

Equality of Opportunity and Treatment

General observation

Equal Remuneration Convention, 1951 (No. 100)

1. The Committee notes that while equal remuneration for men and women for work of equal value is a principle that is widely accepted, the scope of the concept and its application in practice can be more difficult to grasp and apply. Unequal remuneration is often due to subtle, chronic problems that are difficult to overcome without a clear understanding of the concepts and their relevance to the workplace and society in general. The Committee notes that difficulties in applying the Convention in law and in practice result in particular from a lack of understanding of the scope and implications of the concept of "work of equal value". This concept is a cornerstone of the Convention and lies at the heart of the fundamental right of equal remuneration for men and women for work of equal value, and the promotion of equality. The Committee, therefore, considers it necessary to underscore the importance and clarify the meaning of "work of equal value".

2. The Committee notes that historical attitudes towards the role of women in society, along with stereotypical assumptions regarding women's aspirations, preferences, capabilities and "suitability" for certain jobs, have contributed to occupational sex segregation in the labour market. As a result, certain jobs are held predominantly or exclusively by women and others by men. These views and attitudes also tend to result in the undervaluation of "female jobs" in comparison with those of men who are performing different work and using different skills, when determining wage rates.

3. In order to address such occupational segregation, where men and women often perform different jobs, under different conditions, and even in different establishments, the concept of "work of equal value" is essential, as it permits a broad scope of comparison. "Work of equal value" includes but goes beyond equal remuneration for "equal", the "same" or "similar" work, and also encompasses work that is of an entirely different nature, which is nevertheless of equal value. Furthermore, the application of the Convention's principle is not limited to comparisons between men and women in the same establishment or enterprise. It allows for a much broader comparison to be made between jobs performed by men and women in different places or enterprises, or between different employers.

4. In its examination of governments' reports submitted under the Convention, the Committee has been pleased to note cases in which the principle has been applied to compare the remuneration received by men and women engaged in different occupations, such as wardens in sheltered accommodation for the elderly (predominantly women), and security guards in office premises (predominately men); or school meal supervisors (predominately women) and garden and park supervisors (predominately men). Comparing the value of the work done in such occupations, which may involve different types of qualifications, skills, responsibilities or working conditions but which is nevertheless work of equal value overall, is essential in order to eliminate pay discrimination which results from the failure to recognize the value of work performed by men and women free from gender bias.

5. In order to establish whether different jobs are of equal value, there has to be an examination of the respective tasks involved. This examination must be undertaken on the basis of entirely objective and non-discriminatory criteria to avoid an assessment being tainted by gender bias. While the Convention does not prescribe any specific method for such an examination, it does presuppose the use of appropriate techniques for objective job evaluation (*Article 3*). For the purpose of ensuring gender equality in the determination of

remuneration, analytical methods of job evaluation have been found to be the most effective. Such methods analyse and classify jobs on the basis of objective factors relating to the jobs to be compared such as skill, effort, and responsibilities or working conditions (see paragraph 141 of the 1986 General Survey on equal remuneration). Whatever methods are used for the objective evaluation of jobs, particular care must be taken to ensure that they are free from gender bias: it is important to ensure that the selection of factors for comparison, the weighting of such factors and the actual comparison earned out, are not inherently discriminatory. Often skills considered to be "female", such as manual dexterity and those required in caring professions, are undervalued or even overlooked, in comparison with traditionally "male" skills, such as heavy lifting.

6. Noting that several countries still retain legal provisions that are narrower than the principle as laid down in the Convention, as they do not give expression to the concept of "work of equal value", and that such provisions hinder progress in eradicating gender-based pay discrimination against women at work, the Committee urges the governments of those countries to take the necessary steps to amend their legislation. Such legislation should not only provide for equal remuneration for equal, the same or similar work, but also prohibit pay discrimination that occurs in situations where men and women perform different work that is nevertheless of equal value.

7. The Committee urges governments, in cooperation with workers' and employers' organizations, to promote, develop and implement practical approaches and methods for the objective evaluation of jobs with a view to effectively applying the principle of equal remuneration for men and women for work of equal value in the public and private sectors. Measures for the objective evaluation of jobs can be taken at the enterprise, sectoral or national level, in the context of collective bargaining, as well as through national wage-fixing mechanisms. The Committee stresses the importance of training on this matter for government officials, as well as workers, employees and their organizations.

8. The Committee underlines the important role of judges and labour inspectors in ensuring the application of the principle of equal remuneration for men and women for work of equal value. Noting that in a number of countries certain measures have been taken to assist judges and labour inspectors to fulfil this role, including providing training regarding the concept of "work of equal value" and how to apply it in practice, the Committee encourages all governments to consider taking such action.

9. Finally, the Committee recalls that ILO technical assistance regarding these matters can be requested.