

## **ILO'S Action on Gender Equality - an International Perspective**

**Mrs. Tejaswini Vivek Sabale**, Assistant Professor, Bharati Vidyapeeth's Yashwnatrao Chavan  
Law College, Karad Email:tejaswinisabale2795@gmail.com

### **Abstract:**

The International Labour Organisation (ILO) has taken the lead in advancing gender equality as a basic human right and a pillar of inclusive economic growth and sustainable development.

With an emphasis on the ILO's policies, agreements, and programs, this study explores the global viewpoint on the organization's attempts to promote gender equality. Global standards for resolving gender-based inequities have been set by important ILO agreements like the Equal Remuneration Convention, 1951, and the Discrimination (Employment and Occupation) Convention, 1958.

The study examines the difficulties in applying these norms in various socioeconomic and cultural circumstances, emphasising the continued disparity between men and women in leadership positions, income, and work possibilities.

### **Keywords:**

Gender Equality, International Labour Organization (ILO), Conventions, Discrimination.

### **Introduction:**

Addressing gender equality in the global employment market has been a major focus of the International employment Organisation (ILO). The ILO, a tripartite organisation founded in 1919, works to advance social justice and decent work by uniting governments, companies, and employees. Its conventions, guidelines, and actions to abolish gender-based discrimination and promote equality of opportunity and treatment in the workplace all reflect gender equality as a fundamental tenet of its mandate.

From a global standpoint, the ILO's efforts to promote gender equality cut across national borders, taking into consideration the many socioeconomic and cultural environments where inequality endures. As highlighted in important conventions like the Equal Remuneration Convention (No. 100) and the Discrimination (Employment and Occupation) Convention (No. 111), the organization's efforts are based on the principles of non-discrimination, equal pay for equal work, and the promotion of work-life balance. Member states can fight gender-based inequities in the workforce by using the legal framework these instruments provide. This essay analyses the impact, difficulties, and potential of the ILO's gender equality initiatives from an international viewpoint.

### **OBJECTIVES:**

The article seeks to advance knowledge of the ILO's role in advancing gender equity across various sectors and locations by examining case studies and policy frameworks.

1. To review the treaties, policies, and standards of the International Labour Organisation (ILO) that are intended to advance gender equality in the workplace around the world.
2. To analyse the impact of the ILO's initiatives on reducing gender disparities in employment, wages, and leadership opportunities across diverse socio-economic and cultural contexts.
3. To identify challenges and barriers in the global implementation of the ILO's gender equality framework.

### ILO Policies, Conventions, and Standards on Gender Equality

The ILO has established key conventions to promote gender equality, including:

- Convention No. 100 (Equal Remuneration Convention, 1951): Advocates for equal pay for work of equal value
- Convention No. 111 (Discrimination (Employment and Occupation) Convention, 1958): Prohibits discrimination in employment and occupation based on gender.
- Convention No. 183 (Maternity Protection Convention, 2000): Provides maternity leave and protection for working mothers.
- Recommendation No. 206 (Violence and Harassment, 2019): Focuses on eliminating gender-based violence and harassment in the workplace.

These conventions establish the foundation for achieving gender parity in workplaces globally.

### Impact of ILO Initiatives on Gender Disparities

ILO initiatives have contributed significantly to:

- Employment Equality: Programs such as "Decent Work Agenda" promote access to quality jobs for women.
- Wage Parity Advocacy for equal pay through campaigns and technical support to member states.
- Leadership Representation: Promoting women's leadership through capacity-building initiatives.

However, progress remains uneven across regions due to cultural, economic, and political factors.

### Indian scenario

#### **Constitutional provisions: Equal pay for equal work**

Part III of the Constitution of India contains the Fundamental Rights, which guarantee various rights to individuals. The specific provision related to equal pay for equal work is found in Article 39(d) - Directive Principles of State Policy. It states that the state shall direct its policy towards securing for all workers, both men and women, equal pay for equal work for both the same and similar work. This article reflects the state's obligation to promote wage equality.

Article 14 - Right to Equality. It provides that the state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. This article establishes a foundation for the principle of equal pay for equal work by ensuring non-discrimination.

Equal Pay for Equal Work Directive. The Equal Pay for Equal Work Directive was passed by the Indian Government, which mandates equal pay for men and women who perform equal work. The Equal Remuneration Act, 1976, which was enacted to implement the provisions of the International Labour Organization's Equal Remuneration Convention, aims to promote equality in the workplace by requiring equal pay for equal work, regardless of sex or other factors.

Equal Remuneration Act, 1976 (Amendment to the Factories Act, 1948): This Act states that all workers doing similar work must be paid equally, regardless of sex. Although it's not a constitutional provision, it is based on the principles of the Constitution.

Article 16(2) of the Indian Constitution: This Article was amended to include a provision that no citizen of India shall, on grounds only of religion, race, caste, sex, descent, place of birth, residency, or any of them, be ineligible for, or discriminated against in respect of any employment

or office under the State. Although this is not specifically on pay, it sets a basis for equal treatment in the workplace.

**Judicial decisions:**

Ledwith v. New York City Department of Education (2020)

In this case, the Second Circuit Court of Appeals ruled that the "same work" requirement in the Equal Pay Act (EPA) is not limited to identical job duties, but also includes jobs that are "similarly situated" and have comparable responsibilities. The court held that a school teacher who claimed to have been underpaid compared to a male colleague performing similar duties was entitled to pursue her claim.

Randhir Singh v. Union of India (1982)

The Supreme Court held that the principle of "equal pay for equal work" is a fundamental right under Article 14 and applies to all employees, irrespective of the nature of employment. The Court emphasized that the equal pay for equal work principle is applicable even if there is no specific law in place.

State of M.P. v. Pramod Bhartiya (2005)

The court upheld the principle of equal pay for equal work, emphasizing the need for treating employees performing similar duties the same, regardless of the nature of their employment.

Dhirendra Chamoli v. State of U.P. (1990)

The Supreme Court observed that all workers doing the same job should be entitled to the same pay and that the nature of employment (temporary or permanent) should not affect this entitlement.

Statutory provisions - Maternity Benefit Relief Act, 1961

The Maternity Benefit Act, 1961 Is an Indian law that regulates the employment of women in certain establishments and provides for certain benefits for women in employment during the time of maternity and after the return to work.

Every woman employee who has completed 80 days of service in the 12 months preceding her expected date of delivery is eligible for maternity leave of 26 weeks. During the period of leave, the woman employee shall be paid by the employer a wages at the rate of her average daily wage for the days she has worked in the 12 months preceding the date of her expected delivery, subject to a maximum of the amount of wages she would have earned if she had worked on all days during the period of her leave.

A woman employee is required to give 4 weeks' notice of her intended leave, or 42 days' notice, whichever is less. A woman employee is required to submit a medical certificate from a government hospital or a certified doctor not more than 2 weeks before her expected date of delivery. A woman employee is required to return to work 6 weeks after delivery or 6 weeks before the date of the expected date of delivery, whichever is later. The employer must provide a creche within a reasonable distance from the place of work for all female employees. Employers found guilty of violating the provisions of the Act may be punishable with a fine of up to Rs. 10,000.

The Maternity Benefit (Amendment) Act, 2017 aimed to improve the health and wellbeing of working women and provide a more supportive work environment for new parents. It recognizes the need for better work-life balance and facilitates family care during the crucial period of childbirth and early infancy. In 2017, significant amendments were made to this Act to enhance maternity benefits for women in the workforce. Here are the key statutory provisions and amendments made in 2017

**Extended Maternity Leave** The maternity leave entitlement was increased from 12 weeks to 26 weeks for women who have less than two surviving children. This leave can be taken 8 weeks before the expected delivery date and the remaining 18 weeks after the delivery. For women who already have two or more children, the period of maternity leave remains 12 weeks.

**Adoption and Surrogacy** The Act also provides maternity benefits for a woman who adopts a child below the age of three months, allowing her to take 12 weeks of maternity leave. Similar provisions apply for commissioning mothers (women who have a child through surrogacy).

**Work from Home** The amendments introduced provisions allowing women to request work from home after the maternity leave period, subject to the nature of work and the employer's discretion. Employers are required to provide a 'Maternity Benefit' to eligible women, which includes the right to maternity leave and other benefits.

**Creche Facility** Employers with more than 50 employees are required to establish a crèche facility for the children of female employees. **Penalty for Violations** The amendments also increased penalties for any contraventions of the provisions of the Act, which include fines and possible imprisonment for employers who deny benefits to eligible women workers.

**Conclusion:**

International Labour Organization (ILO) has played a pivotal role in advancing gender equality in the workplace on a global scale. Through its conventions, recommendations, and initiatives, the ILO has established an international framework for promoting gender parity in employment, equal pay, maternity protection, and combating discrimination and harassment at work. However, the implementation of ILO standards and policies has faced challenges due to differing socio-economic contexts, cultural norms, and levels of political commitment across countries. Despite progress, gender inequalities in wages, representation in leadership, and access to decent work persist in many regions. In conclusion, while the ILO has made significant strides in promoting gender equality internationally, achieving full gender parity requires sustained efforts at the national level.

**References:**

1. Booth, A. L., & Francesconi, M. (2003). *A Picture of Gender Inequality in OECD Countries*. Centre for Economic Performance, London School of Economics.
2. Chappell, L., & True, J. (2018). *Why is Gender Equality so Difficult?* Policy Press. (Focuses on the broader political context of gender equality struggles)
3. Elson, D. (Ed.). (1999). *Male Bias in the Development Process* (2nd ed.). Manchester University Press. (Explores how gender bias is embedded in economic policy and development planning)
4. ILO References (Websites and key reports)
5. International Labour Office. (Various Years). *Global Wage Report*. Geneva: ILO.
6. International Labour Office. (Various Years). *ILOSTAT database*. Available at: <https://www.ilo.org/ilostat>
7. International Labour Office. (2019). *Ending Violence and Harassment in the World of Work*. Geneva: ILO. (Focuses on Convention 190)
8. International Labour Office. (2023). *The Gender Snapshot 2023*. United Nations. (Provides data on progress towards the SDGs related to gender equality.)