

Committee on the Application of Standards

► Draft outcome of the discussion by the Committee on the Application of Standards of the General Survey: Achieving gender equality at work

1. The Committee approved the outcome of its discussion, which is reproduced below.

Introduction

2. The Committee welcomed the opportunity to examine the General Survey carried out by the Committee of Experts on *Achieving Gender Equality at Work*, which encompassed six instruments relevant to gender equality: the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Workers with Family Responsibilities Convention, 1981 (No. 156), the Maternity Protection Convention, 2000 (No. 183), the Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111), the Workers with Family Responsibilities Recommendation, 1981 (No. 165) and the Maternity Protection Recommendation, 2000 (No. 191).
3. The Committee observed that this is the first General Survey that considers together the ILO standards on discrimination, maternity protection, and workers with family responsibilities, as well as the first General Survey to examine Convention No. 183 and Recommendation No. 191 on maternity protection. The Committee highlighted the key interlinkages between the instruments examined, as well as with other relevant international labour standards, such as the Equal Remuneration Convention, 1951 (No. 100) and the Violence and Harassment Convention, 2019 (No. 190).
4. The Committee underlined the timeliness of the General Survey and underscored that eliminating discrimination and advancing gender equality at work, is at the heart of the ILO's mandate to promote and realize social justice and decent work. It recalled the commitments affirmed in the *ILO Centenary Declaration for the Future of Work, 2019*, towards achieving gender equality at work through a transformative agenda and the effective realization of gender equality in opportunities and treatment. The *Global Call for Action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient* and the *Resolution concerning inequalities and the world of work*, both adopted in 2021, reaffirmed and strengthened such commitments.

The situation and needs of Member States

5. The Committee welcomed the numerous and diverse measures adopted by the tripartite constituents in many countries towards ratification and implementation of the instruments, including through inclusive definition of gender discrimination in the legislation, inclusive national policies and strategies, social dialogue initiatives, collective agreements and awareness-raising action.
6. The Committee nevertheless expressed its concern that, despite important advances made over past decades, progress has stalled in certain countries, and there have even been setbacks due to the impact and economic fallouts of the COVID-19 pandemic. It noted that, in certain parts of the world, women continue to face significant cumulative disadvantages in the labour market, and discrimination in employment and occupation, as well as violence and harassment at work, remain pervasive.
7. While taking note of existing national legislative and policy frameworks to eliminate discrimination, the Committee emphasized that measures adopted often fell short of overcoming current challenges, such as the evolving and less visible forms of discrimination, including indirect and intersectional discrimination. It also noted that gaps in coverage persisted, particularly in relation to the informal economy and other specific sectors, occupations and work arrangements that may be left out of general regulatory frameworks.
8. The Committee also expressed concern about the persistent dynamics of occupational gender segregation. It noted that structural obstacles to employment, widespread societal perceptions about the distribution of roles between men and women, and unequal shouldering of family responsibilities, often lead women to work in forms of employment or in sectors or occupations traditionally considered “female”, sometimes characterized by low-skilled work and weak labour protection, including lower pay and lack of social security. They also tend to face more obstacles to access high-level and management positions.
9. Furthermore, the Committee recalled that maternity protection is indispensable to ensuring the health protection and income security of pregnant and breastfeeding women. While it expressed appreciation over measures taken by members States to improve maternity protection, it also voiced concern about still existing persistent discriminatory practices based on maternity, including in relation to recruitment, remuneration and termination of employment. It also stated that access to comprehensive maternity protection, in particular maternal medical care, health and safety protection measures, maternity leave and related cash benefits, stands to be improved for women in many countries. The Committee considered it necessary to progressively move from direct employer’s liability mechanisms to the establishment of social security schemes through which maternity benefits are financed. The Committee further encouraged Member States concerned to move to tax-contributions or mixed financing mechanisms, taking into account the needs of sustainable enterprises, so as to ensure better protection of workers and achieve equality of treatment.
10. The Committee welcomed the fact that measures to reconcile work with family responsibilities were increasingly adopted in many countries. This included the provision of flexible work arrangements and the establishment of family-related leave policies including parental and paternity leave, as well as the explicit prohibition of discrimination based on family responsibilities. It nevertheless stressed the urgent need to invest in quality care services, care policies and care-relevant infrastructures, for instance childcare facilities with extended opening hours, with a view to providing effective solutions that give workers with family responsibilities the opportunity to fully engage and remain in employment and occupation.

11. Taking note of the constantly changing nature of the world of work, the Committee observed that the digital and green economies afford new opportunities to bring about effective gender equality. The Committee also observed that, besides investment in the care economy, the transition from the informal to the formal economy and the equal access of women to digital technologies are necessary to drive inclusive and sustainable economic growth.

Common commitments

12. The Committee welcomed the broad commitment expressed by the tripartite constituents to equality and non-discrimination in employment and occupation. It agreed upon the urgency to eliminate discrimination in employment and occupation, guarantee full and effective maternity protection and ensure the right of workers with family responsibilities to engage in employment without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities.
13. The Committee recognized that where persons belong to more than one disadvantaged group, multiple and intersectional discrimination tends to compound and exacerbate existing inequalities and forms of discrimination. It also recognized the subtle and less visible nature of indirect forms of discrimination and the need to adopt new legal approaches to address these forms of discrimination.
14. The Committee recognized that there cannot be full gender equality at work in a broader context of pervasive inequality, and that the advancement of gender equality is a shared responsibility. In this regard, a forward-looking and integrated approach should promote societal change, address structural barriers and protect workers. The Committee also emphasized that the social partners should actively contribute to promoting societal change and that they share a responsibility to ensure that policies and measures are effectively applied in the workplace.
15. The Committee also highlighted the essential role of social partners in the elaboration, adoption and implementation of inclusive cross-cutting policy measures to implement the six instruments. It recalled that social dialogue and the social partners' active engagement are essential to promote wide ownership of agreed measures and ensure that they are effectively implemented, monitored, evaluated and reviewed to respond to evolving needs and realities. The Committee also underlined the importance of women's participation in social dialogue institutions as an enabling factor.

ILO means of action

16. The Committee called upon ILO constituents to step up their efforts towards the elimination of discrimination and achievement of gender equality. To that end, it highlighted the availability of technical assistance from the Office, if need be, to strengthen the capacity of the tripartite constituents to help them develop robust, effective, comprehensive and cross-cutting legislative and policy frameworks to fully implement the instruments examined. These should tackle all forms of discrimination through clear definitions and prohibitions, address gaps in coverage, both in law and in practice, overcome structural and persistent obstacles, facilitate women's access to a broader range of jobs, gear societal change through awareness-raising, and actively promote gender equality at work, maternity protection and equality for workers with family responsibilities.
17. The Committee expected the Office to continue to conduct the necessary research on the implementation of the instruments examined to develop further guidance which could assist

Member States and constituents, including on access to quality maternity medical care and on the design of care leave policies and to identify possible responses to current and emerging realities, including comprehensive and innovative approaches to address the needs of ILO constituents. Underscoring that statistical data disaggregated by sex is crucial to implement and enforce the instruments examined effectively, the Committee pointed to the value of ILO technical assistance in this regard and requested the Office to continue to collect, analyse and disseminate comparative statistical data on gender equality, maternity protection and workers with family responsibilities. It also stressed the importance of ensuring, including through technical assistance, that the relevant enforcement bodies, including labour inspections, other persons working in the labour administration and relevant ministries, and workers' and employers' organizations, are adequately equipped and have sufficient technical knowledge and capacity.

18. The Committee invited Member States, that have not done so already, to consider the possibility of ratifying Conventions Nos 111, 156 and 183. Member States could avail themselves of technical assistance from the Office, should they so wish, to assess potential obstacles to ratification and ways to overcome them.
19. The Committee encouraged the ILO to continue its efforts to promote the ratification of Conventions Nos 111, 156 and 183 and provide ILO constituents with the necessary assistance, in this regard. Where appropriate, ILO assistance could also be provided for the consideration of the ratification of other ILO standards identified as relevant for achieving gender equality at work.
20. Finally, the Committee requested the Office to take into account the *General Survey on Achieving Gender Equality at Work*, the tripartite discussion that followed and the outcome of its discussion in relevant ILO work. It hoped that the General Survey would feed into the 2024 International Labour Conference's recurrent discussion on the strategic objective of fundamental principles and rights at work and the general discussion on decent work and the care economy; the work of the Standards Review Mechanism Tripartite Working Group, particularly in relation to its examination of maternity protection standards in September 2023; as well as the transformative policies called for in the 2030 Agenda for Sustainable Development, particularly in SDGs 1 (No poverty), 3 (Good health and well-being), 5 (Gender equality) and 8 (Decent work and economic growth).