



## INTERNATIONAL LEGAL PERSPECTIVE ON LABOUR RIGHTS OF WOMEN

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### ABSTRACT

The women are often considered as the vulnerable section of the society since ages. Their position has witnessed incredible transformation in terms of their social, economic and legal rights. The birth of the International Labour Organization as an aftermath of the World War I also improved their rights in the work sphere. Over the past one decade, major and minor efforts have taken place under the aegis of I.L.O. through its conventions, recommendations, resolutions, and declarations etc. These instruments of the I.L.O. have expanded and reiterated the rights of women relating to the working hours, wage parity, safety at work, maternity protection and so on. Thus, I.L.O. has encouraged its Member countries to adopt women-friendly labour policies and practices to achieve gender equality in the true sense. The present paper thus seeks to highlight the significant instruments of the I.L.O. emphasizing the labour rights of women.

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## 1. INTRODUCTION

The International Labour Organization (I.L.O.) was created in 1919 as a means to promote social progress and overcome social and economic conflicts of interest through dialogue and cooperation.[1] Three organs oversee and carry out its work: the annual International Labour Conference of the entire membership; the Governing Body, elected by the Conference, which meets three times per year; and the Office, managed by the Director-General, who is elected by the Governing Body. I.L.O. is committed to the attainment of social justice.[2] Composed of representatives of governments and of capital as well as of labour, I.L.O. has brought together diverse and often opposing interests from all corners of the world. [2] I.L.O. with its unique tripartite structure has an essential role to play in developing principles for the guidance of governments, employers'

and workers' organizations, and multinational enterprises themselves.[2]

I.L.O. considers gender equality a critical element in efforts to achieve its four strategic objectives: promote and realize standards and fundamental principles and rights at work; create greater opportunities for men and women to secure decent employment and income; enhance the coverage and effectiveness of social protection for all and strengthen tripartism and social dialogue. The primary goal of the I.L.O. is to promote opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity. I.L.O. adopts a two-pronged approach to gender mainstreaming - by addressing the specific and often different needs and concerns of both women and men in all policies, strategies and every step of every activity; and secondly through gender-specific interventions. I.L.O. Policy on Gender Equality and

Mainstreaming, 1999 calls for mutually reinforcing action to promote gender equality in staffing, substance and structure. Attention to gender equality in all aspects of the I.L.O.'s technical cooperation is mandated by the Governing Body's Decision on Gender Mainstreaming in Technical Cooperation in March 2005.[3] Simultaneously, Action Plans for Gender Equality since 2009 facilitate effective and gender responsive delivery of the Decent Work Agenda.[4,5] The various Action Plans are designed to help ILO Constituents – governments, and workers' and employers' organizations – in their contributions to meeting the Sustainable Development Goals (SDGs) by 2030 including on achieving gender equality and women's empowerment, obtaining decent work for all, and reducing inequality.[4]

Thus, I.L.O. considers gender equality as a key element in its vision of Decent Work for All Women and Men for social and institutional change to bring about equity and growth. [5] The present paper is an attempt to highlight the key features of the relevant instruments of the I.L.O. dealing with the rights of working women.

## 2. I.L.O.'s BRANCH AND BUREAU FOR GENDER EQUALITY

The Gender, Equality and Diversity and I.L.O. A.I.D.S. Branch, part of the Conditions of Work and Equality Department of the International Labour Office, is responsible for promoting gender equality and inclusion, respect for diversity and managing the ILO's programme on HIV and AIDS and the world of work. The Branch strives for the elimination of discrimination, including based on gender, race, ethnicity, indigenous status, disability and HIV status. It provides advice, tools guidance and technical assistance to constituents with respect to promoting more inclusive workplaces and addressing multiple grounds of discrimination. It participates in United Nations inter-agency initiatives that promote gender equality and women's empowerment, decent work for persons with

disabilities and people living with HIV and the rights of indigenous and tribal peoples. The Branch also liaises with civil society groups and academic institutions.

The Bureau for Gender Equality, part of the Secretariat of the I.L.O. advocates gender equality throughout the organization. [6] The Bureau acts as a catalyst and adviser for I.L.O. Constituents and staff to be more effective in increasing gender equality in the world of work.[6] It also serves as the liaison with the ILO Governing Body concerning gender issues within the organization.[6] The Bureau coordinates and manages the I.L.O. action plan. It also facilitates establishment of institutional mechanisms for incorporating a gender perspective by the Secretariat Office's sectors, departments, programmes and field offices and they plan, implement, monitor and evaluate their work. The Bureau coordinates the I.L.O. Gender Network, a global team of Senior Gender Specialists, as well as Sector Coordinators and gender focal points. [6]

## 3. RELEVANT I.L.O. CONVENTIONS AND RECOMMENDATIONS

I.L.O. Conventions concerning gender-specific issues have a long history. As early as 1919, at the year when the I.L.O. was founded, the Organization adopted the first two Conventions on women (No.3 on maternity protection, and No.4 on night work for women). In the early 1950s, emphasis shifted to the promotion of equality in employment between men and women, and, more recently, to recognition that equality implies sharing of family responsibilities between men and women. The four key equality Conventions promote equality between all women and men in the world of work. These are the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), Equal Remuneration Convention, 1951 (No. 100), Workers with Family Responsibilities Convention, 1981 (No. 156) and the Maternity Protection Convention, 2000 (No. 183).

**Table 1: I.L.O. Conventions and accompanying Recommendations on Women Workers' Rights [7]**

S. No.	Recommendation No.	Recommendation Title	Corresponding Convention	Key Feature
1.	Recommendation No.90	Equal Remuneration Recommendation	Equal Remuneration Convention, 1951 - No.100	Contain guiding principles of equal remuneration for work of equal value regardless of sex
2.	Recommendation No. 111	Discrimination (Employment and Occupation) Recommendation	Discrimination (Employment and Occupation) Convention, 1958 -Convention No.	Establish the principle of non-discrimination on a number of grounds including sex, with regard to access to vocational training, access to employment, and terms and conditions of

			111	employment.
3.	Recommendation No. 123 (Superseded by the Workers with Family Responsibilities Recommendation, 1981 (No. 165))	Workers with Family Responsibilities Recommendation, 1965	-	Highlight measures that should be taken to enable women workers to fulfil their various responsibilities harmoniously and without discrimination
4.	Recommendation No. 165	Employment (Women with Family Responsibilities) Recommendation	The Workers with Family Responsibilities Convention, 1981 -No. 156	These instruments apply to men as well as women with responsibilities for dependent children or other members of their immediate family and, are intended to facilitate the employment without discrimination as a result of existing private duties.
5.	Recommendation No. 182	Part-Time Work Recommendation	The Part-Time Work Convention, 1994 -No. 175	Aim at the equal treatment of full- and part-time workers, the latter consisting mainly of women.
6.	Recommendation No. 184	Home Work Recommendation	The Home Work Convention, 1996- No. 177,	Improve the situation of millions of home-workers, a large majority of whom are women.
7.	Recommendation No. 190	Worst Forms of Child Labour Recommendation	Worst Forms of Child Labour Convention, 1999- No.182	Aim at the prohibition and elimination of the worst forms of child labour, also have a gender component, calling for account to be taken of the special situation of girls.

**4. I.L.O.’s RESOLUTIONS ON GENDER EQUALITY**

The I.L.O. mandate on gender equality is reinforced by related Resolutions adopted by its highest decision-making body, the International Labour Conference.

The mandate is also informed by Resolutions of the International Labour Conference - the highest level policy-making organ of the I.L.O. - in 1975, 1985, 1991 and the June 2004 Resolution. The most recent of these is the Resolution concerning Gender Equality at the Heart of Decent Work, adopted in June 2009.

**Table 2: I.L.O.’s Resolutions [8]**

S. No.	Resolution	Objective
1.	Resolution concerning a Plan of Action with a View to Promoting Equality of Opportunity, 1975	Adopted the Plan of Action to ensure the implementation of the principles set forth in the Declaration on Equality of Opportunity and Treatment for Women Workers. Also adopted a Declaration on Equality of Opportunity and Treatment for Women Workers.
2.	Treatment for Women Workers and Resolution concerning Equal Status and Equal Opportunity for Women and Men in Occupation and Employment, 1975	Considered the need for continued ILO action after the expiry of International Women's Year with a view to achieving progress in the direction of equal status' and equal opportunities for women and men in occupation and employment, and a better working environment both for women and men. Invited the Governing Body to call upon member States to supply reports under article 19 of the Constitution on the Maternity Protection Convention, 1919 (No. 3), the Maternity Protection Convention (Revised), 1952 (No. 103), and Part VIII (Maternity Benefits) of the Social Security (Minimum Standards) Convention, 1952 (No. 102), with a view to evaluating whether the provisions of these Conventions are adequate in the light of today's concept of the right to maternity protection etc.
3.	Resolution on equal opportunities and equal	Reaffirmed the validity of the Declaration and Plan of Action adopted in 1975. Appealed to member States to give effect to the part of the following

	treatment for men and women in employment,1985	Conclusions relating to national action; and in particular to ratify and implement ILO Conventions and Recommendations relating to equality of opportunity and treatment for men and women worker.
4.	Resolution concerning ILO action for women workers , 1991	Appeals to governments and employers' and workers' organizations to adopt comprehensive strategies to eliminate the continuing barriers to the equal participation of women in employment, including the desegregation of the labour market, the proper recognition and fair valuation of all work, including work which has traditionally been done predominantly by women, and the adoption of measures to help women and men to reconcile work with family responsibilities ; Calls upon the governments of ILO member States: (a) to take adequate measures with a view to making the implementation of legislation on equality of opportunity and treatment more effective etc.
5.	Resolution on Gender Equality, Pay Equity and Maternity Protection,2004	Called upon all governments and social partners to actively contribute in their respective fields of competence: to eliminate all forms of gender discrimination in the labour market and to promote gender equality between women and men and to dismantle barriers which prevent women from obtaining economic autonomy through their labour market participation on an equal footing with men etc.
6.	Resolution concerning Gender Equality at the Heart of Decent Work, adopted in June 2009	Proposed that the Governing Body give due consideration to the conclusions when planning future action on gender equality.

## 5. I.L.O.'s DECLARATIONS

Equality for women and men in the world of work is a core value of the International Labour Organization. Declarations are resolutions of the International Labour Conference used to make a formal and authoritative statement and reaffirm the importance that the constituents attach to certain principles and values. Although declarations are not subject to ratification and are not binding, they are intended to have a wide application and contain symbolic and political undertakings by the member States.

### 5.1 Philadelphia Declaration, 1944

Declaration concerning the aims and purposes of the International Labour Organisation constitutes the Charter of the aims and objectives of the ILO. The Declaration sets out the key principles for the I.L.O.'s work after the end of World War II.

The Conference believing that experience has fully demonstrated the truth of the statement in the Constitution of the International Labour Organisation that lasting peace can be established only if it is based on social justice, the Conference affirms that: all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity. [9]

### 5.2 Declaration on Equality of Opportunity and Treatment for Women Workers,1975

Protection of women at work shall be an integral part of the efforts aimed at continuous promotion and improvement of living and working conditions of all employees. [10] Women shall be protected from risks inherent in their employment and occupation on the same basis and with the same standards of protection as men, in the light of advances in scientific and technological knowledge. [11]

### 5.3 Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy,1977 (M.N.E. Declaration) as amended in 2017

The Declaration was adopted by the Governing Body of the International Labour Office in November 1977 and amended in November 2000, March 2006 and March 2017. Governments should pursue policies designed to promote equality of opportunity and treatment in employment, with a view to eliminating any discrimination based on race, colour, sex, religion, political opinion, national extraction or social origin. [12] Governments should promote equal remuneration for men and women workers for work of equal value. [13]

### 5.4 Declaration on Fundamental Principles and Rights at Work, 1998

The I.L.O. Declaration on Fundamental Principles and Rights at Work and its Follow-up is universally recognized as essential for realizing the objective of decent work for all.

### 5.5 Declaration on Social Justice for a Fair Globalization, 2008

The I.L.O Declaration on Social Justice for a Fair Globalization is an authoritative reiteration of I.L.O. values and I.L.O.'s key role in serving to attain progress and social justice in the context of globalization. The Declaration is the product of tripartite consultations that started after the Report of the World Commission on the Social Dimension of Globalization.[14] By adopting this text, the governments, employers' and workers' organizations of the I.L.O.'s member States commit to augment the I.L.O.'s capacity to promote these goals through the Decent Work Agenda. The Declaration institutionalizes the concept of decent work recognized since 1999.[14]

### 5.6 Centenary Declaration for the Future of Work, 2019

The Conference declared that taking into account the profound transformations in the world of work, and further developing its human-centred approach to the future of work, the I.L.O must direct its efforts to achieving gender equality at work through a transformative agenda, with regular evaluation of progress made, which ensures equal opportunities, equal participation and equal treatment, including equal remuneration for women and men for work of equal value; enables a more balanced sharing of family responsibilities; provides scope for achieving better work-life balance by enabling workers and employers to agree on solutions, including on working time, that consider their respective needs and benefits. [15]

## 6. CONCLUSIONS

International Labour Organization has since its beginning and after the adoption of the Declaration in 1944 directly and indirectly promoted gender equality at workplace. Since 1919, a lot of instruments promoting gender equality at workplace have been adopted by I.L.O. and subsequently followed by its Member States. The contribution of I.L.O. may be studied with regard to its various instruments - Conventions, Recommendations and Declarations. Various aspects of labour rights such as hours of work, maternity rights etc. are covered by these Instruments. It is noteworthy that I.L.O. has expanded its approach and has tried to cover various parameters of gender equality over the decades. The member States must implement the I.L.O. instruments and be an equal partner in the journey to achieve equality at the workplace.

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