

EQUALITY OF OPPORTUNITY AND TREATMENT: AN ILO APPROACH FOR EMPOWERMENT OF WOMEN

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Abstract: The primary goal of the International Labour Organization (ILO) is to promote opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity. ILO 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. The main focus of the ILO on gender equality coincide with the organization's four strategic goals, which are to: promote fundamental principles and rights at work; create greater employment and income opportunities for women and men; enhance the coverage and effectiveness of social protection and strengthen social dialogue and tripartism. Promotion of Standards for working Women plays a prime role both at International as well as National well in the era of increasing inequality. The role played by the ILO in this regard is highly commendable. The ILO which is considered as world labour body for protection and promotion of workers standards adopts its laws in the form of Conventions and Recommendations, which are adopted by the member countries in their national spheres by way of ratification. The mandate is grounded in International Labour Conventions of particular relevance to gender equality - especially the four key equality Conventions. 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). The mandate is also informed by resolutions of the International Labour Conferences. The researcher makes a sincere attempt in this paper to focus upon the Equality of Opportunity as guaranteed in International Labour Conventions both for Protection and Promotion of rights of women workers globally and the paper also focuses upon how women are benefitted by the policies of ILO.

I. Introduction: Women workers rights constitute an integral part of the values, principles and objectives that are the core of the ILO's mandate to promote social justice and decent work – fairly paid, productive work carried out in conditions of freedom, equity, security and dignity. The ILO which is considered as world labour body for protection and promotion of workers standards adopts its laws in the form of Conventions and Recommendations, further they are adopted by the member countries in their national spheres once they are ratified.

II. Policy on Gender Equality and Mainstreaming: The Constitution of ILO has recognized “the principle of equal work for work of equal value”, in a resolution adopted in 1938, the International Labour Conference invited all members “to apply the principle of equality of treatment to all workers resident in their territory, and to renounce all measures of exception which might in particular establish discrimination against workers belonging to certain races or confessions with regard to their admission to public or private posts”. Furthermore, the Declaration of Philadelphia 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”. It further proclaims that the attainment of the conditions making it possible to achieve equality of opportunity and treatment shall be the central aim of national and international

policy, and that “all national and international policies and measures, in particular those of an economic and financial character, should be judged in this light and accepted only in so far as they may be held to promote and not to hinder the achievement of this fundamental objective”.

The mandate of the ILO on Gender Equality is grounded on key International Labour Conventions. They are the Discrimination (Employment and Occupation) Convention, 1958, Equal Remuneration Convention, 1951, Workers with Family Responsibilities Convention, 1981 and the Maternity Protection Convention, 2000. The mandate of the ILO is also strengthened in various resolutions of the International Labour Conferences which takes place once in two years.

The Policy on Gender Equality and Mainstreaming in the ILO was first initiated in 1999 in an International Labour Conference. Implementation through the strategy of gender mainstreaming is the responsibility of all ILO members. The ILO has a two-pronged approach toward promoting gender equality. First, all policies, programmes and activities aim to systematically and formally address the specific and often different concerns of both women and men, including women's practical and strategic gender needs. Second, targeted interventions - based on analysis that takes into account these concerns and needs - aim to enable women and men to participate in, and benefit equally from, development efforts.

The main elements of the action plan to operationalize gender mainstreaming are to strengthen institutional arrangements; introduce accountability and monitoring mechanisms; allocate adequate resources for gender mainstreaming; improve and increase staff's competence on gender; and improve the balance between women and men among staff at all levels. In addition to the ILO-wide policy and action plan, all ILO regional offices have developed policy statements and strategies.

A project concerning technical cooperation coordinated by the Bureau of Gender Equality is entitled managing and sharing knowledge on Gender Equality in the world of work, which promotes mainstreaming of gender into the implementation of 13 different projects under the ILO. The projects are operational throughout Asia, Africa, Latin America, Europe and the Arab States. Another example of technical cooperation coordinated by the Bureau was an inter-regional project in China, Nepal, Tanzania and Uganda on Enhancing the Gender Mainstreaming Capacity of ILO Constituents.

Non-discrimination and the promotion of equality have been fundamental principles underpinning the work of the ILO since its creation in 1919. These principles are an integral component of the ILO's Decent Work Agenda –promoting decent and productive work in conditions of freedom, equity, security and human dignity and are also inherent to the Millennium Development Goals. All workers have the right to decent work not only those working in the formal economy, but also the self-employed, casual and informal economy workers, as well as those predominantly women, working in the care economy and private households. International labour standards are one of the ILO's primary means of action to improve the working and living conditions of women and men, and promote equality in the workplace for all workers. All ILO standards, with some exceptions, in particular those addressing issues relating to maternity and women's reproductive role, apply equally to men and women. However, there continues to be a gap between the rights set out in national and international standards and the real situation of workers. These rights must be made effective in practice. A major obstacle preventing workers from exercising their rights is a lack of awareness of their existence. Dissemination of information about these rights is, therefore, a vital instrument for improving gender equality.

III. Promotion of Working Standards for Women: Promoting gender equality through international labour standards; advocating for measurable progress toward gender equality with its constituents (governments, employers and workers organizations) and in its own structures and processes; promoting gender equality through

technical cooperation around the world; and promoting gender equality through the management, dissemination and sharing of relevant knowledge. The ILO has adopted two important instruments for ensuring accountability on gender equality in recent years. They are the most recent Resolution on gender equality, pay equity and maternity protection, adopted at the 2004 International Labour Conference and calling for more active contribution to eliminating gender discrimination and promoting gender equality, and a Decision, taken by the ILO's Governing Body in March 2005, making gender mainstreaming obligatory in all the ILO's technical cooperation activities. Emphasis on gender equality in technical cooperation was reinforced in the 2006 ILC Resolution and Conclusions on technical cooperation, which says that the ILO should "actively promote mainstreaming of gender equality in donor partnership agreements". Social dialogue, typifying the ILO's inclusive approach to all its work, also underpins gender equality by recognizing the need for women and men to have an equal voice in the world of work.

The first binding international instruments to be adopted with the specific objective of promoting equality and eliminating discrimination were the Equal Remuneration Convention, 1951 and its accompanying Recommendation. These instruments were limited to the promotion of equality between men and women and the issue of pay. Upon their adoption, it was recognized that equal pay could not be achieved without the elimination of discrimination in all areas of employment and that other grounds of discrimination should also be the subjects of prohibition. Thus, these instruments were shortly followed in 1958, with the adoption by the International Labour Conference of the Discrimination (Employment and Occupation) Convention and Recommendation which address all forms of discrimination concerning employment and occupation. They cover all workers and prohibit discrimination on seven grounds (race, color, sex, religion, political opinion, national extraction and social origin). Prior to the adoption of these instruments on equality, international labour standards directed specifically at women had been aimed at providing protection through prohibition, restriction or special measures.

A marked shift in emphasis from special protection to the promotion of equality in the standard-setting activities of the ILO regarding women occurred during 1975, when the International Labour Conference adopted a Declaration on Equality of Opportunity and Treatment for Women Workers. The Declaration recalls that the protection of women at work should be an integral part of the efforts aimed at continuous promotion and improvement of

living and working conditions of all employees. It provides that women should be protected “on the same basis and with the same standards of protection as men”; that studies and research should be undertaken and measures taken to protect against processes which might have a harmful effect on women and men from the standpoint of their social function of reproduction.

In 1985 the International Labour Conference adopted a resolution on equal opportunities and equal treatment for men and women in employment. With respect to the issue of protective measures, the resolution recommends that all protective legislation applying to women should be reviewed in the light of up-to-date scientific knowledge and technical changes and that it should be revised, supplemented, extended, retained or repealed, according to national circumstances. The Committee of Experts on the Application of Conventions and Recommendations, in its General Survey on night work of women in industry, 2001, recently affirmed this approach and confirmed that protection and equality have and

should guide standard-setting action in matters of women’s employment. The number of request for technical cooperation remains important and is increasing. When governments have expressed their needs for technical cooperation in relation to the Declaration Principles and rights, many countries are enjoying direct support from the Declaration Programme.

The Convention No. 100 and No. 111 too has been widely ratified by the members of the international community. As on today 171 members of the ILO have ratified Convention No. 100 and 172 members in case of Convention No. 111. Thus these conventions too are nearer to universality in regard to Equality of Treatment.

IV. Conclusion: Constantly adhering to the goal set by the ILO has changed the response towards protection and promotion of standards of working women. The ILO has done considerable job in protecting and promoting rights of Women Workers. There is much need to be done provided trade & economic growth rises at higher level.

References:

1. Philadelphia Declaration was adopted in 1944.
2. Convention No. 111.
3. Convention No. 100.
4. Convention No. 156.
5. Convention No. 183.
6. International Labour Organisation, ABC of women workers rights and gender equality, P. 62, ILO, Geneva, 2007.
7. <http://www.ilo.org/genderequality>.
8. Supra Note 6.
9. Convention No. 100.
10. Convention No. 111.

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