with the suggestion adopted in that case, the basic principles took the form of the main body of the Convention. The detailed regulations were included in an annex which the States Members opt to consider as a Convention or as a Recommendation.

BELGIUM

1. Yes. The principle of equal remuneration for men and women for work of equal value is contained in the Constitution of the I.L.O. and has been reaffirmed on various occasions in official texts. Many documents recognising, either implicitly or explicitly, the principle of equal pay for men and women for work of equal value have been adopted by States Members, who by so doing have accepted it. This reason alone would justify the adoption of international regulations. Furthermore, the principle has not been applied in a number of countries although they no longer raise objections to it: international regulations would undoubtedly encourage its application.
2. (a) Yes. It would seem desirable that some of the provisions of the international regulations should be included in a Convention for the following reasons:

(1) The question is of great importance from the point of view of social progress. If the regulations take the form of a Recommendation only, the importance of the principle may be weakened.

(2) States Members have agreed to the principle of equal remuneration for men and women for work of equal value and they should not therefore object to the ratification of a Convention embodying this principle.

(3) A Recommendation does not involve for States Members the strict obligations imposed by a Convention. While it is desirable for the provisions of international regulations to be such that they can be applied by all States Members, the adoption of a Recommendation rather than a Convention has the disadvantage that there is no guarantee that the provisions of a Recommendation will be applied, even progressively.

(4) The adoption of a Recommendation, which risks weakening the importance of the principle, may result in some States Members withdrawing reforms which are already in force.

In any case the application, even by stages, of the principle commonly formulated as "equal pay for equal work" raises difficulties which cannot be ignored. It would therefore seem desirable to include in a Convention only provisions of a general kind the adoption of which is unlikely to raise major difficulties.

(i) A. The following should be included in a Convention:

(1) A statement of principle and an undertaking to apply it either on the lines laid down in a supplementary Recommendation or by some other appropriate method.

The Belgian Government considers this desirable in order to make clear that the principle agreed by countries ratifying the Convention may be applied progressively, having regard to the different social and economic conditions of States Members.

(2) A definition of the terms used in the statement of principle.

It would seem essential to define the terms used in the text of the Convention so that their exact meaning may be established by general agreement. These terms are frequently interpreted in different ways, but the meaning assigned to them by the International Labour Organisation has not varied. It is defined in the Employment (Transition from War to Peace) Recommendation, 1944, on which States Members agreed at the time. If there is discussion on this point it will be owing to lack of a text in the Convention defining what is to be understood by the principle of equal pay for men and women workers for work of equal value.

This definition is essential if the principle is to be applied progressively in the different countries in the sense upon which there has been general agreement.\footnote{The following text is proposed for the Convention:}

\textit{Article I}

Recognising the need for equal remuneration, for men and women workers for work of equal value, States Members undertake to ensure the application...
B. All the other provisions which constitute methods of application should be included in a Recommendation. A Recommendation laying down methods of application is necessary for the following reasons:

(i) The present conditions in a number of countries would not appear to be such that the principle of equal pay for men and women workers for work of equal value can be applied at once, in any case fully. In fact, in some countries unequal remuneration is still the rule and the possible financial implications of abrupt measures in respect of equal remuneration would be too great a burden for the ratification of a Convention to be considered.

(ii) This question does not apply to Belgium. Nevertheless, it is considered that a Convention containing only a statement of principle and a definition of the terms employed would be appropriate for either federal action or action by the constituent units of the federation.

**CANADA**

1 and 2. It is considered desirable that any international regulations formulated on this subject matter should be in the form of a Recommendation rather than a Convention. If the decision is made to draft both a Convention and a Recommendation, it is considered that the provisions of the Convention should be confined to an appropriate definition of the term, a declaration of principle, and a provision such as proposed in the answer to point 4 hereafter.

of this principle either in accordance with the provisions of an international Recommendation on the subject or by some other suitable method.

**Article 2**

Rates of remuneration shall be established on the basis of job content without regard to the sex of the worker.

By "remuneration" is meant not only salaries and wages properly speaking payable in money, but also allowances, indemnities, bonuses, gratuities and all other benefits in cash or in kind granted to workers as distinct from actual salary or wages.

By "job content" is meant the intrinsic value of work in terms of its quantity and quality in a particular job and over a fixed period of time, no account being taken of such factors as the respective output of men and women workers, costs of production and over-all value to the employer of the total labour force, all of which may be considered to be extraneous to the job.

**Article 3**

States Members undertake to establish as rapidly as possible, after consultation with the organisations of employers and workers concerned, a system of classification of the different jobs in the various branches of economic activity based on an analysis of job content setting out a number of precise and objective standards applicable to all jobs.

(For proposed Article 3, see replies to points 3 (a), 7 (1) and 12.)
CHILE

1. Yes. International regulations would help to ensure the practical application of the principle of equal pay for men and women workers for work of equal value, a principle which has already been admitted in large measure.

2. (a) Yes. The regulations should take the form of a Convention laying down basic principles and of a Recommendation containing complementary and more detailed provisions concerning methods of application and other related questions.
   (i) Points 7 (i) and (2), 9, 10 (a) and (b) and 11 of the questionnaire.
   (ii) Only States with a federal constitution can reply to this question.

CUBA

1 and 2. The International Labour Conference should adopt a Convention.

CZECHOSLOVAKIA

1. Yes.

2. (a) (i) The international regulations should take the form of a Convention.
   (ii) The subject matter of the proposed Convention is appropriate for federal action.

FINLAND

1. This question does not seem appropriate for international regulation at the present time. The Finnish Government has nevertheless replied to the questionnaire in order to show its attitude to the problem.

2. (a) No.
   (b) If it is considered appropriate to establish international regulations, they should take the form of a Recommendation.

FRANCE

1. Yes.

2. (a) Yes.
   (i) Point 8 might be included in the Recommendation.

INDIA

1. This is desirable.

2. (b) In view of the circumstances obtaining in India at present, the Government of India would favour the adoption of only a Recommendation and not a Convention on the subject.

ISRAEL

1. Yes.

2. (a) Yes. Equal remuneration for work of equal value is one
of the basic principles laid down in the Constitution of the I.L.O. and should be secured by the more binding form represented by a Convention. As not all the questions can be properly dealt with in the Convention, the Convention should be supplemented by a Recommendation.

(i) The following points should be excluded from the Convention and included in a Recommendation: the establishment of standards for evaluating job content (point 7 (1)); the desirability to take appropriate measures to raise the productive efficiency and capacity of women workers (point 9); securing equal access to vocational training facilities and encouraging the utilisation of facilities for vocational training, vocational guidance, etc. (point 10); and investigation with a view to the application of the principle of equal remuneration (point 11).

LUXEMBOURG

1. The Luxembourg Government recognises that, failing legal guarantees against possible abuse, the remuneration of women workers at a lower rate than that of men might have an unfavourable influence on the general level of wages and result in undesirable competition prejudicial to male workers. Moreover, the Versailles Peace Treaty recognised in 1919 the principle of equal remuneration for work of equal value without regard to sex. The Government has no objection in principle to the adoption by the International Labour Conference of regulations on equal remuneration for men and women workers for work of equal value provided that these regulations are sufficiently flexible for States Members to take account in their legislation of the special features of their economic and social conditions.

2. (a) The Luxembourg Government does not consider that it can approve a Convention containing compulsory provisions at the present time, since it is precisely those sectors of the economy in which women's work plays an important part that are now faced with foreign competition to an increasingly alarming extent.

(b) The Luxembourg Government therefore prefers the adoption of a Recommendation. It will not, however, oppose the adoption of a Convention provided that it is limited to general principles and is approved by all the countries of Western Europe belonging to Benelux and parties to the Brussels Treaty.

MEXICO

1. Yes.

2. In cases of this kind Mexico has always favoured the form of a Convention; this should lay down general and basic principles. In this particular case, it is preferable to leave it to States Members to decide on the questions of detail to be included in the Recommendation, unless a very flexible one is adopted.

NETHERLANDS

1. The Netherlands Government agrees that the International Labour Conference should discuss international regulations on equal remuneration for men and women for work of equal value.

2. However, the Netherlands Government does not consider it appropriate to decide at this point on the form which the outcome of
such discussion should take. Much will depend on the contents of the envisaged regulations, and the Netherlands Government would prefer to wait until more is known about their contents before expressing a final opinion on the form to be chosen. Nevertheless the Netherlands Government is inclined to prefer a Recommendation.

PAKISTAN

1. Yes.
2. (a) No.
   (b) Yes.

PHILIPPINES

1. Yes.
2. (a) Yes.

POLAND

1. The Polish Government considers it indispensable that the International Labour Conference should adopt international regulations on equal remuneration for men and women workers for work of equal value.

This problem—as has already been pointed out by the Polish delegations in their resolutions at the 31st and 32nd Sessions of the International Labour Conference, and in the debates on those resolutions—has been ripe already for a long time for international action.

In spite, however, of the fact that this principle had been included in the Constitution of the International Labour Organisation already in 1919, only in 1948—as a result of a prolonged action within the International Labour Organisation—was the problem of its application by way of international regulations included in the agenda of the International Labour Conference.

In 1946 the principle of equal remuneration for men and women workers for work of equal value was reaffirmed by the amended Constitution of the International Labour Organisation. In 1948 the World Federation of Trade Unions made an appeal to the Economic and Social Council of the United Nations to take the necessary steps for the implementation of this principle. The Economic and Social Council, in view of the importance of this problem, called upon the International Labour Organisation to enable the quickest possible examination of it. At the 31st Session of the International Labour Conference, in San Francisco, the Polish delegation presented a resolution to include the question of equal remuneration for men and women workers for work of equal value in the agenda of the next (32nd) Session of the Conference, in order to adopt appropriate international regulations.

The International Labour Conference, however, accepted then the resolution to include this question in the agenda of one of the nearest annual sessions—if possible the next one—and the Governing Body, putting into action the above resolution, decided to include this question in the agenda of the 33rd Session (1950) in order to have it examined under the double-discussion procedure. This meant that the appropriate Convention could be adopted only at the 34th Session, in 1951.

Thus the settlement of this problem was postponed again.

Accordingly the Polish delegation at the 32nd Session presented a resolution requesting that the question of equal remuneration for men
and women workers for work of equal value be taken up at the 33rd Session by the single-discussion procedure. The resolution of the Polish delegation, however, was not accepted, and the Governing Body maintained this question on the agenda of the 33rd Session of the International Labour Conference in 1950, to be examined under the double-discussion procedure.

The Polish Government considers the adoption of international regulations realising this principle as extremely important, and for a long time ripe for settlement—all the more so that the practice and experience of those States Members of the International Labour Organisation (including Poland) which have already applied in their own countries this principle based upon elementary social justice—by way either of collective agreements or of legal acts—show that its application has brought very advantageous results.

Moreover, the application of this principle is in accordance with the Universal Declaration of Human Rights, proclaimed by the General Assembly of the United Nations in December 1948, which states (Art. 23, para. 2) that everyone without any discrimination has a right to equal pay for equal work, as well as with the resolution concerning this question which was adopted by the Commission on the Status of Women at its 3rd Session at Beyrouth, March 1949.

2. The international regulations should take the form of a Convention.

(a) (ii) The subject matter of the proposed Convention is appropriate for federal action.

SWEDEN

1. Although it seems somewhat doubtful—in view of the very different conditions prevailing in this field in the various countries—whether it is possible to implement international regulations, the Swedish Government would not oppose the adoption of such regulations.

2. (a) No.

(b) Yes, in view of the wide discrepancy of the wage-fixing systems of the various countries (legislation, collective agreements).

SWITZERLAND

1. If it is decided to adopt international regulations, they should be limited to very general principles and should take account to the greatest extent possible of the conditions obtaining in the various countries and branches of industry. The Swiss Government do not conceal that there is opposition to any regulations of this kind, particularly on the part of employers.

2. (b) The Swiss Government considers that regulations of this kind should be in the form of a Recommendation.

SYRIA

1. Yes.

2. (b) Yes.
REPLIES OF THE GOVERNMENTS

TURKEY

1. The Government fully agrees with the principle of equal remuneration for men and women workers for work of equal value. Article 2 of the Bill, now before the National Grand Assembly, amending Labour Act No. 3008, contains the following provision respecting this principle:

"Men and women workers employed in similar occupations and performing work of equal value shall not be remunerated at different rates solely on account of sex. Arbitration councils shall observe this principle in their decisions in connection with industrial disputes."

The Government considers that the adoption of international regulations on the subject is desirable.

2. (a) It is desirable to adopt a Convention and to supplement it by a Recommendation.

(i) In the opinion of the Turkish Government points 5 (a) and (b), 7 (r), 9 and 10 should be included in a Recommendation.

(ii) This does not concern the Turkish Government.

UNITED KINGDOM

1 and 2. See "General Remarks". In advance of the first discussions at the Conference, the United Kingdom Government do not feel in a position to express an opinion as to the form of the proposed international regulations.

II. Definition

3. Should the international regulations define the term "equal remuneration for men and women workers for work of equal value"—

(a) as signifying that wage or salary rates should be established on the basis of job content and that no discrimination based on the sex of the worker should be made in the payment of wages or salaries;

or

(b) according to any other definition which you wish to propose?

ARGENTINA

3. (a) Yes.

AUSTRIA

3. (b) The term "equal remuneration for men and women workers for work of equal value" should not refer to the actual form of work, but to equal output. The basic principle should, therefore, be phrased as follows: "In the fixing of wages or salaries, where there is equal output, there should be no discrimination between workers on the basis of sex."
In the case of jobs which are specifically women's jobs, the principle referred to above should be supplemented, as in these occupations a basis of comparison necessary for the application of the principle is lacking. Therefore, a further basic provision should be included to provide that “in the payment of wages or salaries for jobs which are specifically women's jobs, the wages or salaries paid in respect of related or similar jobs should be taken as a basis for comparison”.

Belgium

3. (a) Yes. This definition would appear to be satisfactory. Payment should be made for the actual job; if remuneration is based on the respective output of men and women employed on comparable work or is related to costs of production or to the over-all value to the employer of the labour force, the principle of equal pay is not being fully observed.

In the first case, where the output of men and women employed on work of a comparable nature is compared and equal remuneration is given for identical work, the principle is applied but the problem as a whole is not solved. There still remain the questions which arise when men and women are employed in occupations which it is difficult to compare owing to their being carried out either exclusively or in great part either by men or by women. This is an important aspect of the problem of equal pay. In some countries when the job can be, and is, effectively carried out either by a man or by a woman, the woman receives the same pay as the man if output is identical. Unequal remuneration, however, is due, in the main, to the fact that certain industries employ a large proportion of women and, generally speaking, have done so for a very long time. Custom, lack of standards and the competition of women whose wages merely represent pin-money have resulted in women being given lower wages than their work would seem to merit.

In the second case, where remuneration is related to the value of the work based on costs of production, it does not seem justifiable to reduce the remuneration of female workers on the plea that the employment of women is more costly to the employer than that of men. When the employer bears the cost of welfare measures for the workers as a whole (e.g., safety measures, improvement of the place of work) the wages of male workers are not reduced.

As to the inferiority of women's labour, it is extremely difficult to evaluate its bearing upon costs of production. In view of the practical difficulties of applying such a definition, it seems that this approach should be discarded.

There remains the question of wage rates based on job content without regard to sex. This is the method proposed in 3 (a) and one on which it should be possible to reach agreement. The French expression la nature du travail is not satisfactory. The English term "job content" is clearer. The French word nature is ambiguous. It might be said, for instance, that the costs of production are an integral part of la nature du travail.

(b) The definition proposed in (a) seems satisfactory but only if what is meant by the establishment of wage rates on the basis of job content is clearly understood. If the definition is maintained as it stands it may be interpreted in different ways. It is therefore proposed to add a sentence stating exactly what is meant by "job content", on
the understanding that it will be the meaning proposed by the International Labour Organisation. A provision of this kind might be included in the Convention in order to clarify the expression "job content". (See replies to points 2 (a), 7 (i) and 12.)

3. (a) Yes.

CHILE

3. (a) Yes. International regulations should define the expression "equal remuneration for men and women for work of equal value" in order to avoid the confusion to which the term gives rise in both theory and practice. Taking into account the difficulty of defining this expression, the Chilean Government considers that the definition proposed would be appropriate.

CUBA

3. (b) The regulations should establish the principle of "equal remuneration for equal work under identical conditions without regard to sex".

CZECHOSLOVAKIA

3. (b) The international regulations should define the term "equal remuneration for men and women workers for work of equal value" in the following way: "When fixing remuneration rates only the quality and quantity of work shall be decisive and the extent of its benefit to the whole community, namely with respect to the urgency of the work for social needs; no discrimination must be made with respect to the sex, religion, race or political conviction of the workers concerned. The principle of equal remuneration for men and women workers is to be applied also to employees who are remunerated by time wages."

FINLAND

3. (a) No.

(b) If a Recommendation is proposed, the best standard would be the "over-all value", that is to say, the value of women's work as compared with that of men determined in both cases by costs of production. Reference is made in this connection to the wage regulations now in force in Finland according to which the hourly wage of women workers is about 15 per cent. less than that of men. The basis for the fixing of wages for job or piece work is the same for both men and women (decision of the Council of Ministers).

FRANCE

3. (a) Yes.

INDIA

3. (b) It may not always be possible, particularly in less developed countries, to establish the necessary machinery for evaluating job
content. The definition should, therefore, be flexible. The term might, accordingly, be defined so as to signify that—"wage or salary rates should be established on the basis of job content, where evaluation of job content is practicable, or on any other basis, as laid down by the competent authorities, and no discrimination on account of the sex of the worker should be made in the payment of wages or salaries".

**ISRAEL**

3. (a) Yes.

**LUXEMBOURG**

3. Whatever form the international regulations take, they should be based on a precise definition of equal output as an essential condition of equal remuneration. Moreover, a controlling body should be set up which is competent to decide if in fact the work performed by women is equal in value to that performed by men under identical or comparable conditions. Differences of opinion on this matter would certainly lead to many difficulties which could only be dealt with by a competent body, such as, in Luxembourg, the labour inspectorate.

(a) In the event of the International Labour Conference deciding to adopt a Convention, the Luxembourg Government will make formal reservations in regard to the provision laying down that "no discrimination based on the sex of the worker should be made in respect of remuneration". As already stated above in "General Remarks", up to the present there has always been a certain discrimination in Luxembourg legislation in regard to the remuneration of women workers. However, the Luxembourg Government will not oppose a contrary principle being included in a Recommendation as a guide to future progress.

(b) The Luxembourg Government recommends that the term should be defined on the basis of the formula in (r) on the last line of page 20 and the first line of page 21 of Report V (r), that is, "remuneration based upon the relative job performance of men and women on work of comparable character". As, up to the present, this has been the determining factor for Luxembourg legislation, its inclusion might facilitate approval of the international regulations.

**MEXICO**

3. Yes. The expression "equal remuneration for work of equal value" should be defined.

(a) Yes.

(b) The Mexican Government considers that the term "work of equal value" could with advantage be replaced by the expression "work of equal quality and quantity" as quality and quantity are two factors which should be taken into consideration.

**NETHERLANDS**

3. (a) Yes. Moreover, when payments by results and piece rates are concerned, the rates should be equal for men and women. The Netherlands Government are nevertheless inclined to believe that, in
fixing the remuneration, higher costs of production connected with the natural characteristics of women cannot be entirely ignored.

**Pakistan**

3. (a) Yes.

**Philippines**

3. (a) Yes.

**Poland**

3. (a) Yes.

**Sweden**

3. (a) Such a definition does not seem to be quite satisfactory, since that part of the definition which states that "wage or salary rates should be established on the basis of job content" appears to imply that a method of job analysis should be used, according to which the job content should be established by analysis and classification of the various details of the job. However, it would be neither necessary nor perhaps possible to make such a detailed evaluation of the job. It should be sufficient to apply a more general method of evaluation of jobs implying that "female" posts and tasks are compared with "male" ones according to the same principles as are used in establishing the mutual relations between various "male" posts and tasks, i.e., on the basis of the requirements of the job as to training, experience, physical and mental effort, etc. Accordingly, the Swedish Government would prefer a definition which does not imply the use of any specified method of determining job content.

(b) The Swedish Government proposes to define the term "equal remuneration for men and women workers for work of equal value" as signifying that the same total remuneration should be paid for work of the same quantity and quality, irrespective of the sex of the worker; the definition should be supplemented by a statement on guarantees regarding free competition for occupations and posts.

In this connection, the Swedish Government would like to state that equality between men and women in respect of wages implies that the individual woman receives the same remuneration as the individual man if she executes the same work and should not be placed at a disadvantage solely because she belongs to a statistically easily definable group, with regard to which it is perhaps possible to show a less favourable average as to, for instance, output, absenteeism or continuity in an occupation. Whether or not labour costs become higher by using female labour is a secondary problem, which should not be referred to in the definition of the term "equal remuneration".

**Switzerland**

3. (a) The Swiss Government considers that the best method of applying the principle in question is to establish wage rates on the basis of job content. It would not, however, be easy to establish criteria by which to determine the value of the work which would be agreed
by all concerned. It might with good reason be considered preferable to base estimates of the value of the work on output.

SYRIA

3. (a) Yes.

TURKEY

3. (a) Yes.

UNITED KINGDOM

3. (a) and (b) The general observations made by the United Kingdom give rise to special problems which are, and must necessarily be, taken into account in the fixing of wage rates in any particular industry, service or profession. In the view of the United Kingdom Government, it will be necessary for the Conference to examine with the closest attention the relationship between such special problems and the acceptance and application of the principle of equal remuneration for work of equal value in accordance with any particular definition. Three possible interpretations of what constitutes "equal remuneration for work of equal value" are discussed in Report V (1), namely—

(1) remuneration based upon the relative job performance of men and women on work of comparable character;
(2) remuneration based on the value defined with reference to costs of production or over-all value to the employer; and
(3) wage rates based on job content without regard to sex.

Other interpretations which have been suggested are the "rate for the job" or "the receipt by all workers of the rate for the job in the grade, occupation or profession". None of these definitions appears to be sufficiently precise for the purpose of international regulations. Moreover, they reveal a wide divergence, both in conception and in their practical implications. In the view of the United Kingdom Government, the above definitions, together with any others which may be suggested, can only usefully be considered after a full exchange of views at the Conference on the factors referred to above.

III. Scope and Methods of Application

RESPONSIBILITY OF PUBLIC AUTHORITIES FOR ENSURING APPLICATION OF THE PRINCIPLE

4. Should the international regulations include provisions—suitable to the method of wage fixing in the occupations concerned—for ensuring, whether by legislation, administrative action, collective agreement or otherwise, application of the principle of equal remuneration for men and women workers for work of equal value?

ARGENTINA

4. Yes.
AUSTRIA

4. Yes. It must be stressed that flexibility should be provided for as regards methods of application.

BELGIUM

4. Yes. Generally speaking, wages in Belgium are fixed by collective agreements which can be given binding force by Royal Order. (Legislative Decree of 9 June 1945 establishing the status of Joint Committees—Moniteur belge, 5 July 1945).

Wage rates in public administrations are fixed by law.

CANADA

4. The regulations should include provisions for encouraging the application of the principle, but it should be left wholly within the discretion of the competent authority to follow such means as are appropriate to the conditions prevailing within their jurisdiction.

CHILE

4. Yes, considering that methods of wage fixing are not the same in the different countries.

CUBA

4. The general principle of equality should be laid down in the Constitution or established by a national law, prohibiting the practice of discrimination based on sex. Minimum wage agreements and collective contracts should reaffirm the legal or constitutional provisions or should specify details of application.

CZECHOSLOVAKIA

4. Yes.

FRANCE

4. Yes.

INDIA

4. This is desirable but the actual method of application should be left to be decided by the national authorities.

ISRAEL

4. Yes.

LUXEMBOURG

4. The Luxembourg Government considers that a Convention on the subject should provide for the adoption and application of the principle of equal remuneration by legislation. This should definitely be
the case for the application of the principle in respect of the fixing of minimum salaries and wages; higher salaries and wages should on the contrary be fixed by collective agreements based on the statutory principle agreed for minimum salaries and wages.

**Mexico**

4. Yes.

**Netherlands**

4. The Netherlands Government does not wish at this stage to express a specific preference for either legislation or collective agreements as means of implementing the international regulations. What matters is that the principle should be effectively applied, and it should be left to each country to decide, according to its own needs, which method should be adopted. In this connection, however, the question is again raised of whether international labour Conventions can be applied by means of collective agreements.

**Pakistan**

4. Yes.

**Philippines**

4. Yes.

**Poland**

4. Yes.

**Sweden**

4. The international regulations should include recommendations on the application of the principle of equal remuneration in salary regulations and collective agreements.

**Switzerland**

4. The Swiss authorities have very limited opportunities for fixing wage rates. The Swiss Government cannot therefore assume responsibility for ensuring the application of the principle of equal remuneration for men and women for work of equal value.

**Syria**

4. Yes.

**Turkey**

4. Yes.

**United Kingdom**

4. See answers to points 5 (a) and (b). Provisions concerning methods of application should not be so drawn as to impose an obligation on Governments in respect of legislative, administrative or other action
in industries, services or professions in which wages or salaries are normally fixed by other means.

**ACTION BY PUBLIC AUTHORITIES IN SPECIFIED AREAS WHERE WAGES ARE SUBJECT TO STATUTORY REGULATIONS OR PUBLIC CONTROL**

5. Should the international regulations specify that—

(a) each Member should, after consultation with the workers or with representatives of the workers' organisations concerned, take appropriate action to ensure that the principle of equal remuneration for men and women workers for work of equal value shall apply to all employees of central Government departments or agencies, and should encourage its application to employees of State, provincial or local Government departments or agencies, where these have jurisdiction over rates of remuneration?

(b) each Member should, in close cooperation with the representatives of the employers' and workers' organisations concerned, take appropriate action to ensure, as rapidly as practicable, that the principle of equal remuneration for men and women workers for work of equal value shall apply in all other occupations in which rates for remuneration are subject to statutory regulations or public control, particularly—

(i) in any work in industries and services in which minimum or other wage rates are fixed under public authority;

(ii) in industries and undertakings operated under public ownership or control; and

(iii) on work executed under the terms of public contracts;

(c) where full and immediate implementation of the principle of equal remuneration for men and women workers for work of equal value should not prove feasible in these occupations, each Member should make appropriate provisions for its gradual application, in particular—

(i) by decreasing the differentials between men's and women's wage or salary rates for work of equal value; and

(ii) by providing equal increments for men and women workers performing work of equal value where a system of increments is in force?

**ARGENTINA**

5. (a) Yes, but in taking due account of the desirability and the impact of the application of the principle.

(b) (i), (ii) and (iii) Yes, but after careful examination of the effects on production costs.
(c) (i) and (ii) Yes, but as already pointed out, due account should be taken in all cases of the repercussions of the application of the principle as regards the other elements of production lest the results be disappointing as, for instance, in cases where it would be difficult to evaluate precisely the value of the work, since, obviously, employers would always prefer to use male labour rather than pay equal wages to women workers.

AUSTRIA

5. Yes. If the suggestion made in the first paragraph of the reply to point 2 is accepted, the methods of application dealt with here and in the following points of the questionnaire would find their place in the Recommendation; if the suggestion made in the second paragraph of the reply to point 2 is adopted, they would constitute alternatives in the annex.

BELGIUM

5. Yes. (a) In Belgium, equal remuneration has been the rule for a long time for all employees of public services and agencies whether they are under central, provincial or local Government control. Moreover, it would seem easy for States Members to undertake to fix the salaries of categories of workers subject to public control.

(b) (i), (ii) and (iii) Yes.

Measures of this kind are important for the progressive application of the principle. In regard to (b) it may be useful to point out that the principle can only be applied effectively after the establishment of a general job classification, except in respect of salaried employees for whom an immediate classification would not raise difficulties of a technical nature.1

In regard to (b) (iii), in Belgium there are no provisions relating to equal remuneration for work executed under the terms of public contracts.

Finally, the following amendment is proposed to (b) if it is decided to include this text in international regulations: delete the words "in close co-operation" and substitute the words "after consultation with".

In effect, (1) the question concerns wage rates which are subject to statutory regulation or public control, and the maintenance of public authority in this field must be clearly indicated—the word "co-operation" might imply that in the event of disagreement between the public authority and the organisations, the public authority would be unable to make a ruling; (2) the proposed text is in conformity with that of Convention No. 26 concerning the creation of minimum wage-fixing machinery (Article 3, para. 2 (1))—Convention No. 26 bears on point (b) (i); (3) this text has the advantage of conforming to that of Convention No. 94 concerning labour clauses in public contracts—this Convention relates to point (b) (iii).

(c) Yes.

(i) It is possible to decrease the differentials between men's and women's wage or salary rates, particularly in countries where there is a bonus system; the granting of equal bonuses to men and women workers obviously reduces the differentials in wage rates. In Belgium, the bonuses

1 See reply to point 7.
given to workers are in most cases calculated on the basic wage or salary and are consequently unequal.

(ii) In Belgium, the gap between the salaries of men and women workers is reduced in certain branches of activity by the provision of equal salary increments. Nevertheless in most cases increments are proportional to the basic salary.

The following amendments are proposed if these provisions are to be included in international regulations:

(1) It is proposed to insert a new provision between 5 (b) and 5 (c) laying down that each member, in close co-operation with representatives of the employers’ and workers’ organisations concerned, should take suitable measures to ensure, as rapidly as possible, the application of the principle of equal remuneration for all salaried workers in private employment.

Such a provision would, in effect, constitute a further step in the progressive application of the principle. As already stated, it would not raise technical difficulties as the work of salaried workers is not manual. It should be emphasised that such a measure should be taken in close co-operation with representatives of the organisations of employers and workers concerned, since the determination of the salary rates of employees in private employment is not always the responsibility of the public authorities; in Belgium, for example, such rates are fixed by collective agreement.

While in Belgium there has always been equality of remuneration for salaried workers in public employment, inequality of remuneration according to sex exists for such employees in private employment. This inequality is tending to disappear in respect of employees in the highest grades. The salary of a woman official in the first category is 80 per cent. of that of a male official in this grade; for officials in the second category the percentage is in general about 85; for those in the third category it is 85 or 90, and for those in the fourth category, in certain sections it is 100.

(2) It is proposed to make (c) a separate point 5bis. There seems no reason why the excellent provisions contained in point (c) should only relate to the occupations covered by point 5, that is, occupations for which the rates of remuneration are subject to statutory regulations or public control.

These provisions should be of a general nature and apply to all workers. In countries where the principle of equal remuneration has been gradually applied, as for instance in France, measures of this kind have been taken and have been an important factor in the progress achieved. The collaboration of employers’ and workers’ organisations should be required in respect of provisions which relate to workers as a whole.

The Office text might be retained with the deletion of the words “in these occupations” in line 3, which restrict the scope of the provision, and the addition of the words “with the co-operation of the employers’ and workers’ organisations concerned” after the word “application” in line 4.

CANADA

5. (a) Yes.

(b) The regulation might include a provision to cover industries and undertakings covered by (b) (ii), but otherwise see answer to point 4.

(c) See answer to point 4.
**CHILE**

5. *(a)* Yes, since the principle will thus be applied at once to an important category of workers and an indirect influence will be exerted on its application to other sectors of the economy.

*(b)* (i), (ii) and (iii) Yes. This would be an effective means of ensuring the application of the principle and of encouraging its generalisation.

*(c)* Yes, in order to facilitate the gradual application of the principle in countries which are unable to put it into practice immediately in the occupations referred to in *(a)* and *(b)* above.

**CUBA**

5. In view of its fair and non-discriminatory nature, the principle should be applied equally to all activities, including the various branches of public administration, whether central, provincial or municipal.

**CZECHOSLOVAKIA**

5. *(a), (b) and (c)* Such detailed provisions would be superfluous in international regulations as the principle as defined in point 3 *(b)* is to be applied to all persons working under a contract of employment, without any discrimination.

**FINLAND**

5. *(a)* Yes. The principle is already applied in Finland to civil servants and salaried employees of the State.

*(b)* Collective agreements are also used in Finland when the State is the employer unless civil servants or salaried employees are concerned. *(See 5 *(a))*.

*(c)* Yes, in principle.

**FRANCE**

5. *(a)* Yes.

*(b)* (i), (ii) and (iii) Yes.

*(c)* (i) and (ii) Yes.

**INDIA**

5. *(a) and (b)* are acceptable provided the regulations allow for gradual application as proposed in the reply to point *(c)*. It will not be possible to implement the principle of equal remuneration for work of equal value all at once.

*(c)* is desirable as an alternative to the immediate and wholesale application of the principle, but equal increments for men and women can only be provided gradually.

**ISRAEL**

5. *(a) and (b) (i) and (ii)* Yes.

*(b) (iii)* No. Conditions of employment under public contracts should be the same as those laid down for the respective trade or industry
by collective agreements, etc. (See Labour Clauses (Public Contracts) Convention, 1949.) Work under public contracts should therefore be excluded from those enumerated in point 5 (b), as otherwise different terms of employment would prevail in the same undertaking as regards work done under a public contract and as regards other work.

(c) Yes.

LUXEMBOURG

5. (a) In Luxembourg, the application of the principle of equal remuneration for the female employees of public services or agencies runs counter to the general laws on the salaries of officials and employees of the State. Moreover, public opinion in Luxembourg would not appear to welcome the idea of encouraging the general access of women to public duties, more especially at a time when legislative bodies are enquiring into administrative reforms which would not only rationalise public services but would lighten the budgetary responsibilities of the State and communes by reducing the total strength of their personnel.

(b) The application of the principle to private industry should be ensured by collective agreements between the organisations of employers and workers concerned, subject to fixing minimum wage and salary rates by legal enactment.

The measures provided in (ii) relating in particular to nationalised industries or those operating in similar ways, are irrelevant to Luxembourg as undertakings of this kind do not exist.

As regards the work referred to in (iii), that is, work executed under the terms of public contracts, the application of the principle of equal remuneration should be included in a Recommendation.

(c) As the application of the principle of equal pay would necessarily result; at least during the initial period, in increased expenditure on manpower it would seem preferable to provide for its gradual application. The measures laid down in (i) and (ii) should be included in a Recommendation. In no event should they be a burden on the State budget, as would appear to be the case in Czechoslovakia according to the information given on page 73 of Report V (r).

MEXICO

5. (a) Yes.

(b) (i), (ii) and (iii) Yes.

(c) (i) and (ii) Yes, but a time limit should be fixed, which it is proposed should not exceed one year, for States Members to carry out this obligation.

NETHERLANDS

5. (a) If a Member adopts the principle in question, the Government should take the lead in applying it in its own services: the Government should, where appropriate, encourage the application of the principle by lower public authorities.

(b) Yes.

(c) It should be recommended that, where the principle cannot be applied immediately to the occupations referred to in this point, gradual application should be encouraged. The way in which this should be
carried out should be left for decision by the Members and should not be prescribed.

**Pakistan**

5. (a), (b) and (c) Yes.

**Philippines**

5. (a), (b) and (c) Yes.

**Poland**

5. (a) and (b) The principle of equal remuneration for men and women workers for work of equal value should be applied universally without any restrictions, as regards both Government and public employees and all other categories of workers.

**Sweden**

5. (a) and (b) Under the system applied in Sweden, the Government—with Parliament—fixes the salaries of its employees after negotiations with the representatives of the organisations of employees concerned. With regard to this category of employees, the principle of equal remuneration is already being applied. As regards the employment market in general, wages and wage principles have been determined for several decades by collective bargaining between the parties, and the Government abstains from any direct intervention in these free negotiations. Although the Swedish Government has accepted the principle of equal remuneration, as appears from the attitude taken with regard to States employees, and is in favour of its general application, the Government does not, therefore, see itself in a position to take any direct action to ensure the application of the principle in the employment market in general.

**Switzerland**

5. The Swiss Government considers that the measures provided for under (a), (b) and (c) would facilitate the application of the principle of equal remuneration for work of equal value for men and women workers. In practice, these measures would have very limited application in Switzerland.

(a) The principle of equal remuneration is applied to officials of either sex in the same salary grade in the Swiss central federal administration. The central Government is not empowered to take action with regard to equal pay vis-à-vis the cantonal and communal authorities, who are their own judges in the matter.

(b) Minimum wages for certain categories of homeworkers are fixed by law.

(c) The increase in earnings for most categories of workers has exceeded the increase in the cost of living, and in general the earnings of women workers have increased to a greater extent than those of male workers.
5. (a) Yes.
(b) (i), (ii) and (iii) Yes.
(c) (i) and (ii) Yes.

5. (a), (b) and (c) Yes.

United Kingdom

5. (a) See answer to point 4. There would appear to be no objection to provisions on the lines suggested, as a method of application, it being clearly understood that the timing of such measures is entirely a matter for the discretion of the Government concerned.

(b) See in general the answer to point 4.
(i) In the United Kingdom, it is not the practice of the Government directly to participate in the determination of minimum rates of wages by statutory authority;
(ii) It is the policy of the United Kingdom Government that wages and conditions in industries operated under public control should be settled as in other industries through the established machinery for collective bargaining;
(iii) The United Kingdom Government consider that the terms of public contracts should provide for the observance of the terms and conditions of employment which are generally recognised in the industry concerned.

(c) See answers to points 4 and 5 (a) and (b). So far as its own employees are concerned, the United Kingdom Government would not be prepared to commit themselves to the gradual implementation of the principle of equal remuneration for work of equal value by means of the methods suggested in this question.

Provisions for General Application of the Principle

6. (1) Should the international regulations specify that consideration should be given to the desirability of providing, where appropriate, by legal enactment for the application of the principle of equal remuneration for men and women workers for work of equal value and, if so,
(a) Should the international regulations specify that the competent public authority may provide for exceptions from the scope of such legal provisions; and, if so, what exceptions; and
(b) Should the international regulations specify that the competent public authorities should take all necessary and appropriate measures to ensure that employers and workers are given full infor-
motion as to such legal requirements and, where appropriate, advice on their application?

(2) Where such action is not appropriate to established procedures for wage fixing, should the international regulations specify that effect to such international regulations may be given—

(a) by collective agreements between employers and workers; or
(b) by a combination of legal provisions and collective agreements between employers and workers?

ARGENTINA

6. (1) Yes.
   (a) Yes, but the exceptions should be carefully examined beforehand.
   (b) Yes.
(2) (a) Yes.

AUSTRIA

6. (1) Exceptions to the principle of equal remuneration should not be tolerated if the definition proposed under point 3 (b) is included in the international regulation.
   (2) (a) In the cases referred to here, application by means of collective agreement would be preferable.

BELGIUM

6. (1) Yes. However, the French expression il conviendrait d'examiner is ambiguous. If it is meant that countries should undertake to ensure the application of the principle, where appropriate, by legal enactment, a certain number, for example Belgium, could not pledge themselves to do so as wages are fixed by collective agreement. The English text, which merely states that consideration shall be given to the desirability of providing, where appropriate, by legal enactment for the application of the principle, would appear to be more suitable.
   (a) No. Experience has shown the dangers of a provision of this kind; where measures of exception are allowed they are frequently more numerous than those applying the law.
   (b) Yes. Such a provision may be useful in certain countries. In Belgium, however, it is superfluous. Legal requirements are always brought to the notice of employers and workers; they are published in the Moniteur belge and when necessary are followed by explanatory circulars. In addition, the public authorities, if required, are always prepared to advise on their application. Finally, legislative measures relating to wages are always the subject of preliminary consultations with employers' and workers' organisations.
   (2) (a) Yes.
   (b) Yes.

In the English text, points (a) and (b) are alternatives. The French text can be read in this way although (a) and (b) are not
joined by the words ou (or). It would seem essential to include both points in international regulations. In Belgium, for example, under a Legislative Order of 9 June 1945 binding force may be given to the decisions of Joint Committees and Belgium can therefore easily subscribe to point (b). In some countries, however, a statutory provision of this kind may not exist and point (a) must be retained on this account. As point (b) is definitely more favourable to the application of the principle of equal remuneration, it is proposed that the regulations should stipulate that countries should observe point (a) only if they are unable to comply with point (b).

It is therefore proposed to transpose the order of points (a) and (b) and for the text to read as follows: “(a) by a combination of legal provisions and collective agreements between employers and workers; (b) failing such a combination, by collective agreements between employers and workers”.

**Canada**

6. (1) No.

(2) By legal provisions, by collective agreements or by both, whichever is the most appropriate.

**Chile**

6. (1) Yes, since it is of primary importance that the principle be applied to the largest possible proportion of the working population.

(a) In general, no. If it is considered necessary to provide for exceptions, they should be as limited as possible. They might include domestic service, employment in institutions not working for profit, employment in establishments in which there is a system of promotion based on seniority or merit and in which workers perform the same work for different remuneration, without the wage differentials being based on the sex of the worker.

(b) Yes, since this is an effective way of encouraging the voluntary observance of legal obligations.

(2) (a) and (b) Yes, in order to encourage the application of the international regulations concerning the principle in countries where wages are in the main fixed by collective agreements without the intervention of the public authorities.

**Cuba**

6. See reply to question 4.

**Czechoslovakia**

6. (1) Yes.

(a) No.

(b) Yes.

(2) (b) Yes.

**Finland**

6. (1) The application of the principle should be ensured in the first place by collective agreements. It should be borne in mind that
in Finland the regulation of wages by the State is provisional. The persons concerned should be fully informed of the provisions relating to this question.

(2) (a) Yes, in so far as wages are fixed by collective agreements.
(b) No.

FRANCE

6. (1) Yes.

(a) No. Equal remuneration is contemplated for men and women workers doing "work of equal value"; it is therefore not necessary to provide for exceptions, since where women workers' output is lower, their wages will consequently be lower.
(b) Yes.
(2) (a) and (b) Yes.

INDIA

6. (1) Yes.
(a) is necessary. The competent authority should have the option to provide for exceptions in the case of family undertakings, domestic work, unorganised industries and employments in which the output of women is as a rule less than that of men, etc.
(b) This is very desirable.
(2) The competent authority should have the discretion to give effect to the regulations either through—
(i) collective agreements;
(ii) legislative or administrative action;
(iii) a combination of (i) and (ii); or
(iv) any other method considered to be satisfactory by the wage-fixing bodies.

ISRAEL

6. (1) Yes. The application of the principle of equal remuneration should be provided for by legal enactment and the methods of application should be as suggested in point 4.
(a) The competent public authority may provide for exceptions from the scope of the legal provision in cases in which there is no practical possibility for evaluating job content.
(b) Yes.
(2) Yes.

LUXEMBOURG

6. (1) It may be recalled that Luxembourg legislation does not provide complete equality of remuneration, either in respect of minimum salaries and wages in private employment or of remuneration in public services. The Luxembourg Government could not therefore support the inclusion of a contrary provision in a Convention of a binding character. The addition of the words "where appropriate" would however enable it to agree to a text of this kind in a Recommendation.

(a) International regulations should provide for the possibility of exceptions being made by the public authorities. Luxembourg legislation allows exceptions in respect of domestic service, agriculture and
similar activities, reduced working capacity, homework and the short-term difficulties in which an undertaking may find itself. Other exceptions should be limited and temporary, and allowed for specified periods of time.

(b) The competent authorities should ensure that those concerned are given full information. In Luxembourg the competent services of the Ministry of Labour, that is, the labour inspectorate and the National Labour Council, are required to inform the persons interested.

(2) According to Luxembourg legislation on minimum wages, there is nothing to prevent equal remuneration being determined by collective agreements. Since, generally speaking, collective agreements are binding on only some of the employers and workers or their respective organisations, provision should be made for a combination of legal provisions and collective agreements in order to avoid difficulties which might make the application of the principle illusory.

MEXICO

6. (1) The principle should be laid down by law; it should be possible for the contracting parties to request the Government to ensure the proper application of the principle if it is violated or wrongly interpreted by the employer.

(a) The principle should be unconditional.

(b) Since it is statutory, employers and workers are obliged to recognise it either in order to carry out the obligations it imposes or to benefit from the rights it gives. Collective agreements to give effect to the statutory principle should conform to the law, with which the contracting parties should be acquainted, as with other laws, by reason of its promulgation.

(2) — .

NETHERLANDS

6. (1) (a) See reply to point 4. Whatever method or methods are chosen, the possibility of making exceptions should not be excluded. The Netherlands Government is inclined to consider that each Member should be free to make a decision in this respect. In view of the present economic difficulties in many countries, the need will sometimes arise to provide for exceptions.

(b) Yes.

(2) (b) Yes.

PAKISTAN

6. (1) and (2) No, it should be left to the Member Governments to decide the appropriate method of implementation.

PHILIPPINES

6. (1) (a) Yes, leaving the exceptions to be determined by the State Member concerned.

(b) Yes.

(2) (b) By a combination of legal provisions and collective agreements between employers and workers.
POLAND

6. (1) Yes.

(a) International regulations should not provide for any exceptions from the scope of such legal provisions.

(b) Yes.

(2) Yes, according to the accepted procedure.

SWITZERLAND

6. (1) The Swiss public authorities are not empowered to legislate on the application of the principle of equal remuneration for men and women for work of equal value.

(2) (a) This method would seem to be useful, but it must not be forgotten that in many cases large numbers of the persons concerned are unorganised.

SYRIA

6. (1) Yes.

(a) Yes: domestic service and agricultural work.

(b) Yes.

(2) (b) Yes.

TURKEY

6. (1) Yes.

(a) Yes, provided that these are exceptions to the general rule and are established by national legislation as appropriate to the conditions in the country.

(b) Yes.

(2) (a) and (b) These two provisions might be included either separately or together in the international regulations.

UNITED KINGDOM

6. (1) The application of the principle of equal remuneration for work of equal value by legal enactment would not be regarded as appropriate in the United Kingdom (see answer to point 4).

(a) and (b) It would seem desirable that any provision in the international regulations in regard to the application of the principle of equal pay for work of equal value by the method of legal enactment, where this is appropriate, should embody provisions of the kind suggested in these two subparagraphs.

(2) (a) and (b) See answer to point 4. The international regulations should be so framed as to take account of the various methods of wage fixing which exist.
Establishment of Objective Standards for Evaluating Job Content

7. (1) Should the international regulations specify that each Member should, in close co-operation with the representatives of the employers' and workers' organisations concerned, undertake or cause to be undertaken, where appropriate, the establishment of precise and objective standards for evaluating job content with a view to facilitating the determination of wage rates in accordance with the principle of equal remuneration for men and women workers for work of equal value?

(2) Should the international regulations specify that such differential rates between men and women workers as correspond to differences in job content so determined should be considered as being in accordance with the principle of equal remuneration for men and women workers for work of equal value?

Argentina

7. (1) Yes, since, as already indicated, this is an essential aspect of the problem.

(2) Yes.

Austria

7. (1) The provisions mentioned under this point could hardly be applied in countries where public authorities have little influence on the fixing of wages for employment in private undertakings, and where the setting of wages is left to the free negotiation of the parties to collective agreements. The international regulation should, therefore, also provide that the fixing of certain standards for evaluating job content would be deemed acceptable, even where this is done exclusively through collective agreements.

(2) Yes.

Belgium

7. (1) Yes. It is proposed to go even further and to provide that each Member shall take measures to establish a job classification based on precise and objective standards. This provision would be included after paragraph 3 in the text of the Convention (see replies to points 2 (a) and 12). Belgium has made a great effort to do this and a General Technical Committee was set up by Royal Order of 28 February 1947 with the duty of establishing a method of classification based on objective standards for all the different jobs. A number of subcommittees have also been set up for various branches of activity. This is an important step in the progressive application of the principle of equal remuneration for men and women workers for work of equal value.
(2) Yes. When the intrinsic value of the work has been established on the basis of objective and identical standards and the different jobs have been graded, it is logical that those recognised to be of lower value should be less highly remunerated than those of a superior grade. The principle of equal remuneration is thus respected, as only the value of the work is taken into consideration, without regard to the sex of the worker.

**Canada**

7. (1) It is considered that regulations on this subject should be limited to a statement that Governments should co-operate with labour and management in establishing such standards.

(2) Yes.

**Chile**

7. (1) Yes. This question should be included in a Recommendation in view of the difficulty of establishing the standards mentioned.

(2) Yes. This question should also be included in a Recommendation for the reason given above.

**Cuba**

7. This would seem unnecessary if the general and absolute principle of equality is established.

**Czechoslovakia**

7. (1) Yes.

(2) According to the definition suggested by the Czechoslovak Government such a provision would be superfluous.

**Finland**

7. (1) No. The public authorities should not intervene in measures to determine the value of the job, since the application of the principle of "equal remuneration" is in fact part of the general problem of determining the value of the job for the purpose of the wage systems laid down in collective agreements.

(2) As stated in 3 (b), the definition based on "over-all value" is preferable to the one based on "job content".

**France**

7. (1) Yes.

(2) The Government considers that there should be complete equality between men and women workers whose output is the same.

**India**

7. (1) The determination of precise and objective standards for evaluating job content is full of difficulties in countries like India, where there is a dearth of personnel possessing the requisite qualifications and experience for evaluating job content. The regulations
should, therefore, be flexible enough to give discretion to the competent authorities to decide upon the manner in which wage rates should be determined.

(2) Differences in wage rates between men and women workers, where they are solely due to disparities in output, do not constitute infringement of the principle of equal remuneration for work of equal value. The suggestion is, therefore, acceptable to the Government of India.

**ISRAEL**

7. (1) The establishment of precise and objective standards for evaluating job content is essential in the application of the principle of equal remuneration. The respective provision in the Recommendation should, however, be so drafted as to enable the establishments of standards by workers' and employers' organisations alone, and not necessarily on Government initiative.

(2) Yes.

**LUXEMBOURG**

7. (1) It would be useful to provide for precise and objective standards for the evaluation of job content. These provisions should be enunciative and not limiting, in view of the difficulties and lack of experience in this matter. Provision should also be made for the establishment of an official body competent to settle difficulties, as suggested in the reply of the Luxembourg Government to point 3 above.

(2) Differential rates between men and women workers, corresponding to differences in job content, should be considered as being in accordance with the principle of equal remuneration.

**MEXICO**

7. (1) Yes. Employers and workers should establish precise and objective standards for evaluating the quality and quantity of women's work in order to apply the principle of equal remuneration.

(2) Yes.

**NETHERLANDS**

7. (1) Yes.

(2) Yes.

**PAKISTAN**

7. (1) No, this should be left to the discretion of Member Governments.

(2) Does not arise.

**PHILIPPINES**

7. (1) Yes.

(2) The international regulations should specify that such differential rates between men and women workers as correspond to differences
in job content should be considered as not in conflict with the principle of equal remuneration for men and women workers for work of equal value.

POLAND

7. (1) Yes.
(2) Yes.

SWEDEN

7. See reply to question 3 (a).

SWITZERLAND

7. (1) Such standards would have to be very carefully established in close collaboration not only with organisations of employers and workers but also with institutions concerned with questions relating to the management of undertakings, wage surveys and social policy in general. The Swiss Government doubts, however, if it would be possible to lay down standards to cover all of the many situations which might arise owing to the different conditions in the various countries and in the different branches of activity in each country.
(2) Yes.

SYRIA

7. (1) Yes.
(2) Yes.

TURKEY

7. (1) Yes.
(2) No.

UNITED KINGDOM

7. (1) and (2) See answer to point 3.

CO-OPERATION WITH EMPLOYERS' AND WORKERS' ORGANISATIONS

8. Should the international regulations stipulate that each Member should ensure the maintenance by competent public authorities of close co-operation with the representatives of the employers' and workers' organisations concerned for the purpose of applying the principle of equal remuneration for men and women workers for work of equal value?

ARGENTINA

8. Yes.
Austria

8. Yes.

Belgium

8. Yes. The French text, however, and still more the English text, appear to stipulate that the maintenance of co-operation between representatives of employers and workers shall be ensured by the public authorities. In our opinion this is an obligation which States Members could not undertake, as co-operation between representatives of employers and workers in the application of the principle of equal remuneration does not depend on the public authorities but is the result of mutual goodwill.

The international regulations should place the public authorities and the representatives of employers and workers on the same level and the wording of the text should be as follows: "Each Member should encourage close co-operation between the competent public authorities and the representatives of the organisations of employers and workers concerned with a view to the application of the principle of equal remuneration for men and women for work of equal value."

Canada

8. Yes.

Chile

8. Yes. This co-operation is of particular importance owing to the complexity of the problems raised by the application of the principle in question.

Cuba

8. Yes, the best results are always obtained by close co-operation with organisations of employers and workers.

Finland

8. See 7.

France

8. Yes.

India

8. This is desirable.

Israel

8. Yes.
Luxembourg
8. The co-operation referred to is essential.

Mexico
8. Yes.

Netherlands
8. Yes. In this connection the Netherlands Government points out that it is desirable to establish wage and salary rates on the basis of job content in non-industrial occupations in which mainly women are employed.

Pakistan
8. Yes.

Philippines
8. Yes.

Poland
8. Yes.

Switzerland
8. If the application of the principle is to be effectively ensured, the public authorities—when they have a say in the matter—should collaborate closely with organisations of employers and workers.

Syria
8. Yes.

Turkey
8. Yes.

United Kingdom
8. The international regulations should provide for the appropriate consultation between public authorities and representatives of employers' and workers' organisations.
IV. Measures to Facilitate Application

Employment Policy and Social Measures

9. Should the international regulations stipulate that each Member should take all necessary and appropriate measures to raise, where necessary, the productive efficiency and capacity of women workers and to limit the effects of the factors accounting for the relatively low level of the remuneration of women workers?

10. Should the international regulations specify in particular that—

(a) workers of both sexes should have equal access to vocational training facilities; and

(b) women workers should be encouraged to utilise facilities for vocational training, vocational guidance and employment counselling and placement as appropriate to the aptitudes, capacities and interests of the individual and the needs of the economy?

Argentina

9. Yes, such measures would facilitate the application of the principle.

10. (a) Yes.
(b) Yes.

Austria

9. Yes.

10. Yes.

Belgium

9. Yes. A variety of measures are possible in this field, for example, a social security system, the expense of which is borne by the community, which would allow women workers the same benefits usually accorded to them, more especially maternity protection, without the employer being put to greater expense by the employment of women than by the employment of men; general improvement of the workplace; adaptation of industrial equipment to women workers in order to increase their output, etc.

10. (a) Yes. The establishment of additional vocational training schools should be encouraged. On the other hand, existing training schools should be accessible to women as well as to men; where mixed education does not seem suitable, whenever there is a school for male workers a similar school should be established for women in those branches of activity where women workers are employed.
In addition, the facilities and opportunities made available in undertakings for male workers, and especially for young workers, to specialise or to follow refresher courses, should be the same for both men and women.

(b) Yes. It would, however, seem unnecessary to take the problems of placement into account in a document dealing with equality of remuneration. It is suggested that point (b) should end with the word "placement" and that the words "as appropriate to the aptitudes, capacities and interests of the individual and the needs of the economy" should be deleted.

**Canada**

9. Yes.

10. Yes.

**Chile**

9. Yes, in order to ensure that in practice women are placed on a footing of equality with men in the trades they follow. This question should be included in the Recommendation.

10. (a) and (b) Yes, for the reason given in the reply to point 9. This question should also be included in the Recommendation.

**Cuba**

9. No, since this amounts to an admission that wage differentials between men and women are justified by the lower output of women and the poorer quality of their work.

10. Yes, the regulations should specify that men and women workers should have equal access to vocational training facilities and should utilise them according to their aptitudes and to prospective employment opportunities.

**Czechoslovakia**

9. Yes.

10. (a) and (b) Yes. The international regulations should stipulate that men and women shall have the same access to education, to all occupations, offices and ranks. Every State Member should provide for everybody an education and training such as would correspond to his or her abilities and to the needs of the whole community. The employment and the labour productivity of women is to be promoted also by the establishment of social facilities which would enable the employment of women who take care of their households, especially of mothers.

**Finland**


10. (a) and (b) Yes, in principle.
FRANCE

9. Yes. With a view to increasing general production all necessary and appropriate measures should be taken to raise the productive efficiency and capacity of women workers. Accordingly, certain intensive vocational training centres in France admit women trainees who thus have the same opportunity as men to acquire adequate qualifications by obtaining the certificate at the end of the training course.

10. (a) Yes. This condition is indispensable for limiting as far as possible the effects of the factors accounting for the inferior production of women workers with the resultant relatively low level of remuneration. It may be pointed out that women should be debarred from certain occupations. Thus, in France, women are not admitted to the intensive vocational training centres for the building trade, as the work is too heavy. On the other hand the training centres for the metal trades are open to women, excepting training for certain occupations which are the subject of controversy mainly on the grounds of health.

(b) Yes. Women should receive vocational guidance and employment counselling, and be subsequently placed in occupations suited to their aptitudes, capacities and interests, taking into account the needs of the economy.

INDIA

9. While the Government of India agree with the view that appropriate steps should be taken to raise the productive efficiency of women workers, they do not consider it desirable to place any obligation upon Member countries to institute such measures. The need for attracting women workers to gainful occupations may be greater in countries facing a shortage of labour than in countries where male labour is adequate. This should, therefore, be left to the discretion of the Member Governments.

10. (a) Yes.

(b) The international regulations should provide that the State should offer adequate facilities for vocational training and vocational guidance in trades and employments in which women are generally employed.

ISRAEL

9. Yes.

10. (a) Yes, where appropriate.

(b) Yes.

LUXEMBOURG

9. It would certainly be desirable to provide for measures to raise the productive efficiency and capacity of women workers, subject of course to the normal protection afforded by international Conventions and national legislation.
10. (a) Workers of both sexes should have equal access to vocational training facilities. The application of this principle is a usual feature of Luxembourg employment policy. The Ministry of National Education and the vocational guidance service of the National Labour Council make no discrimination between the sexes in respect of the utilisation of all vocational training facilities.

(b) The National Labour Council has a special placement service for women workers and for the vocational guidance of girls. Women and girls can benefit from the advice of the pre-vocational guidance service of the Ministry of National Education.

MEXICO

9. Yes.
10. (a) and (b) Yes.

NETHERLANDS

9. Vocational training of women and girls should be encouraged to as great an extent as possible.
10. (a) Yes.
(b) Yes. See also reply to point 9.

PAKISTAN

9. Yes.
10. Yes.

PHILIPPINES

9. Yes.
10. (a) and (b) Yes.

POLAND

9. Yes.
10. (a) and (b) Yes.

SWEDEN

9. Yes.
10. (a) Yes.
(b) Yes. It is one of the main prerequisites for the implementation of equal remuneration and free competition that both sexes should have equal access to vocational training facilities. It is also essential that vocational guidance and employment service should be carried out objectively taking into account solely the aptitudes, capacities and interests of the individual. The contribution of female workers to production and administration is nowadays to a large extent necessary to meet the needs of national economy. Consequently, women should be encouraged to utilise the facilities for vocational training to which
all citizens should have equal access. The vocational training facilities should be directed towards paving the way for the women within new fields of activity and should not only meet passively the traditional demands of industry. This also applies to employment service and vocational guidance.

SWITZERLAND

9. In principle, the Swiss Government is in favour of such measures.
10. In principle, yes.

SYRIA

9. Yes.
10. (a) and (b) Yes.

TURKEY

9. No. As equal remuneration for men and women workers is conditional on the value of their work being equal, it is normal for women workers whose output is low to receive low wages in the same way as male workers in similar circumstances. A low level of wages on account of low output or other related factors is not restricted to women workers. The question of ensuring that the output of all workers, both male and female, is satisfactory and that they receive adequate vocational training is a separate problem.

10. (a) Yes.
(b) No, as there is no reason to make a distinction in this matter between the two sexes.

UNITED KINGDOM

9. It is neither appropriate nor necessary to extend international regulations dealing with questions of remuneration to cover these wider issues. It is the established practice in the United Kingdom to provide facilities for training, vocational guidance and employment counselling which are framed without discrimination in regard to sex, and are designed to take account of the aptitudes, capacities and interests of the individual, and the needs of the economy.

10. See answer to point 9.

RESEARCH AND PUBLICITY

I1. Should the international regulations specify that each Member should undertake such investigations as may be desirable with a view to the application of the principle of equal remuneration for men and women workers for work of equal value, and that Members should publish the results of such investigations and make every effort to promote public understanding of the equity and usefulness of the principle?
ARGENTINA

II. Yes, such measures would be of practical interest for the application of the principle.

AUSTRIA

II. This provision should be limited to stating that each Member should promote public recognition of the equity and usefulness of the principle of equal remuneration for work of equal value and should publish, as appropriate, the results of investigations as to the application of the principle.

BELGIUM

II. Yes. In June 1949, the Belgian Ministry of Labour established a special service for the protection of women, young workers and children. This will undoubtedly encourage such investigations as may be desirable concerning the application of the principle of equal remuneration.

CANADA

II. Yes.

CHILE

II. Yes, in order to promote effective recognition by the various sectors of public opinion of the principle of equal pay. This question should be included in the Recommendation.

CUBA

II. Yes, since investigations would result in public opinion being better informed on this matter and would hasten a solution of the problem.

CZECHOSLOVAKIA

II. Yes.

FINLAND

II. Yes, on condition that wage rates are determined within the framework of the free organisation of the labour market.

FRANCE

II. Yes.

INDIA

II. It is hardly necessary to specify this in the international regulations. For sheer want of personnel, several Governments may not find
it possible, for some time to come, to undertake such investigations. There is, however, no objection to the proposal being brought separately to the notice of States Members for necessary action.

**Israel**

II. Yes.

**Luxembourg**

II. It would certainly be useful to promote public understanding of equal remuneration by appropriate measures, since there is no doubt that the discrimination which most countries continue to practise is due in large measure to public prejudice.

**Mexico**

II. Yes.

**Netherlands**

II. The proposal made in this point would be appropriate for a Recommendation.

**Pakistan**

II. Yes.

**Philippines**

II. Yes.

**Poland**

II. Yes, but the principle of equal remuneration for men and women workers for work of equal value should be realised as soon as possible.

**Sweden**

II. Yes.

**Switzerland**

II. In the opinion of the Swiss Government, it is going too far to make such studies and enquiries a legal obligation. How, for instance, would it be possible to ensure that they were undertaken and to control their execution?
II. So far as Great Britain is concerned, such an investigation has been carried out by the Royal Commission on Equal Pay and its report has been published.

V. Other Points

12. Have you any proposal or suggestion to put forward on any point relating to the question of the application of the principle of equal remuneration for men and women workers for work of equal value, which has not been mentioned in the present questionnaire?

Austria

12. It would be desirable that the international regulation should include an obligation to remove the limitations which in many countries still exist on the access of women to certain occupations. This provision should lay down the basic principle that women should have free access to all occupations in so far as physiological reasons or the general interests of women do not make such access undesirable.

Belgium

12. Yes. In addition to the suggestions mentioned above under the appropriate headings, the Belgian Government proposes the following new points:

(i) After point 3 insert the following new provision:

Each Member, in consultation with employers' and workers' organisations, should establish a system of job classification based on an analysis of the intrinsic requirements of the various jobs which would be evaluated according to a number of precise and objective standards, applicable to all jobs.

Such a classification should take no account of the sex of the worker and is essential for an evaluation of the work in cases where the work performed by men and women respectively is not identical. (See replies to points 2 (a), 3 (a) and 7 (i).)

(2) Insert in Chapter III:

(a) Each Member, in close co-operation with representatives of the organisations of employers and workers concerned, should take appropriate measures to ensure to women workers all the benefits in cash or in kind granted to male workers either by statutory enactment and regulations, collective agreements, individual contracts of work or employment, or by customary practice in the
industry and the same methods of wage payment in force for male workers in identical or comparable occupations.

A provision of this kind would encourage the application of the principle of equal remuneration. In Belgium, for example, it may happen that identical work, performed interchangeably by a man or a woman, is paid by the week if executed by a man and by the day if carried out by a woman. This difference in the method of payment is unfavourable to the woman who is thereby considered to be a wage earner whereas the man may be regarded as a salaried employee. In the textile industry, for example, a week's pay is granted by the undertaking to a male foreman in the event of unemployment but not to forewomen.

(b) States Members, in close co-operation with the organisations of employers and workers concerned, should take appropriate measures to guarantee to women workers the same protection and security of employment which is accorded to male workers.

(c) States Members, in close co-operation with the organisations of employers and workers concerned, should take appropriate measures to establish identical bases of remuneration for all jobs, whether paid at time or piece-work rates.

The last two provisions also seem necessary in order to ensure equality of remuneration. As regards piece-work, for example, the wage is frequently determined, in Belgium, for instance, on the basis of the hourly rate, which differs according to the sex of the worker. For this reason, the remuneration of a woman worker is lower than that of a male worker though output may be equal and the job exactly the same.

CUBA

12. No, the important point is that there should be international recognition of the principle of equal remuneration.

CZECHOSLOVAKIA

12. The Czechoslovak Government suggests the following additional provisions under "Measures to Facilitate Application":

(1) The employment of women should be promoted by suitable measures, and prejudices against the employment of women and against the principle of equal remuneration for men and women workers should be removed.

(2) Specially planned facilities enabling the employment of women and increasing their labour productivity should be established by the State, by employers' and workers' organisations, namely, nurseries, crèches, works canteens and school meals, the organisation of domestic help at reasonable costs, etc.

LUXEMBOURG

12. See the reply to point 3 above. The Luxembourg Government proposes that a competent body be set up in the country concerned to settle disputes arising out of difficulties in determining whether women perform work equal in value to that performed by men.

MEXICO

12. Yes. The Government draws attention to the provisions of Mexican legislation. The only problem which arises in Mexico in this
connection is that of a new occupation in a factory or workshop. If the occupation already exists, the remuneration for it is fixed and it is carried out by a man, there is no question but that in the event of its being assigned to a woman, she should receive the same remuneration; if remuneration is not fixed in this way, it should be agreed by the contracting parties in a work contract. Consequently, the problem consists in fixing the fair remuneration for the work performed, and it is met in Mexico by collective bargaining. In the case of women who are unorganised, for example, homeworkers, it is less easy to ensure fair remuneration. This is another aspect of the question of "equal pay for equal work".

Sweden

12. Social policy should aim at enabling women, who so desire, to be at the same time mothers and gainfully employed. Some attention should be given in this connection to the question of part-time work as an important incentive for women to enter and remain on the employment market.

Turkey

12. The following two points should also be included in the international regulations:

(1) The fact that well-paid occupations are reserved for men and that women may not be employed in them results indirectly in a situation unfavourable to women workers. International regulations should guarantee equality between men and women in respect of admission to all occupations except those which are arduous or dangerous or involve moral hazards.

(2) Obligations such as maternity benefits, the establishment of crèches, rooms for nursing mothers and other similar measures imposed on employers in respect of women workers by law or collective agreement, may result in employers preferring to engage men rather than women or trying to lower the wages of women and thus effectively reduce women's earnings. For this reason we suggest that the regulations should contain a definite provision stating that maternity benefits should not be charged exclusively to women and prohibiting other measures effecting a reduction in women's wages in order to compensate for the financial charges imposed on employers when women are employed.
CHAPTER II

BRIEF SURVEY OF THE REPLIES

The purpose of this chapter is to survey briefly the replies of the Governments and to draw conclusions from them as regards the form of the proposed international regulations concerning equal remuneration for men and women workers for work of equal value and the points whose importance seems to meet with general recognition and which might constitute the basis of the first discussion of the question at the 33rd Session of the International Labour Conference.

I. Form of the Regulations

Questions 1 and 2

The following seventeen Governments declared themselves definitely in favour of the adoption of international regulations: Argentina, Austria, Belgium, Canada, Chile, Cuba, Czechoslovakia, France, India, Israel, Mexico, Netherlands, Pakistan, Philippines, Poland, Syria, Turkey.

Some of these Governments indicated the reasons that militate in favour of the adoption of regulations on this question. The Belgian Government recalled that the principle was contained in the I.L.O. Constitution and had been reaffirmed by the I.L.O. on various occasions and that States Members have adopted international documents recognising implicitly or explicitly the principle of equality of remuneration without regard to sex; it also pointed out that international regulations would encourage the application of the principle, which was still not applied in a number of countries, although they no longer raised objections to it. The Chilean Government also indicated that international regulations would help to ensure the application of the principle, which had been admitted in large measure. The Czechoslovak Government expressed satisfaction with the results of four years of application of
the principle in the country. The Polish Government strongly emphasised the desirability of adopting international regulations. While recalling the initiative taken by the Polish delegation on this matter at previous sessions of the International Labour Conference, it stated that the application of the principle, which is based on social justice and is included in the Constitution of the International Labour Organisation, in the Universal Declaration of Human Rights and proclaimed in a resolution adopted by the Status of Women Commission of the Economic and Social Council, has brought advantageous results in countries where it was applied. The Turkish Government mentioned in this connection that the Bill, now before the Grand Assembly to amend Labour Act No. 3008, would, if adopted, establish the principle of equal remuneration.

Two Governments in this group have, however, qualified their statement. The Canadian Government considered that the objective would be reached more effectively through educational and collective bargaining activities rather than through legislation. It stated that among Canadian federal and provincial authorities there was general agreement with the principle of equal remuneration for men and women workers for work of equal value and that the adoption of this principle on a broad basis was regarded as a desirable objective. The Netherlands Government agreed that international regulations should be discussed by the International Labour Conference.

Two other Governments (Luxembourg and Sweden) indicated that they would not oppose the adoption of international regulations. The Luxembourg Government, surveying the national situation as regards women's remuneration, indicated that, although the national laws and regulations were based on the principle of equal remuneration for equal work performance, they allowed differentials between men's and women's wages, because women's work might be considered as slightly inferior to that of men and because the principle was not yet observed in any country with which the Luxembourg economy is competing in the international or in the national market. It recognised, however, that, failing legal guarantees against abuse, the lower rates of remuneration of women might have an unfavourable influence on the general level of wages and result in undesirable competition prejudicial to male workers. Recalling that the principle was proclaimed already in the Constitution of the International Labour Organisation in 1919, the Luxembourg Government indicated that in principle it had no objection to the adoption of international regulations on the question, provided
that these were flexible enough to take into account the features and conditions of the various national economies. The Swedish Government stated that, while it seemed somewhat doubtful, in view of the very different conditions prevailing in this field in the various countries, whether it was possible to apply international regulations on the matter in question, it would not oppose the adoption of such regulations.

While not replying directly to the questions, the Governments of Ecuador and Bolivia indicated that the principle was provided for in national laws, and the Dominican Government mentioned that a Bill now under consideration in that country tended to establish the principle.

Four Governments have either questioned the desirability of international regulations at this point (Finland and Switzerland) or reserved their opinions (Union of South Africa and United Kingdom).

Recognising that the importance of the question has increased since the war and that the principle was set forth in the Preamble to the Constitution of the International Labour Organisation, the Swiss Government considered that it was incumbent on the International Labour Conference to examine the question. It felt, however, that the principle could not be generally applied as the problem was too complex and necessarily involved the general question of wages, particularly the fixing of wage rates. In Switzerland public authorities could not intervene in this field except where conditions were below acceptable standards and should not be maintained. Conditions of work and remuneration were determined by agreement, through individual or collective contracts or other means. Moreover, the principle was not generally accepted in the country and it could not form part of a general wage policy. Finally, the Swiss Government questioned whether the application of the principle would not, to a certain extent, reduce employment opportunities for women and run counter to their interests. The Swiss Government pointed out also that there was opposition in the country to any such regulations, particularly on the part of employers. The Swiss Government declared, however, that, if it was desired to adopt international regulations, these should be limited to very general principles and should take into account, to the greatest extent possible, the conditions obtaining in the various countries and branches of industry.

The Finnish Government declared that the question of equal remuneration for men and women workers for work of equal value
did not seem an appropriate subject matter for international regulations. It indicated, however, that if the adoption of international regulations was contemplated, these should take the form of a Recommendation.

The Government of the Union of South Africa, referring to the analysis of the problem of the definition in Report V (1), suggested that it would be preferable to confine discussions at the next conference to a consideration of what precisely is meant by the expression "equal remuneration for men and women workers for work of equal value"; it did not furnish detailed replies to the questionnaire since these must necessarily be influenced by the meaning of the term used in any international instrument. In its opinion, only when agreement was reached on a definition could the Conference proceed to the consideration and adoption of a Convention likely to obtain any satisfactory measure of ratification.

The United Kingdom Government declared that it wished at the outset to stress the far-reaching social, economic and financial considerations which were involved and which, in its opinion, all States Members would no doubt feel bound to consider with the utmost care. It indicated that in Great Britain 1, as a broad affirmation of general principle, the Government had accepted, as regards its own employees, the justice of the claim that there should be no difference in payment for the same work in respect of sex; it had, however, made it clear that it does not consider that this principle could be applied at the present time in view of the general financial and economic circumstances in the country. In this connection, regard had been had not only to the heavy cost which would be involved in the introduction of equal pay in the public service but also to the probable effect of such a measure upon industry and the professions generally. Believing that international regulations on this question would serve a practical purpose only if they were based on a substantial measure of common agreement and were thus capable of wide acceptance and implementation, the United Kingdom Government moved that the first discussion at the Conference be devoted (1) to the elucidation and establishment of principles involved in the concept of equal remuneration for work of equal value, and (2) the assessment of the practical issues which would be involved in the implementation of such principles. These discussions, it hoped, would serve to indicate the field within which

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1 The position is still under consideration by the Government of Northern Ireland.
international regulations might serve a practical purpose. In advance of these discussions, the United Kingdom Government would not wish to express any final opinion as to the provisions which might be included in international regulations.

It is apparent that a substantial majority of Governments is favourable to the adoption of international regulations concerning equal remuneration for men and women workers for work of equal value.

The replies as to the form the regulations should take differed widely, ranging from the proposal to adopt a general Convention to the suggestion that no decision should be made on this point at this stage.

Three Governments (Cuba, Czechoslovakia and Poland) indicated preference for a Convention. One possibility of the alternative proposal made by the Austrian Government (see below) should also be considered together with these replies.

Eight Governments (Austria, Belgium, Chile, France, Israel, Mexico, Philippines and Turkey) were in favour of the adoption of a Convention and a supplementary Recommendation. The Austrian Government stated that, in view of the special importance of the question, it was desirable to adopt a Convention. Since, however, the application of the principle was not in all countries based on law for all categories of workers, but was largely left to collective bargaining, the Convention should only lay down the most important principles, while the details of application should be included in the Recommendation. The Austrian Government made a further proposal, namely that the international regulations might take the form of a Convention laying down basic principles and supplemented by an annex containing more detailed provisions, which the States Members would be free to treat either as a Convention or as a Recommendation; this suggestion is based on the precedent of the Migration for Employment Convention (revised), 1949. The Belgian Government considered that the adoption of a Convention was justified on several counts: the principle was of great importance from the point of view of social progress; States Members, having agreed to the principle, could hardly object to the adoption of a Convention embodying the principle; a Recommendation did not involve for States Members the strict obligations imposed by a Convention, and, while it might belittle the importance of the principle, it would have the disadvantage that there was no guarantee that its provisions would be applied, even progressively. The Belgian Government added that there was also a risk that the
adoption of a Recommendation might result in some States Members withdrawing reforms which were already in force. However, the application of the principle, even a gradual one, raised difficulties which could not be ignored, and therefore only general provisions which were not likely to raise major difficulties should be included in the Convention. The methods of application would be dealt with in a Recommendation, which it was necessary to adopt for the following reasons: 

(a) full and immediate application of the principle would be impossible under present conditions in a number of countries, particularly on account of its financial implications; 

(b) the achievement of such an important change, particularly in the field of wages, required progressive and simultaneous development in the attitudes of Governments and employers' and workers' organisations; and finally 

(c) it was desirable to allow a certain flexibility in the methods of application of the principle, in view of the variety of conditions obtaining in the various countries. The Chilean, Israeli and Mexican Governments also specified that the Convention should lay down basic principles while the Recommendation would include complementary and more detailed provisions concerning methods of application and other related problems.

Ten Governments expressed a preference for a Recommendation (Argentina, Canada, Finland, India, Luxembourg, Netherlands, Pakistan, Sweden, Switzerland and Syria). Two of them (Canada and Luxembourg), while favourable to the adoption of a Recommendation, considered the possibility of a Convention and a Recommendation being adopted. The Canadian Government stated that in this event the provisions of the Convention should be confined to certain specified general principles. It stated, however, that, in Canada, it was felt that the objective in question would be reached more effectively through educational and collective bargaining than by legislation. While there was no difficulty in applying the principle as regards workers coming directly under Government supervision, the enforcement of regulations would present difficult problems in some areas and industries. For these reasons, a Recommendation would be preferable to a Convention. The Luxembourg Government did not approve of the adoption of a Convention containing compulsory provisions at the present time, since it was precisely those branches of activity in which women's work plays an important part that were now faced with foreign competition to "an increasingly alarming extent". While therefore favouring a Recommendation, the Luxembourg Government declared that it would not oppose the adoption of a Convention
provided that it was limited to general principles and was approved by all the countries of western Europe belonging to Benelux and parties to the Brussels Treaty.

Other reasons invoked in support of the adoption of a Recommendation may thus be summarised. The problem had many and new political, legal and social aspects, and agreement could hardly be reached on a Convention (Argentina). The case of under-developed countries was raised by the Indian Government, which declared that it was definitely not in favour of the inclusion in a Convention of any of the points under consideration. While the principle of equal remuneration for men and women workers for work of equal value was proclaimed by the Constitution of India, was adopted as a basis for its recommendations by the Central Pay Commission and was included in the Minimum Wages Act, 1948, the implementation of the principle was hardly possible in India on account of difficulties arising out of the imperfect development of industrial organisation, considerations of administrative efficiency, inadequate wage-fixing machinery, in particular for fixing wage rates on job content, and lack of personnel with qualifications and experience for evaluating job content. A Recommendation, which could be implemented gradually and by stages as national circumstances became favourable, would, by itself, if successfully applied, strengthen the case for a Convention at a future date.

The Swedish Government mentioned the wide discrepancy between the wage-fixing systems of the various countries (legislation and collective agreements). The Luxembourg and Swiss Governments also indicated that in some countries the right of public authorities to intervene in the field of remuneration was limited, though in varying degrees. For example, in Switzerland, public authorities had power to intervene only where conditions of remuneration were sub-standard and should not be maintained; in Luxembourg, only minimum rates of wages were fixed by laws and regulations.

The Finnish Government, while declaring, as already indicated, that the question was not an appropriate matter for international regulations, indicated that if such regulations were to be adopted they should take the form of a Recommendation. The Netherlands Government did not consider it appropriate to express a final opinion on the form which the international regulations should take, since much would depend on the contents of the regulations contemplated. The Netherlands Government was, however, inclined to prefer a Recommendation.
One question on this point asked whether the subject matter of the proposed Convention was appropriate for federal action or appropriate in whole or in part for action by the constituent units of the federation. Few Governments replied. The Canadian Government indicated that this subject matter was one which, in the main, was within the competence of the provinces. Provincial authorities were requested to reply to the questionnaire and the official reply of the Canadian Government consolidated the views expressed both by the federal and by the provincial authorities. The Belgian Government considered that, although this question did not apply to Belgium, a Convention containing only a statement of principle and a definition of the terms would be appropriate for either federal action or action by the constituent units of the federation. The Czechoslovak and Polish Governments answered that the subject matter was appropriate for federal action.

A small majority of Governments which answered the questions have therefore indicated their preference for the form of a Convention and a complementary Recommendation. The replies of some of these Governments were, however, qualified. In general, the response to this point offered a wide range of opinions. It might therefore be premature at this stage of the survey of the replies to draw definite conclusions as to the form of the international regulations. From most of the replies of Governments, however, certain general conclusions could be drawn at this stage, on which a large measure of agreement seems possible. Firstly, in view of the complexity of the problem and of the variety of the conditions prevailing in the different countries, it would be useful to distinguish certain general principles and to formulate adequate methods of application. It seems also that, whatever the form of the regulations, it will be necessary to take into account the variety of wage-fixing systems in force in the various countries, including in particular the cases where wages are fixed by collective bargaining without intervention of public authorities, since international regulations will have to assume means of enforcement.

It is therefore proposed to proceed with the consideration of the replies of Governments relating to the other points of the questionnaire, in order to determine those provisions on which a satisfactory measure of agreement is apparent and to distinguish among them those that should be considered as basic principles or as methods of applications or complementary measures, leaving the matter of the form of the regulations to be dealt with at a later stage.
II. Definition

*Question 3*

The importance of defining the expression "equal remuneration for men and women workers for work of equal value" in the international regulations was stressed by some Governments. The Belgian Government suggested that the definition should be included in a Convention so that the exact meaning of the principle may be established by general agreement. The principle was frequently interpreted in different ways. Any controversy on this point would be due to the lack of an appropriate definition in the international regulations. A definition was also essential if the principle was to be applied progressively in the various countries in the sense upon which there had been general agreement. The Canadian Government considered that in the event of a Convention being adopted, one of the provisions to which it should be confined was an appropriate definition of the term, which implies recognition of the importance of reaching an international agreement on this point and of adopting a specific definition of the principle involved. The Chilean Government indicated that it was desirable to define the terms in order to avoid the confusion to which they give rise in both theory and practice.

Fifteen Governments approved the principle of the definition proposed by the Office: Argentina, Belgium, Canada, Chile, France, India, Israel, Mexico, Netherlands, Pakistan, Philippines, Poland, Switzerland, Syria and Turkey.

Some of these Governments, however, raised some points or made complementary proposals. The Belgian Government, accepting the conclusions of the preparatory Report V (1) on this question indicated that the English term "job content" was clearer than the French term proposed, *nature du travail*, which in its opinion might imply that costs of production were an integral part of the *nature du travail*. It agreed, however, that the definition proposed by the Office was satisfactory. The meaning which had been assigned to the terms by the I.L.O. had not varied. It was defined in the Employment (Transition from War to Peace) Recommendation, 1944, on which States Members reached agreement. The Belgian Government proposed further to define the meaning of the terms "remuneration" and "job content" as follows:

*By remuneration* is meant not only salaries and wages properly speaking payable in money, but also allowances, indemnities, bonuses,
gratuities and all other benefits in cash or in kind granted to workers as distinct from actual salary or wages.

By *job content* is meant the intrinsic value of the work in terms of its quantity and quality in a particular job and over a fixed period of time, no account being taken of such factors as the respective output of men and women workers, costs of production and over-all value to the employer of the total labour force, all of which may be considered to be extraneous to the job.

In relation to the question of definition, it might be appropriate to consider also proposals made by the Belgian Government for supplementary provisions to be included in the international regulations as methods of application, since they would in fact render more precise the meaning of the word "remuneration". It suggested the following additions:

(a) Each Member, in close co-operation with representatives of the organisations of employers and workers concerned, should take appropriate measures to ensure to women workers all the benefits in cash or in kind granted to male workers either by statutory enactment and regulations, collective agreements, individual contracts of work or employment, or by customary practice in the industry and the same methods of wage payment in force for male workers, in identical or comparable occupations; (b) States Members, in close co-operation with the organisations of employers and workers concerned, should take appropriate measures to guarantee to women workers the same protection and security of employment which is accorded to male workers; and (c) States Members, in close co-operation with the organisations of employers and workers concerned, should take appropriate measures to establish identical bases of remuneration for all jobs, whether paid at time or piecework rates.

The Belgian Government believed that such provisions would facilitate the application of the principle of equal remuneration. In Belgium, for example, it might happen that identical work, performed interchangeably by a man or a woman, was paid by the week if executed by a man and by the day if carried out by a woman. This difference in the method of payment was unfavourable to the woman who was thereby considered to be a wage earner whereas the man might be regarded as a salaried employee. Accordingly, in the textile industry, for example, a week's pay is granted by the undertaking to a male foreman in the event of unemployment but not to a forewoman. As regards piecework, the wage was frequently determined, *e.g.*, in Belgium, on the basis of the hourly rate, which differed according to the sex of the worker; as a result the remuneration of a woman worker was lower than that of a male worker though output might be equal and the job exactly the same.
The Indian Government pointed out that it might not always be possible, particularly in less developed countries, to establish the necessary machinery for evaluating job content. The definition should therefore be flexible. It proposed accordingly that the term might be defined so as to signify that: "wage or salary rates should be established on the basis of job content, where evaluation of job content is practicable, or on any other basis, as is laid down by the competent authorities, and that no discrimination on account of the sex of the worker should be made in the payment of wages or salaries".

The Mexican Government, while agreeing with the proposed definition, indicated that the expression "work of equal value" could be replaced advantageously by the expression "work of equal quality and quantity" since these two elements were those that had to be taken into consideration.

The Netherlands Government stated further that when payments by results and piece rates were concerned, the rates should be equal for men and women. The Netherlands Government was nevertheless inclined to believe that in fixing the remuneration, higher costs of production connected with the natural characteristics of women could not be entirely ignored.

The Swiss Government pointed out that, while the establishment of wage rates on the basis of job content was the best method of applying the principle in question, it would not, however, be easy to establish criteria, by which to determine the value of the work which would be agreed by all concerned. It indicated that it might with good reason be considered preferable to base estimates of the value of the work on output.

Other definitions have been proposed. The Austrian Government stated that the term "equal remuneration for men and women workers for work of equal value" should not refer to the actual form of work but to equal output. It suggested therefore to formulate the principle as follows: "In the fixing of wages or salaries, where there is equal output, there should be no discrimination between workers on the basis of sex". It indicated also that, in the case of jobs which are specifically women's jobs, the principle referred to above should be supplemented as in these occupations a basis of comparison necessary for the application of the principle was lacking. A further basic provision should therefore be included to provide that "in the payment of wages or salaries for jobs which are specifically women's jobs, the wages or salaries paid in respect of related or similar jobs should be taken as a basis for comparison".
The Cuban Government stated that the international regulations should establish the principle of "equal remuneration for equal work under identical conditions, without regard to sex".

The Czechoslovak Government proposed the following definition:

When fixing remuneration rates only the quality and quantity of work shall be decisive and the extent of its benefit to the whole community, namely with respect to the urgency of the work for social needs; no discrimination must be made with respect to sex, religion, race or political conviction of the workers concerned. The principle of equal remuneration for men and women workers is to be applied also to employees who are remunerated by time wages.

The Finnish Government declared that the best standard would be the "over-all value" of the work, that is to say, the value of women's work as compared with that of men's, determined in both cases by costs of production. It mentioned in this connection that, in Finland, women’s hourly rates were fixed, according to a decision of the Council of Ministers, at about 85 per cent. of those of men, job or piecework rates being the same for men and women workers.

The Luxembourg Government specified that, whatever the form of the international regulations, they should be based on a precise definition of equal output as an essential condition of equal remuneration. The term should be defined with reference to "relative job performance of men and women on work of comparable character"; up to the present this has been the determining factor in Luxembourg legislation and such an approach in the international regulations might facilitate their adoption by Luxembourg. Moreover, if a Convention were to be adopted, the Luxembourg Government would make formal reservations in regard to a provision laying down that no discrimination based on the sex of the worker should be made in respect of remuneration. The Luxembourg legislation provides for a discrimination as regards the remuneration of women. The Government, however, would not oppose the non-discriminatory provision if it were included in a Recommendation as a guide to future progress. Finally, the Luxembourg Government proposed that a controlling body should be provided for, to be competent to decide if the work performed by women was equal in value to that performed by men under identical or comparable conditions, since differences of opinion would certainly lead to difficulties with which only a competent body, such as the Labour Inspectorate in Luxembourg, could deal.

The Swedish Government proposed to define the term: "equal remuneration for men and women workers for work of equal value" as signifying that the same total remuneration should be paid for work of the same quantity and quality, irrespective of the sex of the worker. The definition should be supplemented by a statement on guarantees regarding free competition for occupations and posts. In this connection, the Swedish Government stated that equality between men and women in respect of wages implied that the individual woman received the same remuneration as the individual man if she executed the same work and that she should not be placed at a disadvantage solely because she belonged to a statistically easily definable group, with regard to which it was perhaps possible to show a less favourable average as for instance to output, absenteeism or continuity in an occupation. Whether or not labour costs became higher by using female labour was a secondary problem, which should not be referred to in the definition of the term "equal remuneration". The Swedish Government did not approve the definition proposed by the Office, because, in its opinion, it appeared to imply that a method of job analysis should be used, according to which the content of the jobs should be determined by analysis and classification of the various details of the job, whereas such a procedure was not necessary and perhaps not possible. A more general method of evaluation of jobs would be preferable, according to which "female" posts and tasks were compared with "male" ones according to the same principles as were used in establishing the mutual relations between the various "male" posts and tasks, i.e., on the basis of the requirements of the job as to training, experience, physical and mental effort, etc. The definition, according to the Swedish Government, should not imply the use of any specified method.

The Governments of the United Kingdom and of the Union of South Africa did not favour any definition at this stage. The United Kingdom Government was of the opinion that the question of definition and the implications of the various definitions which might be put forward should be the subject of the first discussion of this item of the agenda of the forthcoming session of the Conference. Recalling the three different approaches to the definition of the expression which were examined in Report V (x), the United Kingdom Government indicated that other interpretations which had been suggested were the "rate for the job" or "the receipt by all workers of the rate for the job in the grade, occupation or profession". In its opinion, none of these definitions appeared
to be sufficiently precise for the purpose of international regulations. Moreover, they revealed a wide divergence, both in conception and in their practical implications. In the view of the United Kingdom Government, the above definitions, together with any others which might be suggested, could only usefully be considered after a full exchange of views at the Conference on the special problems which were, and should necessarily be, taken into account on the fixing of wage rates in any particular industry, service or profession.

A majority of replies appeared in favour of the definition proposed by the Office. In view of some of the observations and suggestions made in particular, by the Belgian, Czechoslovak and Netherlands Governments, it seems that the meaning of the word "remuneration" should be specified for the purpose of the international regulations, and the Office has accordingly included, for discussion by the Conference, a point covering the various elements of remuneration which should be taken into account in applying the principle of equal remuneration for men and women workers for work of equal value.

The replies on this point indicated also the importance which should be attached to the question of specifying the meaning of the expression for the purpose of the international regulations. The definition on which agreement will be reached could appropriately be considered as a general principle.

III. Scope and Methods of Application

Responsibility of Public Authorities for Ensuring Application of the Principle

Question 4

The following eighteen Governments made affirmative replies: Argentina, Austria, Belgium, Canada, Chile, Czechoslovakia, France, India, Israel, Mexico, Netherlands, Pakistan, Philippines, Poland, Sweden, Syria, Turkey and the United Kingdom.

Several Governments commented upon this point stressing the desirability of including in the international regulations provisions flexible enough to take into account the various wage fixing systems in force in the different countries. The Austrian and Chilean Governments stressed that flexibility should be provided for as regards methods of application. Some Governments, including Canada, India, the Netherlands and the United Kingdom, were more explicit and declared, in substance, that it should be left to
the discretion of the competent authority to follow such means as are appropriate to the conditions prevailing within their jurisdiction and that the provisions concerning methods of application should not be so drawn as to impose an obligation on Governments in respect of legislative, administrative or other action in industries, services or professions in which wages or salaries are normally fixed by other means.

Two Governments, Cuba and Luxembourg, made specific proposals as to methods of enforcement. The Cuban Government indicated that the principle should be laid down in the national constitutions or established by national laws, prohibiting the practice of discrimination based on sex; minimum wage decisions and collective agreements should reaffirm the legal or constitutional provisions or specify details of application. The Luxembourg Government considered that international regulations should provide for the adoption and application of the principle by legislation in respect of minimum rates of salary or wage; higher rates should on the contrary, be fixed by collective agreements based on the statutory principle adopted for minimum rates.

The Swiss Government declared that, since public authorities had very limited opportunities for fixing wage rates in Switzerland, it could not assume responsibility for ensuring the application of the principle of equal remuneration for men and women for work of equal value.

The Netherlands Government raised the question whether international labour Conventions could be given effect by means of collective agreements.

A substantial majority of Governments were in favour of including provisions for methods of application of the principle under consideration. A large measure of agreement was also apparent as regards the desirability of formulating flexible provisions concerning such methods in order to take into account the variety of established systems of wage fixing and not to impose upon Governments strict obligations as to the use of specific methods.

A proposal was made by the Belgian Government to include in the international regulations (in a Convention, since it favoured this form of international regulations) a general provision specifying that States Members undertake to apply the principle of equal remuneration for men and women workers for work of equal value. The Belgian Government also suggested a provision to the effect that the application of the principle might be effected either on the lines laid down in a supplementary Recommendation or by
some other appropriate method. It explained that this provision was desirable to make it clear that the principle adopted by countries ratifying the proposed Convention might be applied progressively, having regard to the different social and economic conditions of the various countries. The Canadian Government indicated that if the decision were made to draft both a Convention and a Recommendation, one of the provisions to which the Convention should be confined was a declaration of principle. While no other Governments have raised this question, it is apparent that the approval of international regulations necessarily implies an intention to apply the principle which is the subject matter of the regulations. It is therefore suggested that the Conference may wish to examine the desirability of providing for such a statement in the proposed international regulations and to consider it as a basic provision; the Office accordingly will include a point to that effect in the proposed conclusions.

**ACTION BY PUBLIC AUTHORITIES IN SPECIFIED AREAS WHERE WAGES ARE SUBJECT TO STATUTORY REGULATIONS OR PUBLIC CONTROL**

**Question 5**

(a) *Non-industrial Public Employees.*

The following eighteen Governments approved the principle of such a provision: Argentina, Austria, Belgium, Canada, Chile, Finland, France, India, Israel, Mexico, Netherlands, Pakistan, Philippines, Sweden, Switzerland, Syria, Turkey and the United Kingdom.

The Belgian, Finnish and Swedish Governments supported this proposal by indicating that such measures were in force in their countries.

Two Governments indicated that the principle of equal remuneration should be applied generally while another one considered the proposed point as superfluous. The Cuban Government replied by declaring that, in view of the fair and non-discriminatory nature of the principle, it should be applied to all activities, including the various branches of public administration, whether central, provincial or municipal and the Polish Government also answered that the principle should be applied generally without any restrictions, as regards both Government and public employees and all
other categories of workers. The Czechoslovak Government indicated that such a provision would be superfluous since the principle is to be applied to all persons working under a contract of employment, without any discrimination.

Some of the Governments, which favoured the proposed provision, qualified their statements, however. The Government of Argentina indicated that such provisions should be applied with due regard for the desirability and the impact of the application of the principle. The Indian Government agreed with the proposed measures, provided that the regulations would allow for gradual application, since it would not be possible to implement the principle all at once. The Swiss Government felt that the proposed measures would facilitate the application of the principle; the principle was applied in the Swiss central federal administration, but the Government was not empowered to take action as regards the application of equal remuneration by the cantonal and communal authorities. The United Kingdom Government declared that it had no objection to provisions on the lines suggested, it being clearly understood that the timing of such measures was entirely a matter for the discretion of the Government concerned.

One Government opposed the proposed provisions. The Government of Luxembourg declared that the application of the principle of equal remuneration for the female employees of public services or agencies ran counter to the general laws of the country concerning salaries of officials and employees of the State. Moreover, public opinion in Luxembourg would not appear to welcome the idea of encouraging the general access of women to public duties, more especially at a time when legislative bodies were enquiring into administrative reforms which would not only rationalise public services but would lighten the budgetary responsibilities of the State and communes by reducing the total strength of their personnel.

(b) Wage rates Governed by Public Authority in Other Employments.

The replies of the following thirteen Governments were affirmative as regards the three sub-points specified in the question: Argentina, Austria, Belgium, Chile, France, India, Luxembourg, Mexico, Netherlands, Pakistan, Philippines, Syria and Turkey.

The Argentine Government, however, approved them with the reservation that the effects of the application of the principle on production costs should be carefully considered.
The Austrian and Turkish Governments specified that such provisions should be included in a Recommendation or—according to the Austrian alternative suggestion concerning the form of the regulations—in an annex to the Convention.

The Belgian Government pointed out that the principle could only be applied effectively after the establishment of a general job classification, exception being made in respect of salaried employees for whom an immediate classification would not raise difficulties of a technical nature. It indicated that in Belgium, there were no provisions relating to equal remuneration for work executed under the terms of public contracts. The Belgian Government proposed also to amend the text in the international regulations by substituting for the words "in close co-operation" the words "after consultation", since the word "co-operation" might imply that, in the event of disagreement between public authorities and the employers' and workers' organisations concerned, public authorities would be unable to make a ruling; moreover, the amended text would conform to the corresponding provisions in the Minimum Wage-Fixing Machinery Convention, 1928, and the Labour Clauses (Public Contracts) Convention, 1949. While no other Government raised this problem specifically, it is thought that there would be no objection to the adoption of the amendment. The Belgian Government proposed further to include a new provision in the international regulations laying down that each member should take suitable measures to ensure, as rapidly as possible, the application of the principle of equal remuneration for all salaried workers in private employment. The Belgian Government emphasised in this connection that it was necessary to ensure close co-operation with the representatives of employers' and workers' organisations, since the fixing of salary rates in private employment was not always the responsibility of public authorities. It felt, moreover, that such a provision would not raise technical difficulties as the work of salaried workers was not manual. It pointed out that in Belgium there was equality of remuneration for salaried workers in public employment but not for such employees in private employment, although inequality tended to disappear in respect of employees in the highest grades. This new proposal, which would, as pointed out by the Belgian Government, constitute a further step in the progressive application of the principle, raises an important question of substance which the Conference may

1 See also question †.
wish to consider. Since, however, no other Government has made suggestions along the lines proposed, the Office considers that it might not be appropriate to include it in the conclusions drawn from the analysis of the Governments' replies.

The Indian Government indicated that it would approve the proposed provisions provided that the regulations allowed for gradual application. The Luxembourg Government specifically suggested that the application of the principle should be ensured by collective agreements, minimum wages and salary rates being fixed by legal enactment; it indicated that there were no nationalised or publicly controlled industries in the country, and suggested that the point dealing with work executed under the terms of public contracts should be included in a Recommendation.

Some Governments approved only part of the measures proposed. The Canadian Government suggested covering only the case of nationalised or publicly controlled industries; otherwise it should be left to the discretion of the competent authority to follow such means as are appropriate to the conditions prevailing within their jurisdiction. The United Kingdom Government indicated that it was not the practice of the Government to participate in the establishment of wages by statutory authority and that it was the policy of the Government that conditions of work in industries under public control should be established through the existing machinery for collective bargaining. The Governments of Israel and of the United Kingdom proposed to exclude work under the terms of public control since conditions for such work should be the same as those laid down generally for the trade or the industry.

The Swiss Government recognised that measures such as those proposed would facilitate the application of the principle, but that, in Switzerland, only minimum wages for certain categories of home workers were fixed by law.

Two other Governments (Finland and Sweden) indicated that wages for all workers, except civil servants, were established by collective bargaining without intervention of public authorities.

Finally, three Governments (Cuba, Czechoslovakia and Poland) questioned the desirability of including such provisions since the principle should be applied generally.

Since the suggestions and comments on this point varied considerably, the Office considers that it must be referred, in its original form, to the Conference to be dealt with by discussion where agreement may be reached as between the various proposals.
(c) **Gradual Application of the Principle.**

Fourteen Governments approved generally of the Office proposal: Argentina, Austria, Belgium, Chile, Finland, France, India, Israel, Luxembourg, Mexico, Pakistan, Philippines, Syria and Turkey.

The Belgian Government suggested further that point (c) be made a separate provision in the international regulations. It considered that the proposed measures were excellent and should apply to all workers. In countries where the principle of equal remuneration had been gradually applied, as for instance in France, measures of this kind had been taken and had been an important factor in the progress achieved. The collaboration of employers’ and workers’ organisations should be required in respect of provisions which related to workers as a whole. The Office text might be retained with the deletion of the words “in these occupations” in line 3, which restricted the scope of the provision, and the addition of the words “with the co-operation of the employers’ and workers’ organisations concerned” after the word “application” in line 4. In the light of the replies of other Governments to this question, this Belgian suggestion might appropriately be considered by the Conference and it will therefore be taken into account in drafting the proposed points for discussion by the Conference.

The Mexican Government suggested that a time limit—e.g., one year—should be set for States Members to carry out this obligation.

The Argentine and the Luxembourg Governments, however, qualified their reply to these points; the former indicated that careful consideration should be given in all cases to the repercussions of the principle as regards the other aspects of employment, lest the results be unfavourable particularly as regards employment opportunities for women; the latter stated that in no case should the proposed measures be a burden on the State budget.

The Indian Government proposed further that equal increments for men and women workers could also be provided gradually in view of the conditions prevailing in some countries.

The Swiss Government did not reply directly to the question but merely indicated recent trends in women’s earnings.

Two other Governments, while approving the principle of providing for the gradual application of the principle, made reservations as regards the Office proposal. The Netherlands Government suggested that the ways in which the gradual application
should be carried out should be left for decision by the Members concerned and should not be prescribed. The United Kingdom Government indicated that, as regards its own employees (the category of workers for which it has authority as regards the fixing of wages) the measures proposed were not considered suitable.

The Canadian Government stated, as already mentioned, that it should be left wholly to the discretion of the competent authority to follow such means of application of the principle as were appropriate to the conditions prevailing within its jurisdiction.

Finally, the Cuban, Czechoslovak and Polish Governments did not consider the possibility of providing for gradual application of the principle.

The majority of replies were in favour of providing for the gradual application of the principle and a substantial number approved the methods proposed to that effect. However, in order to take into account the reservations made by some Governments, it would seem desirable to give more flexibility to the relevant point of the proposed conclusions. It seems desirable also to make this a separate point and to defer this question until after consideration of the next point in the basis of discussion proposed to the Conference.

**Provisions for General Application of the Principle**

**Question 6**

Fourteen Governments considered that the international regulations should specify that consideration should be given to the desirability of providing, where appropriate, by legal enactment for the application of the principle of equal remuneration for men and women workers for work of equal value, namely: Argentina, Austria, Belgium, Chile, Cuba, Czechoslovakia, France, India, Israel, Mexico, Philippines, Poland, Syria and Turkey. In addition the Luxembourg Government, while recalling that Luxembourg legislation did not provide for complete equality of remuneration, either in respect of minimum salaries and wages in private employment or in respect of remuneration in public services, and that it could not, therefore, advocate the inclusion of the proposed provision in a Convention, stated that the addition of the words "where appropriate" would enable it to agree to a provision of this kind in a Recommendation.
The Belgian Government raised in this connection a drafting point. It felt that the French expression *il conviendrait d'examiner* was ambiguous. If by this was meant that countries should undertake to ensure the application of the principle, where appropriate, by legal enactment, a certain number, for example Belgium, could not pledge themselves to do so as wages were fixed by collective agreement. The English text, which merely stated that consideration should be given to the "desirability" of providing, where appropriate, by legal enactment for the application of the principle, would appear to be more suitable. The Belgian Government specified also that such a provision should be included in a Recommendation. Since the purpose of the point of the questionnaire was not to consider the desirability of providing for the general application of the principle by legal enactment but to suggest that it might be recommended to consider whether action might not be taken to provide, where appropriate, by law for such application, the Belgian query seemed to indicate that the first draft of this point was not quite clear.

The Israeli Government pointed out that the application of the principle should be provided by legal enactment and that the methods of application should be as suggested in point 4.

These fourteen Governments expressed an opinion regarding the desirability of providing for exemptions from the scope of the law, but several others also stated their views as regards this particular matter. Ten Governments replied affirmatively: Argentina, Chile, India, Israel, Luxembourg, Netherlands, Philippines, Syria, Turkey and the United Kingdom. Some Governments made suggestions as to the exemptions which might be provided for. The Argentine Government warned that the exceptions should be carefully examined beforehand. The Chilean Government, while not favouring a provision for exemptions, considered that if it was necessary to establish exemptions these should be as limited as possible, including, for instance, domestic service, employment in institutions not working for profit, employment in institutions in which there was a system of promotion based on seniority or merit and in which workers performed the same work for different remuneration, the wage differentials not being based on the sex of the worker. The Indian Government suggested that exemptions might be allowed, particularly in respect to family undertakings, domestic work, unorganised industries, and employments where the output of women was as a rule less than that of men. The Israeli Government proposed that the
competent authority might provide for exceptions from the scope of the legal provisions in cases in which there was no practical possibility for evaluating job content. The Luxembourg Government indicated that international regulations should provide for the possibility of exceptions being made by public authorities; it mentioned specifically that the national legislation made exceptions as regards domestic service, agriculture and similar activities, cases of reduced working capacity, home work, and cases of short-term difficulties in which an undertaking might find itself. It indicated, however, that other exceptions should be limited and temporary and allowed for specified periods of time. In the opinion of the Netherlands Government, whatever method or methods were chosen, the possibility of making exceptions should not be excluded, and it was inclined to consider that each Member should be free to make a decision in this respect; moreover, in view of the present economic difficulties in many countries, the need would sometimes arise to provide for exceptions. The Philippines Government proposed that it should be left to the Government concerned to determine the exceptions. The Syrian Government proposed to exclude domestic service and agriculture. The Turkish Government suggested that the exemptions should be exemptions to the general rule and should be established by national legislation as appropriate to the conditions of the country. The United Kingdom Government considered it desirable that any provision in the international regulations in regard to application of the principle by method of legal enactment, where this is appropriate, should embody provisions of the kind suggested in this sub-question.

The following six Governments rejected the suggestion to provide for exemptions from the scope of the law: Austria, Belgium, Czechoslovakia, France, Mexico and Poland. Moreover, as already indicated, the Chilean Government did not, in general, approve of providing for exemptions but considered the possibility of a majority opinion in their favour. It was pointed out that exceptions should not be tolerated if the definition proposed was included in the international regulations (Austria); that experience had shown the danger of a provision of this kind: where measures of exception were allowed, they were frequently more numerous than those applying the law (Belgium); that, since equal remuneration was contemplated for men and women workers doing "work of equal value", it was not necessary to provide for exceptions, since where women workers' output was lower, their wages would
consequently be lower (France); that the principle should be unconditional (Mexico).

The complementary provisions designed to encourage compliance with the legal requirements (giving full information as regards these requirements and, where appropriate, advice on their application) were generally approved by the Governments, including some which were opposed to providing by legal enactment for the application of the principle. The following sixteen Governments replied affirmatively: Argentina, Belgium, Chile, Czechoslovakia, Finland, France, India, Israel, Luxembourg, Mexico, Netherlands, Philippines, Poland, Syria, Turkey and the United Kingdom. It was indicated, however, that such provisions might be superfluous in some countries (Belgium, Luxembourg and Mexico), since the law, by virtue of its promulgation, was brought to the notice of the parties concerned and that public authorities were prepared to advise on its application.

The following six Governments were opposed to including the provision for the application of the principle by legal enactment proposed in question 6 (i): Canada, Finland, Netherlands, Pakistan, Switzerland and the United Kingdom. The Canadian, Netherlands and Pakistani Governments contended that the methods of application should be left to the discretion of Governments. The Finnish Government pointed out that the application of the principle should be ensured in the first place by collective agreement and indicated that, in Finland, the regulation of wages under public authority was provisional. The Swiss Government stated that Swiss federal authorities were not empowered to legislate on the application of the principle, and the United Kingdom Government declared that such a measure would not be regarded as appropriate in the United Kingdom.

In their replies to question 6 (2) four Governments showed again their concern that the means of enforcing the international regulations should be consistent with the existing wage-fixing systems and that no obligation would be imposed in this respect by these regulations.

The Canadian Government, which, as indicated above, did not favour the provision for the application of the principle by legal enactment, proposed, nevertheless, to provide that effect to the international regulations might be given by legal provisions, by collective agreements or by both, whichever was the most appropriate. The Indian Government, which agreed to the proposal made in question 6 (i), declared that the competent authority should
have discretion to give effect to the international regulations through either (i) collective agreements, (ii) legislative or administrative action, (iii) a combination of (i) and (ii), or (iv) any other method considered to be satisfactory by the wage-fixing bodies. The Pakistani Government objected to the inclusion of these proposed provisions, as well as to the proposal made in question 6 (r), declaring that it should be left to the Governments to decide the appropriate method of implementation; and the United Kingdom suggested that the international regulations should be so framed as to take account of the various methods of wage fixing which exist.

All other Governments answering the question approved of the inclusion of either or both suggestions made to cover the cases where legislative action was not appropriate to the established wage-fixing procedures.

The following six Governments indicated that both suggestions might be retained as alternatives for inclusion in the international regulations, to be applied as appropriate to the conditions in the various countries: Belgium, Chile, France, Israel, Poland and Turkey. The Belgian Government, while pointing out that the text should make it clear that questions (a) and (b) were alternatives, proposed further, since question (b) was definitely more favourable to the application of the principle, to modify the Office text to read: "(a) by a combination of legal provisions and collective agreements between employers and workers; (b) failing such combination, by collective agreements between employers and workers". The Turkish Government indicated that the two provisions might be included either separately or together in the international regulations.

Six Governments (Cuba, Czechoslovakia, Luxembourg, Netherlands, Philippines and Syria) were in favour of specifying only that effect to the international regulations might be given by a combination of legal provisions and collective agreements between employers and workers. The Luxembourg Government observed that, since, generally speaking, collective agreements were binding only on some of the employers and workers, or their respective organisations, provision should be made for a combination of legal provisions and collective agreements in order to avoid difficulties which might make the application of the principle illusory.

Four Governments considered that the international regulations should provide only for application of the principle by collective agreements (Argentina, Austria, Finland and Switzerland). The
Argentine and Austrian Governments, however, were also, as indicated above, in favour of providing for such application by legal enactment, whereas the Finnish Government maintained that the principle should be applied in the first place by collective agreement and the Swiss Government indicated that Swiss public authorities were not empowered to legislate on the application of the principle. The Swiss Government also drew attention to the fact that in many cases large numbers of the persons concerned were unorganised.

While the replies to the different points raised in this question indicate a considerable variety of opinion, some conclusions may be drawn from them. A majority of Governments favoured the proposal that consideration should be given to the desirability of providing by legal enactment for the general application of the principle; it is evident, also, that the provision of exemptions would also meet with a substantial measure of agreement, but concern was expressed that they should be appropriately limited or specified; the measures to promote voluntary observance of the law were generally approved. As regards the cases where legal provisions would not be appropriate to existing wage-fixing systems, it seems that a large measure of flexibility should be allowed in the international regulations, and that the Conference might appropriately discuss the desirability of retaining both suggestions made in the original point of the questionnaire.

It should also be pointed out, nevertheless, that it is difficult to draw clear conclusions from the replies to this question, since among the Governments favouring the first part of the proposed provision, some considered that it would be desirable to consider legislative action in this field, that is to say, they agreed to the inclusion of a provision which, in their opinion, was of an advisory character. A number of Governments considered the second part from a different angle, i.e., as a proposal concerning means of giving effect to the envisaged international regulations. It would therefore be appropriate to dissociate the two parts of this question and deal with them separately in the proposed conclusions.

**Establishment of Objective Standards for Evaluating Job Content**

**Question 7**

The following fourteen Governments expressed themselves definitely in favour of the proposed provision: Argentina, Austria, Belgium, Czechoslovakia, Chile, France, Israel, Luxembourg, Mexico, Netherlands, Philippines, Poland, Syria and Turkey.
The Luxembourg Government, however, pointed out that, in view of the difficulties and lack of experience in this matter, the provisions should be enunciative and not limiting.

Other Governments accepted the proposed provision with reservations or qualifications. The attitude of the Swedish Government in this matter has been noted in connection with the question concerning the definition of the expression "equal remuneration for men and women workers for work of equal value". It suggested that the method of determining job content should not be prescribed, and that it should be sufficient to apply a general method of evaluation of jobs consisting in a comparison of "female" and "male" posts and tasks according to the same principles as were used in establishing the mutual relations between "male" posts and tasks; i.e., on the basis of the requirements of the job as to training, experience, physical and mental effort, etc., without requiring that the content of the job should be established by analysis and classification of the various details, which might be neither necessary nor perhaps possible. The Indian Government pointed out that the determination of precise and objective standards for evaluating job content was fraught with difficulties in countries like India, where there was a dearth of personnel possessing the requisite qualifications and experience for evaluating job content, and suggested that the regulations should, therefore, be flexible enough to give discretion to the competent authorities to decide upon the manner in which wage rates should be determined. The Canadian Government considered that regulations on this subject should be limited to a statement that Governments should co-operate with labour and management in establishing the standards in question. The Swiss Government pointed out that such standards would have to be very carefully established in close collaboration not only with organisations of employers and workers but also with institutions concerned with questions relating to the management of undertakings, wage surveys and social policy in general, and expressed doubts as to the feasibility of laying down standards to cover all of the many situations which might arise, owing to the different conditions in the various countries and in the different branches of activity in each country.

Three Governments (Cuba, Finland and Pakistan) disagreed definitely with the proposed provision; the Cuban Government, on the grounds that it would be unnecessary if the principle of general and absolute equality were established, the Finnish Government, because, in its opinion, public authorities could not intervene.
as regards measures to determine the value of the job, since the
application of the principle was in fact part of the general problem
of determining the value of the job for the purpose of the wage
systems laid down in collective agreements (it will be recalled that
this Government favoured a definition based on the "over-all
value" of women's work to the employer), and the Pakistani
Government, since it believed that such measures should be left to
the discretion of Governments.

The United Kingdom Government, in view of its attitude as to
the definition ¹, did not express an opinion on this question.

As to the question whether wage differentials might be consistent
with the principle of equal remuneration for men and women
workers for work of equal value if they correspond to differences in
job content determined according to objective standards, i.e., to
intrinsic differences in the work performed and to an objective
appraisal of their relative importance, the replies of the Cuban,
Finnish and Pakistani Governments were conditioned by their
attitude towards the first part of the question and were negative.
The Swedish Government, as already indicated, was not in favour
of a provision specifying a method of evaluating job content, and the
United Kingdom postponed expressing an opinion. Two Govern­
ments (Czechoslovakia and Turkey) disapproved the proposed
complementary provision; the Czechoslovak Government pointed
out that under the definition it had proposed, such provisions would
be superfluous.

The French Government replied by stating that there should
be complete equality between men and women workers whose
output was the same.

The following fourteen Governments replied affirmatively to
the question: Argentina, Austria, Belgium, Canada, Chile, India,
Israel, Luxembourg, Mexico, Netherlands, Philippines, Poland,
Switzerland and Syria.

The Philippine Government proposed, however, to substitute
the words "not in conflict" for the words "in accordance".

The majority of replies to both parts of this question, which
concerned methods of application, seemed generally favourable
to the original proposal. Several further suggestions were moved
in this connection, however.

The Belgian Government, mentioning the measures it has
taken recently, suggested a provision that measures should be

¹ See above p. 63.
taken to establish a job classification based on precise and objective standards, this provision to be included in a Convention. The Austrian and Israeli Governments indicated, however, that it might be desirable to provide in the international regulations that standards of the kind proposed would be acceptable even where they were established by collective agreements without the intervention of public authorities. These proposals seem in line with the spirit of the question, which was intended to suggest various methods of application. Although it might not be appropriate, as suggested by the Belgian Government, to require the establishment of a job classification, in view, particularly, of the observations made on this point by some Governments favouring a large measure of flexibility in the provision of the international regulations, it seems that it might be possible to take into account the proposals of the Austrian, Belgian and Israeli Governments in drafting the points for discussion by the Conference.

The Luxembourg Government suggested that, in view of the complexity of the problem, a provision should be made for the establishment of an official body which would be competent to decide if the work performed by a woman was in effect equal in value to that performed by a man under identical or comparable conditions and would settle disputes or difficulties on this matter. While the Conference may wish to consider this new suggestion, it seems that it would be difficult to include it in the conclusions based on analysis of the replies, which point particularly to the need for flexibility in the international regulations.

Co-operation with Employers' and Workers' Organisations

Question 8

Affirmative replies were given by the following eighteen Governments: Argentina, Austria, Belgium, Canada, Chile, Cuba, France, India, Israel, Luxembourg, Mexico, Netherlands, Pakistan, Philippines, Poland, Switzerland, Syria and Turkey. Some of these Governments (Chile, Cuba and Luxembourg) emphasised the importance of such co-operation. The Swiss Government indicated that public authorities, when they are empowered to intervene in this field, should collaborate closely with organisations of employers and workers.

The United Kingdom Government considered that the international regulations should provide for the appropriate consultation
between public authorities and representatives of employers' and workers' organisations.

The Finnish Government stressed that public authorities should not intervene in measures to determine the value of the job, since the application of the principle under consideration was one aspect of the question of remuneration which was established by collective agreement.

The response to this question was therefore favourable to a large extent. It might be appropriate to consider the proposed provision as a basic measure in the application of the principle of equal remuneration for men and women workers for work of equal value. The Belgian Government, however, pointed out that the French text and, still more, the English text, appeared to stipulate that co-operation between representatives of employers and workers should be ensured by the public authorities. In its opinion, this was an obligation which States Members could not undertake, as co-operation between representatives of employers and workers in the application of the principle of equal remuneration did not depend on the public authorities but on mutual goodwill. The international regulations should therefore place public authorities and representatives of employers and workers on the same level and the wording of the text should read as follows: "Each Member should encourage close co-operation between the competent public authorities and the representatives of the organisations of employers and workers concerned with a view to the application of the principle of equal remuneration for men and women for work of equal value". It seems that the text of the point to be discussed by the Conference might appropriately be modified in order to avoid the misunderstanding to which the Belgian Government called attention.

**IV. Measures to Facilitate Application**

**Employment Policy and Social Measures**

*Questions 9 and 10*

As regards the general question, eighteen Governments replied affirmatively: Argentina, Austria, Belgium, Canada, Chile, Czechoslovakia, Finland, France, Israel, Luxembourg, Mexico, Netherlands, Pakistan, Philippines, Poland, Sweden, Switzerland and Syria. The Finnish and Swiss Governments indicated that they agreed in principle. The Belgian Government pointed out
that a variety of measures were possible in this field, for example, a social security system, the expense of which is borne by the community, and which would allow women workers the same benefits usually accorded to them, more especially maternity protection, without the employer being put to greater expense by the employment of women than the employment of men; general improvement of the workplace; adaptation of industrial equipment to women workers in order to increase their output, etc. The French and Netherlands Governments emphasised specially the importance of the question of vocational training. The Luxembourg Government observed that it was desirable to provide for measures to raise the productive efficiency and capacity of women workers subject to the normal protection afforded by international Conventions and national legislation.

Four Governments (Cuba, India, Turkey, and the United Kingdom) considered that a provision on this matter would not be appropriate in international regulations. The Indian Government, while agreeing with the view that appropriate steps should be taken to raise the productive efficiency of women workers, did not consider it desirable to place any obligation upon States Members to institute such measures. It pointed out that the need for attracting women workers to gainful occupations might be greater in countries facing shortage of labour than in countries where male labour is adequate. Action in this field should, therefore, be left to the discretion of the Member Governments. The United Kingdom Government considered it neither appropriate nor necessary to extend international regulations dealing with questions of remuneration to cover these wider issues; it stated that it was however the established practice in the United Kingdom to provide facilities for training, vocational guidance and employment counselling which were framed without discrimination in regard to sex and were designed to take account of the aptitudes, capacities and interests of the individual and the needs of the economy. The Cuban and Turkish Governments opposed in principle the proposed provision. The Cuban Government contended that such a provision would amount to an admission that wage differentials between men and women workers were justified by the lower output of women and the poorer quality of their work. The Turkish Government declared that since equal remuneration for men and women workers was to be conditional on the value of their work being equal, it was normal that women workers whose output was low should receive low wages in the same way as male workers in
similar circumstances; a low level of wages on account of low output or other related factors was not restricted to women workers; and the question of ensuring that the output of all workers, both male and female, was good and that they received adequate vocational training was, in its opinion, a separate problem.

It thus appeared that a substantial majority of replies were in favour of specifying in the international regulations that measures should be taken to raise, where necessary, the productive efficiency and capacity of women workers and to limit the effects of the factors accounting for the relatively low level of the remuneration of women workers, it being understood that such provision would be of an advisory character.

As regards the second point in this question, all replies were generally favourable, except that of the United Kingdom Government which believed that such provisions were not appropriate in regulations concerning a question of wages, and that of the Turkish Government which approved only the first part of this point, considering that there was no reason to make a distinction between women and men workers as to encouraging them to utilise facilities for vocational training and guidance or counselling and placement.

The following twenty Governments approved in general the inclusion of both provisions: Argentina, Austria, Belgium, Canada, Chile, Cuba, Czechoslovakia, Finland, France, India, Israel, Luxembourg, Mexico, Netherlands, Pakistan, Philippines, Poland, Sweden, Switzerland and Syria.

Some reservations were expressed, nevertheless. The Finnish and Swiss Governments agreed in principle; and the Belgian Government suggested the deletion of the words "as appropriate to the aptitudes, capacities and interests of the individual and the needs of the economy" since, in its opinion, it seemed unnecessary to take the problems of placement into consideration in a document dealing with equality of remuneration. The Indian Government declared that the international regulations should provide that public authorities should make available adequate facilities for vocational training and guidance in trades and employments in which women are generally employed. The Israeli Government proposed to include the words "where appropriate" in the first part of the question dealing with equality of access to training facilities, and, in this connection, the French Government pointed out that women should be debarred from certain occupations particularly on the grounds of health.
Further suggestions were also made in relation to the proposed measures concerning particularly equality of opportunities for vocational training. The Belgian Government indicated that the establishment of additional vocational training schools should be encouraged; existing training schools should be accessible to women as to men, but where mixed training did not seem suitable, a similar school should, wherever there was a school for male workers, be established for women, in those branches of activity where women were employed. In addition, it suggested that in-plant facilities for specialised training or refresher courses available for male workers, particularly youths, should be open to both men and women. The Czechoslovak Government also drew attention to the fact that education and training facilities, such as would correspond to individual ability and to the needs of the economy, should be provided for everyone. The Swedish Government, pointing out that the contribution of women workers was nowadays to a large extent necessary to meet the needs of national economy, stressed that vocational training facilities should be directed towards paving the way for the employment of women in new fields of activity and should not only meet passively the traditional demands of industry, and that the same statement could be made as regards placement and vocational guidance or counselling.

In view of the observations made, particularly by the Belgian, Czechoslovak, Indian and Swedish Governments, the Office proposes to modify this point. In fact, the question of equality of access to vocational training facilities has been dealt with in the Vocational Training Recommendation, 1939, and the Apprenticeship Recommendation, 1939, and will be discussed by the Conference in connection with the proposed international regulations concerning vocational training of adults; the Vocational Guidance Recommendation, 1949, and the Employment Service Convention, 1948, postulated equality of treatment for men and women as regards respectively vocational guidance and placement. It might, however, seem appropriate, in international regulations concerning equal remuneration for men and women workers for work of equal value, to emphasise the desirability of ensuring equal or equivalent vocational guidance and placement service and training facilities for men and women workers; the point, so stated, might be retained for discussion by the Conference, together with the point concerning the desirability of encouraging women workers to use such facilities.
Several Governments stressed the importance of social measures to facilitate the dual task of women workers with home responsibilities, some emphasising the desirability of promoting the employment of women. The Czechoslovak Government suggested that the employment and labour productivity of women workers should be developed by the provision of suitable facilities for women workers who take care of their households, especially mothers. It proposed specifically to include the following provision in the international regulations:

Specially planned facilities enabling the employment of women and increasing their labour productivity should be established by the State, by employers' and workers' organisations, namely nurseries, crèches, works' canteens and school meals, the organisation of domestic help at reasonable costs, etc.

The Swedish Government declared also that social policy should aim at enabling women, who so desired, to be at the same time mothers and gainfully employed, and that some attention should be given in this connection to the question of part-time work as an important incentive for women to enter and remain on the employment market.

The Conference may wish to take these observations into account, as well as the reply of the Belgian Government to point 9 of the questionnaire, and discuss the desirability of including a provision specifying the types of measures which might be developed to facilitate the dual role of women who are, at the same time, homemakers and workers; such a provision would make more precise the general statement on measures to raise the level of the productivity and efficiency of women workers. It would have, of course, to be of an advisory nature. It would also be appropriate, in this connection, to take into account the observations of the Turkish Government which pointed out that obligations, such as maternity insurance premiums, the establishment of crèches, rooms for mothers to feed their babies and other similar measures imposed on employers in respect of women workers by law or collective agreement, might result in employers preferring to engage men rather than women or trying to lower the wages of women and thus effectively reduce women's earnings. For this reason, this Government suggested that the regulations should contain a definite provision stating that maternity benefits should not be charged exclusively to women and prohibiting other measures effecting a reduction in women's wages in order to compensate employers for any financial charges imposed on them when women are employed.
Finally, the question of equality of access to all occupations and posts and of promotion opportunities was also raised by some Governments. The Austrian Government suggested that it would be desirable to include in the international regulation an obligation to remove the limitations which in many countries still existed on the access of women to certain occupations; a provision should, therefore, lay down the basic principle that women should have free access to all occupations in so far as physiological reasons or the general interests of women do not make such access undesirable. The Czechoslovak Government proposed the inclusion of a provision to the effect that prejudice against the employment of women should be removed, and that men and women should have equal access to all occupations, offices and ranks. It will be recalled also that, in relation to the question of definition, the Swedish Government proposed to supplement the definition by a statement on guarantees regarding free competition to occupations and posts. The Turkish Government, pointing out that the fact that well paid occupations were reserved for men and that women might not be employed in them resulted indirectly in a situation unfavourable to women workers, suggested that the international regulations should guarantee equality as between men and women in respect of admission to all occupations, except those which were arduous or dangerous or involved moral hazards. As this question has a bearing on the level of remuneration of women as compared to that of men, these suggestions as to methods of facilitating the application of the principle might be brought before the Conference and a point will consequently be included for discussion concerning the desirability of promoting equality of men and women workers as regards access to the various occupations and posts, without prejudice to the international labour Conventions and national laws and regulations concerning the employment of women.

RESEARCH AND PUBLICITY

Question II

The following twenty Governments replied affirmatively: Argentina, Austria, Belgium, Canada, Chile, Cuba, Czechoslovakia, Finland, France, India, Israel, Luxembourg, Mexico, Netherlands, Pakistan, Philippines, Poland, Sweden, Syria and Turkey. Some of these Governments stressed the practical interest of the action
proposed: The Polish Government, while agreeing with this proposal, emphasised that the principle should be applied as soon as possible.

The Austrian Government proposed, however, that the provision should be limited to stating that each Member should promote public recognition of the equity and usefulness of the principle of equal remuneration for work of equal value and should publish, as appropriate, the results of investigations as to the application of the principle. The Finnish Government replied affirmatively, provided that wage rates would be left to be determined within the framework of the free organisation of the labour market.

The United Kingdom Government merely stated that, as far as Great Britain was concerned, such an investigation had been carried out by the Royal Commission on Equal Pay, and its report had been published.

The proposed provision, which appears to be largely approved, as a means to facilitate application of the principle, was specified as being of an advisory nature by some Governments, particularly, Austria, Belgium, Chile, Israel and the Netherlands. With such understanding, the objections raised by the Indian Government and also the Swiss Government might be met. The Indian Government declared that the proposed provision was hardly necessary in international regulations, pointing out that for sheer want of personnel several Governments might not find it possible to undertake such investigations, for some time to come, but it indicated that it had no objection to the proposal being brought separately to the notice of the States Members for necessary action. The Swiss Government considered that it was going too far to make such investigations and enquiries a legal requirement, and questioned the possibility of ensuring that they were undertaken and controlling their actual execution.

It would also seem that the point as originally drafted would cover the suggestion made by the Czechoslovak Government to include a provision specifying _inter alia_ that prejudice against the principle of equal remuneration for men and women workers should be abolished. There might, however, be no objection to stressing the particular importance of informing and educating public opinion on this matter, and it is consequently proposed to reverse the order in the measures suggested in the relevant point.
V. Other Points

Question 12

Most of the suggestions made by Governments have been dealt with in connection with the points to which they were more particularly related. Two Governments, however, raised questions which have not yet been considered.

The Mexican Government drew attention to the provisions of Mexican legislation: it indicated that the only problem which arose in Mexico was that of a new occupation in a factory or workshop; if the occupation already existed and the remuneration for it was fixed, even though it had been carried out by a man, there was no question but that, in the event of its being assigned to a woman, she should receive the same remuneration; if remuneration was not fixed in this way, it had to be agreed upon by the contracting parties. The problem consisted, therefore, in fixing the fair remuneration for the work performed, and it was met in Mexico by collective bargaining. In the case of women who were not organised (for example, home workers) it was less easy to ensure fair remuneration and this should be considered as another aspect of the question of "equal pay for equal work". The Netherlands Government, in its reply to the point concerning the desirability of co-operation between public authorities and employers' and workers' organisations, pointed out that it was desirable to establish wage and salary rates on the basis of job content in non-industrial occupations in which mainly women were employed. The Austrian Government also, as indicated in connection with the question of definition, considered that since in the case of jobs which are specifically women's jobs, a basis of comparison necessary for the application of the principle was lacking, a further basic provision should be included to provide that "in the payment of wages and salaries for jobs which are specifically women's jobs, the wages and salaries paid in respect of related or similar jobs should be taken as a basis for comparison".

While the Conference may wish to consider dealing, in international regulations, with the problem of the remuneration of women in occupations in which the labour force is essentially feminine, it might, nevertheless, be considered that a provision concerning these women would not be appropriate in international regulations concerning the principle of equal remuneration for men and women workers for work of equal value, particularly in view of the definition of the terms which, it appeared, would meet with a
considerable measure of agreement; it should also be pointed out that inclusion of this question would considerably extend the scope of the international regulations contemplated. Since, moreover, only three Governments raised this question, it could hardly be included at this point in the conclusions to be drawn from the survey of the replies of Governments.

VI. Form of the Regulations

In the light of the replies to the whole questionnaire, it appears that the following points might be agreed upon as general and basic provisions for the international regulations:

(a) the interpretation to be given by the Conference to the terms "equal remuneration for men and women workers for work of equal value", including an appropriate definition of the term "remuneration";

(b) a general declaration of principle;

(c) the desirability of close co-operation of public authorities and employers' and workers' organisations;

(d) the desirability of flexibility in provisions concerning means of application of the principle.

These points will therefore be grouped in the proposed points for discussion under the heading of "General Principles". Whether such a statement of principles should be adopted in the form of a Convention or be included in a Recommendation will be for the Conference to decide.

The remaining questions may then be grouped as "Methods of Application". While replies to these questions indicated considerable agreement as to their inclusion in the international regulations, the majority were clearly in favour of their adoption in the form of a Recommendation.

In view of the variety and divergencies of opinion in the response of the various Governments as regards the form that the international regulations should take, however, it would be difficult, at this stage, to draw a conclusion which might meet with a satisfactory measure of agreement. The Office feels that it is not in a position, therefore, to put forward definite proposals on this matter among the points to be discussed by the Conference, and will consequently restate the original question with the proposal that discussion as to the form of the international regulations should take place after discussion as to the basic provisions to be adopted.