

In the workplace, occupational safety and health policies can promote a safe and healthy working environment for women and men. Gender-neutral policies may not, however, be able to accommodate the needs of pregnant or nursing workers. For instance, pregnant or nursing workers may require more working time arrangements to cater for medical examinations during pregnancy and breastfeeding after giving birth. In addition, a pregnant or nursing woman's tasks at work might have to be adjusted to avoid activities that are hazardous to their health or the health of their unborn or newborn child (ILO, 2014d).

However, some forms of legal provisions, adopted with the aim of protecting certain groups of workers, particularly women, may be discriminatory. For example, legal provisions prohibiting dangerous work and also night work and overtime for all women, however laudable they seem in terms of concern for health, run counter to the principle of equality of opportunity and treatment in employment and occupation and contribute to gender-based discrimination at work. The ILO found that there are statutory measures on dangerous or unhealthy work affecting pregnant or nursing women in 111 out of 160 countries with available information, and 78 countries (49 per cent) set out explicit prohibitions against such work. Almost half of those with explicit bans forbid all women from working under certain conditions classed as dangerous (ILO, 2014d).

In addition, the principle of equal pay for work of equal value should be codified in law and included in collective bargaining processes (box 6). In contexts where wages are set at the sectoral or occupational level, this also means that minimum wage levels for sectors and occupations with a high concentration of women should be set at a level equal to that of a comparable, male-dominated sector or occupation.

#### **Box 6**

#### **Enacting equal pay laws and strengthening equal pay through collective bargaining**

As referred to under the Equal Remuneration Convention, 1951 (No. 100), the principle of equal pay for work of equal value for women and men should be applied through national laws and regulations. The concept of “work of equal value” is critical in eliminating gender-based pay discrimination, in particular in cases where women and men perform different work that is nevertheless equivalent in value. This is especially helpful in addressing the gender wage gaps due to sectoral and occupational segregation. Several countries have incorporated the principle of equal pay for work of equal value in law. In the Plurinational State of Bolivia and Ecuador, equal pay for work of equal value is enshrined in the countries' constitutions. In Togo and Uganda, employers are required by law to ensure equal remuneration for work of equal value or same work for all workers.

Equal pay for work of equal value can be further enforced through collective agreement. In 2010 in Denmark, a collective agreement in the manufacturing sector was renewed, which included the establishment of an equal pay tribunal. This tribunal is to be chaired by a labour court judge to deal with disputes. The main workers' and employers' organizations are responsible for nominating the board members. A similar collective agreement was signed in other sectors, including transport, construction and the cleaning industry. Consequently, the tribunal now covers all sectors and has representation from all the organizations.

There are various measures to enforce this principle in practice, for instance, through labour inspection. Thus, in Belgium, the Czech Republic, El Salvador, Kenya, Morocco and Spain, labour inspectors are trained in inspecting both conditions of work and remuneration. Inspectors are provided guidance on how to evaluate jobs to determine whether equal remuneration is paid for work of equal value.

Source: Oelz et al., 2013.

Governments and workers' and employers' organizations can actively address the unequal treatment of women and men at work. Equal treatment mechanisms should be implemented through effective remedies, dissuasive sanctions and monitored and enforced through labour inspection, specialized equality bodies and effective access to courts; in addition, data collection on discrimination will facilitate the monitoring of the frameworks for equality (ILO et al., 2014).