

New Labor Codes of India
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Lecture No: 29
C-100: Equal Remuneration Convention,
1951, International Instruments on Equality

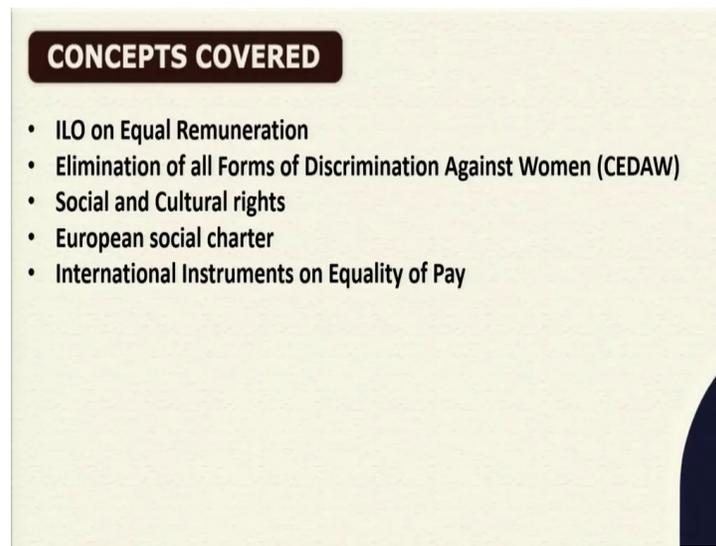
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Dear students, today, is our third class on ILO conventions and other international law instruments. Today we are going to discuss specifically with regard to some of the instruments like the Equal Remuneration Convention, 1951 and then the UN Convention on the Elimination of all forms of Discrimination Against Women, 1979 popularly known as the pseudo convention.

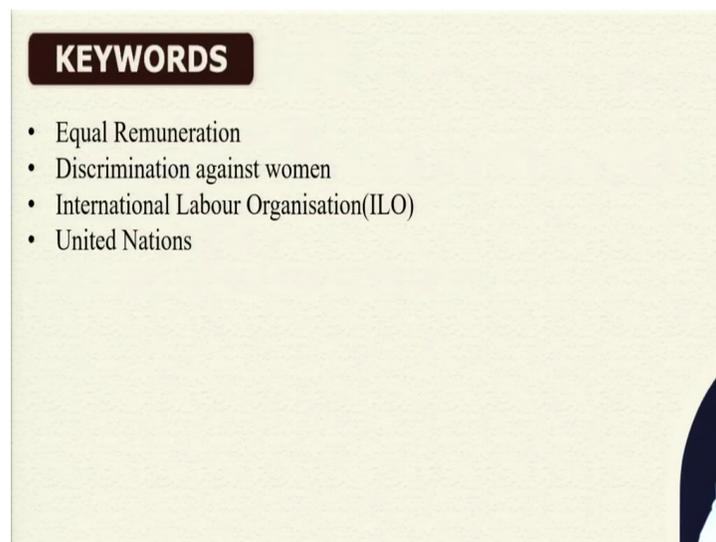
Then another one another convention is International Convention on Economic, Social and Cultural Rights known as ICESCR and the European Charter 1965. So, there is a number of conventions and then the one ILO Convention which we are going to talk about basically on Equal Remuneration and other rights.

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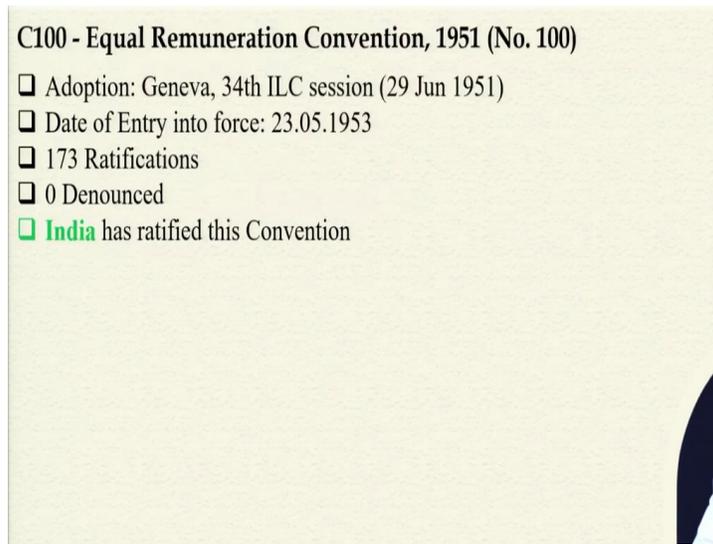
So, when we talked about in the last classes various ILO conventions ILO works on Equal Remuneration for men and women without any discrimination and that is why we included other UN instruments like this pseudo convention and also the ICR convention and other conventions regional conventions like European Social Charter.

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So, these all these conventions, which talk about non-discrimination in the case of remuneration work and working conditions.

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So, this first convention which we will see as convention number 100 of the International Labor Organization Equal Remuneration convention 1951 and is very popularly known as convention number 100 and one of the highest numbers of ratifications among all ILO conventions, there are 173 ratifications including India.

So, because Equal Remuneration convention, India's position is very clear that we have implemented Equal Remuneration through the legislation as well as through our mandate through our constitution as well.

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C100 - Equal Remuneration Convention, 1951 (No. 100)

- **Preamble**
- The General Conference of the International Labour Organisation,
- Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 34th Session on 6 June 1951, and
- Having decided upon the adoption of certain proposals with regard to **the principle of equal remuneration for men and women workers for work of equal value**, which is the seventh item on the agenda of the session, and
- Having determined that these proposals shall take the form of an international Convention,
- adopts this 29th day of June of the year 1951 the following Convention, which may be cited as the Equal Remuneration

And, when we look into the preamble of the Equal Remuneration convention, it clearly says, what are the principles, so, what it is intended to be? So, it says, so, for adopting certain principles with regard to the Equal Remuneration for men and women workers for work of equal value. So, in the previous classes, we discussed similar work or work of equal value, etc. Here, the convention is adopted in 1951.

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C100 - Equal Remuneration Convention, 1951 (No. 100)

- **Article 1**
- For the purpose of this Convention--
- a) The term **remuneration** includes the **ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly**, whether in **cash or in kind, by the employer to the worker and arising out of the worker's employment**;
- b) The term **equal remuneration for men and women workers for work of equal value** refers to **rates of remuneration established without discrimination based on sex**.

And we will see elaborately the principles which are embodied in this particular convention as well. So, it is starting with the term remuneration. So, in previous classes in which we have shown the definition of wages. Here remuneration Article 1 very clearly defines what you

mean by remuneration, which includes basic or minimum wage or salary and any additional emoluments and which is whatsoever payable directly or indirectly, whether in cash or kind by the employer to the worker and arising out of the worker's employment.

So, there are a lot of components which is included basically the basic wage or minimum wage or any additional emoluments are included in the definition of the remuneration. And also it says, equal remuneration for men and women equal remuneration for men and women workers of equal value.

So, under domestic legislation be so a number of cases, which is interpreting what exactly mean by a similar kind of work. So, and also the rate of remuneration should be without discrimination based on sex. So, the objective of this convention is very clear, there must be equal remuneration for men and women workers of work of equal value.

So, the Indian Supreme Court also interpreted the components different components of the Equal Remuneration Act and said that, if the work depends upon whether it is equal or similar, upon facts of each case. So, here it very clearly says that women workers for work of equal value.

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C100 - Equal Remuneration Convention, 1951 (No. 100)

- **Remuneration:** the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the workers' employment.
- For the purpose of the Convention, the term "equal remuneration for men and women workers for work of equal value" refers to rates of remuneration established without discrimination based, directly or indirectly, on sex.

So, we can see that basically, remuneration means, you can see that, it is not only the minimum wages or not only the basic wages, but all additional emoluments, all emoluments, which are paid to the worker in cash or kind simply, we can say that the definition is this. So, equal remuneration for equal value. So, that means, this is very important, because, if men

and women are working of unequal value, then definitely there can be a different remuneration.

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C100 - Equal Remuneration Convention, 1951 (No. 100)

▪ *Article 2*

1. Each Member shall, by means appropriate to the methods in operation for determining rates of remuneration, **promote and**, in so far as is consistent with such methods, **ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.**
2. This **principle may be applied by means of--**
 - a) **National laws or regulations;**
 - b) Legally established or recognised **machinery for wage determination;**
 - c) **Collective agreements between employers and workers;** or
 - d) A **combination** of these various means.

So, Article 2 clearly talks about what is the method of operation. So, it is for determining rates of remuneration to promote and as far as it is consistent with such methods to ensure the application to all workers. So, the principle of Equal Remuneration to men and women workers and also it is saying that very interesting to say see that, these principles what is the principle of Equal Remuneration, it is subject to national laws and regulations and there must be legally recognized machinery for wage determination.

So, we saw in countries like India there are Wage Board Advisory Committee is now constituted for wage determination. Moreover, collective agreements between employers and employees, employees and workers and a combination of minimum wage and collective agreements. So, India adopted there is minimum wage and collective agreements. So, here we are talking about Equal Remuneration.

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C100 - Equal Remuneration Convention, 1951 (No. 100)

- Each State party to the Convention has to ensure, in so far as is consistent with the methods in operation for determining rates of remuneration, the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.
- One of the means recommended for assisting in giving effect to the Convention is the objective appraisal of jobs on the basis of the work to be performed.

And when we look into this Equal Remuneration, I can see that it is definitely giving the effect the convention's objective and what kind of jobs on the basis of what is performed. So, whether it is an equal value that is to be appraised by proper the machinery in accordance with domestic laws.

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C100 - Equal Remuneration Convention, 1951 (No. 100)

▪ *Article 3*

1. Where such action will assist in giving effect to the provisions of this **Convention measures shall be taken to promote objective appraisal of jobs on the basis of the work to be performed.**
2. The **methods to be followed in this appraisal may be decided** upon **by the authorities responsible** for the determination of rates of remuneration, or, where such rates are determined by collective agreements, **by the parties thereto.**
3. **Differential rates between workers** which correspond, **without regard to sex**, to differences, **as determined by such objective appraisal, in the work to be performed shall not be considered as being contrary to the principle of equal remuneration for men and women workers for work of equal value.**

So, Article 3 says that there must be provisions for the measures that shall be taken to promote the objective appraisal of jobs on the basis of the work to be performed. So, there must be proper appraisal committees or proper mechanisms to appraise the work performed.

And this is to be a method to be appraised and decided upon by the authorities responsible for the determination of rates of remuneration or by collective agreement or by the parties.

So, here are different rates between workers it is subject to certain qualifications or criteria. So, even though two people may be working with different qualifications, the nature of work may be different and these provisions may not be applicable.

So, this objective appraisal will bring out whether it is work of equal value or work is what kind of work is performed. And then it is if the work shall not be considered as being contrary to the principle of Equal Remuneration for men and women workers for all works of equal value. So, if sets objective determination, there must be an objective appraisal with proper authorities so that it can bring out whether it is a work of the same value done by men and women workers.

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C100 - Equal Remuneration Convention, 1951 (No. 100)

- Where differential rates between workers correspond,
- without regard to sex,
- to differences in the work to be performed,
- as determined by such objective appraisal,
- these must not be considered as being contrary to the principle of equal remuneration.

So, if differential rates are applied, this should be applied without any regard to sex. So, there can be a differential rating but it should not be attached to gender. It should not be attached to sex. So, here different people perform different works so, this is to be completely determined in accordance with an objective appraisal by a committee determined by the governments from time to time. So, this objective determination cannot be considered as contrary to the principles of Equal Remuneration.

So, if the committee found that the nature of the work is different, then definitely there can be differential rating remuneration ratings can be made ,also it says that each member should

cooperate with the employers and workers' organizations so, and also for the purpose of giving effect to the provisions on this particular convention.

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C100 - Equal Remuneration Convention, 1951 (No. 100)

- *Article 4*
- **Each Member shall co-operate** as appropriate **with the employers' workers' organisations** concerned for the **purpose of giving effect to the provisions of this Convention.**

So, it is not only the duty of every government, but it is a very workers' organization also to help the employees and the government with the implementation of this particular convention.

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Indian Provisions

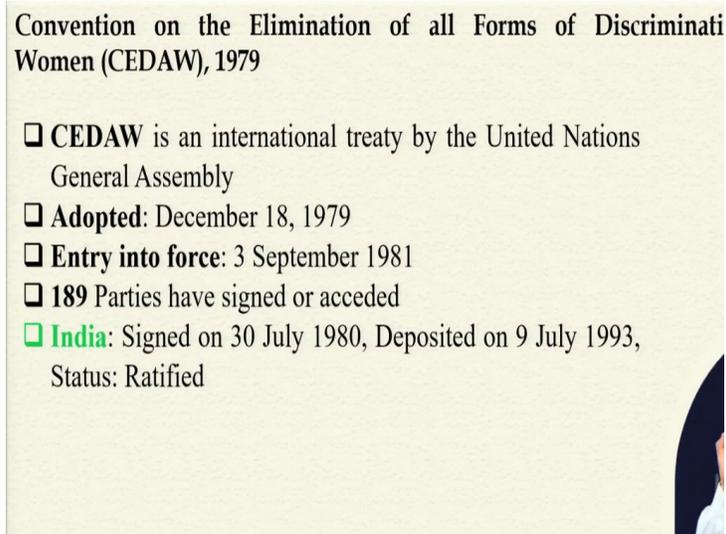
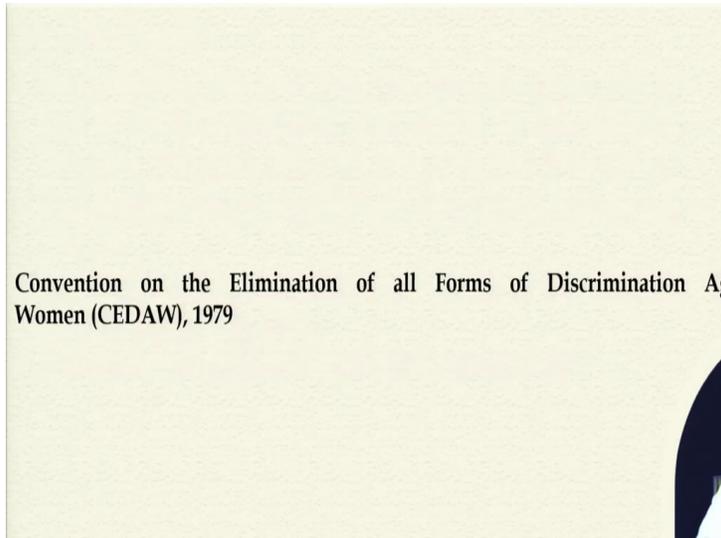
- Article 39(d) of the constitution on the other hand which is part 4 of the constitution also known as the directive principles of state policy explicitly state that it is imperative that equal pay is provided for equal work for both men and women.
- Equal remuneration act, 1976:
- Minimum wages act, 1948:
- Contract labour (regulation and abolition) act, 1970:

If you look into India, so, we have already covered it in our previous classes. So, article 39(d) of the Indian Constitution very clearly says so, the Directive Principles of state policy says

that it is imperative that equal pay is provided for equal work for both men and women. So, our constitution has provisions with regard to this convention.

So, we enacted the Equal Remuneration act in 1976 and there are provisions which we can find the Minimum Wages Act, 1948 and Contract Labour Regulation and Abolition Act of 1970. And all these Acts are now repealed and included in the new labor codes.

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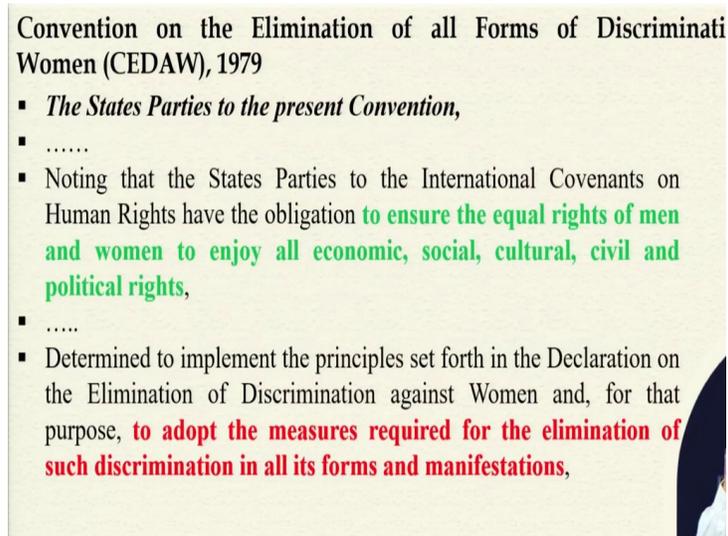


So, the next code, we can see, this is the labour law, this is the International Labour Organization Convention, which talks about equal pay for equal work or we can say that, without discrimination with regard to men and women, so, Equal Remuneration for men and women doing the same work of same value.

So, next, we can see, I would say that this is the non-discrimination convention, non-discrimination against women. So, it is the UN Convention on the Elimination of All Forms of Discrimination Against Women and very popularly known as CEDAW, it is adopted in 1979. And most countries adopted it, it is one of the highest numbers of adoptions of any international convention. 189 parties have signed and acceded to it.

So, India is a party to this particular convention, and CEDAW is actually an international treaty created by the United Nations General Assembly. So, it is more of more weightage which gives effect to this non-discrimination principle based on sex. So, this Elimination of All Forms of Discrimination Against Women convention in most countries is implemented and also, we have implemented it in our country.

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So, in this convention, we can see some of the important provisions, which say that, so, these international covenants on human rights have a very clear obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights. So, I think all the international covenants have on human rights, talk about this non-discrimination principle.

And also we can see that it is specifically we can see that these principles with regard to the Declaration on Elimination of Discrimination Against Women adopt measures required for the elimination of such discrimination in the form of manifestations from all areas so, there should not be any discrimination against women in the workplace especially, and also with regard to remuneration, which we can find.

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Convention on the Elimination of all Forms of Discrimination
Against Women (CEDAW), 1979

- *Article 1*
- For the purposes of the present Convention, the term "**discrimination against women**" shall mean any **distinction, exclusion or restriction** made **on the basis of sex** which has the effect or purpose of **impairing or nullifying the recognition, enjoyment or exercise by women**, irrespective of their marital status, on a basis of equality of men and women, **of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.**

So, we will see the provisions of this important convention. So, it says that the purpose of the convention is very clear, non-discrimination against women. So, here, it says that discrimination against women what is the meaning, it shall mean any distinction, exclusion, or restriction made on the basis of sex and for the purpose of impairing or nullifying the recognition, enjoyment, or exercise by women so, irrespective of their marital status, on the basis of the principle of equality of men and women of human rights, fundamental freedom in the politics in economic, it is a political, economical, social, civil and another field.

So, it is a wider convention, that talks about non-discrimination not only in the workplace but also in other spheres where it as the political sphere, economic, social, cultural and other civil societies.

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Convention on the Elimination of all Forms of Discrimination
Against Women (CEDAW), 1979

▪ *Article 11*

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- a) The right to work as an inalienable right of all human beings;
- b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent

So, some of the other important provisions say that all parties to this particular convention shall adopt appropriate measures to eliminate discrimination against women in the field of employment in order to ensure a basis of equality of men and women, the same rights in particular with regard to a right to work.

So, the right to work is considered as an inalienable right in all human rights instruments. The same criteria, application in selection matters of employment, right to free choice of profession and employment, right to promotion, job security, other benefits, conditions of service and right to receive vocational training, other training programs and including the recurrent or concurrent training which is provided by the employer.

So, it is not only the elimination of discrimination in with regard to the right to work but also the right to the same employment opportunities and also a free choice of profession and employment and training, which is provided to women workers.

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Convention on the Elimination of all Forms of Discrimination
Against Women (CEDAW), 1979

▪ *Article 11*

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of

And again, we can see that the whole discrimination equal with regard to Equal Remuneration. So, based on the principle of equality of men and women, so, it says the right to equal remuneration, including benefits and to equal treatment, in respect of work, work of equal value, as well as equality of treatment in the evaluation of the quality of work, which we already talked about the subjective review of whether it is of equal value.

So, there also these are the principles to be taken into consideration right to Social Security, right to Social Security is one of the very important factors and in the case of retirement, unemployment, sickness, invalidity, old age pensions and any incapacity to work and right to paid leave, right, like maternity leave so, and also the right to protection of health and to safety in working conditions, including safeguarding the functions of reproduction.

So, these are the special, provisions which are protections and also the principles which are available to the woman workers in the workplace.

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Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), 1979

▪ *Article 11*

2. In order to prevent **discrimination** against women **on the grounds of marriage or maternity** and to ensure their effective right to work, States Parties **shall take appropriate measures**:
 - a) To **prohibit**, subject to the **imposition of sanctions, dismissal** on the grounds of pregnancy or of maternity leave and **discrimination** in dismissals on the basis of marital status;
 - b) To **introduce maternity leave with pay** or with comparable social benefits without loss of former employment, seniority or social allowances;
 - c) To **encourage the provision of the necessary supporting social services** to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), 1979

▪ *Article 11*

2. In order to prevent **discrimination** against women **on the grounds of marriage or maternity** and to ensure their effective right to work, States Parties **shall take appropriate measures**:
 - d) To provide **special protection to women during pregnancy** in types of work **proved to be harmful to them**.
3. Protective legislation relating to matters covered in this article **shall be reviewed periodically** in the light of **scientific and technological knowledge** and shall be revised, repealed or extended as necessary.

And again, it says so, in order to prevent discrimination against women on the grounds of marriage or maternity there must ensure an effective right to work. The state party shall take appropriate measures to prohibit, subject to sanctions. So any kind of discrimination on the grounds of pregnancy or maternity or dismissal is prohibited.

So, also, we can see that this is the one convention, which first talked about maternity leave with pay. So, and also the comparable social benefits. So, and also these provisions encourage the necessary supporting social services. So, necessary social support services enable the parents to combine their family obligations with work responsibilities so that they

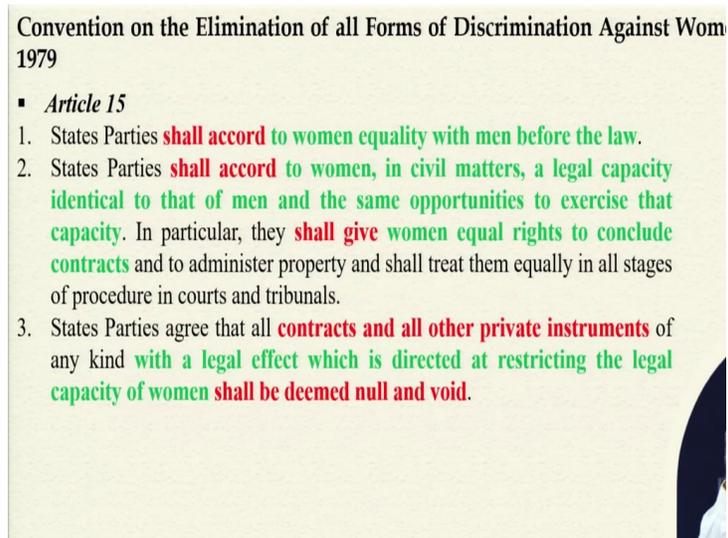
can participate in public life so, and also the promoting the development of the network of childcare facilities.

So, we saw that the domestic legislation which requires creche facilities for above a particular number of women workers. So, the creche facilities are mandatory now. So, that is provided in the pseudo convention and also there must be discrimination against women on the grounds of marriage or maternity.

So, special protection for women during pregnancy and also it is to be seen the nature of work whether it is harmful to them so, there is a specific provision which says that at work in the nature of orders work should not be given to the pregnant woman. So, it is a part of implementing these particular provisions and there must be protective legislation.

So, from time to time, and there must be reviewed these particular provisions in the scientific and technological knowledge shall be revised repealed or extended at the necessary times.

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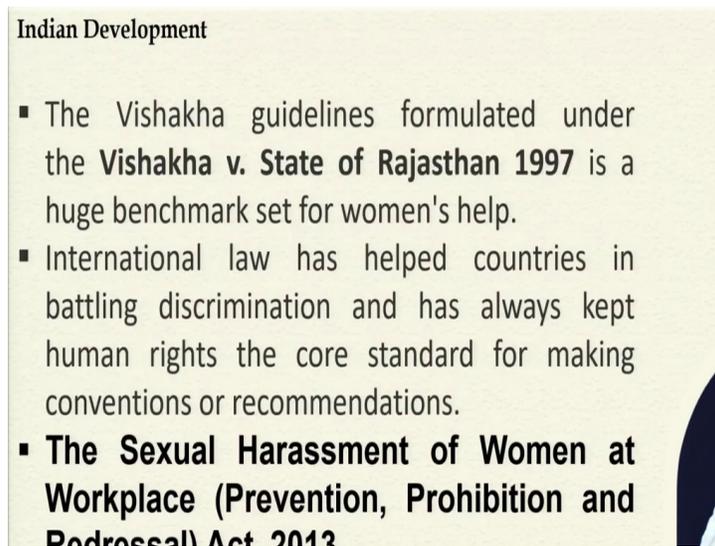
So, the pseudo convention is a comprehensive convention, which can give other provisions like women equality with men before the law, equality, its accord, equality to women, with men before the law, and then accord to women civil matters, legal capacity identical to that of men, and same opportunities to exercise that particular capacity.

So, we can see that women should be given equal rights to conclude contracts and also the administration of property and treat them equally in all stages of procedure in courts and

tribunals. So, the contracts and all other private instruments of any kind with a legal effect, which is directed at restricting the legal capacity of women shall be deemed to be null and void.

So, if any kind of restriction put on the woman is equal capacity, if it is not equal capacity, such contracts can be considered as null and void. So, Article 15, talks about women's equality.

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Indian Development

- The Vishakha guidelines formulated under the **Vishakha v. State of Rajasthan 1997** is a huge benchmark set for women's help.
- International law has helped countries in battling discrimination and has always kept human rights the core standard for making conventions or recommendations.
- **The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013**

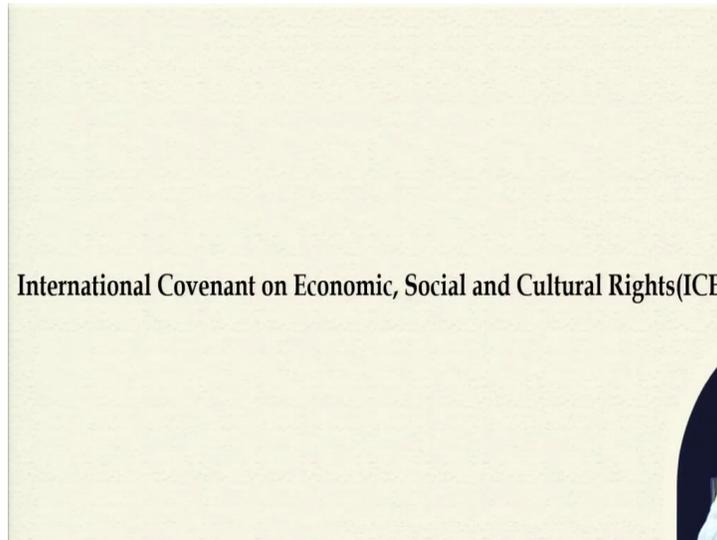
And we can see the response in India as well. So, in 1997, the Supreme Court come out with very famous far-reaching consequences, the Supreme Court considered this particular case Vishakha versus State of Rajasthan. So, the court has into consideration CEDAW and ask the government to enact a law to protect women workers from sexual harassment in the workplace.

And also, this law must be in accordance with international human rights standards. And also looking into the pseudo convention, what is the standard is provided in the pseudo convention? So, finally, the government after a long period of time was able to pass the Sexual Harassment of Women at Workplace (Prevention Prohibition and Redressal) Act of 2013 and which was a long-awaited law in place in India.

And now, there are provisions with regard to the prevention of sexual harassment and there is machinery in each workplace to look into compliance under this particular law. And the redressal mechanism is very transparent and simple. And also the redressal mechanism under

this particular Act, gives all the powers or the sexual harassment committee all the powers of a civil court for the purposes of the appearance of witnesses, bringing some documents and enforcing the appearance of witnesses. So, vast powers are also given to the committee in accordance with this pseudo convention.

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So, we now talked about the special powers of women under the pseudo convention and the consequences at the domestic level so, every member is to pass the legislations.

So, next, the convention we are going to look into is the International Covenant on Economic, Social and Cultural Rights, ICESCR convention, 1966 and this is one of the conventions along with other ICCPR.

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International Covenant on Economic, Social and Cultural Rights(ICESCR)

- ❑ ICESCR is a multilateral treaty adopted by the United Nations General Assembly
- ❑ **Adopted:** 16 December 1966 through GA. Resolution 2200A (XXI)
- ❑ **Entry into force:** 3 January 1976
- ❑ 171 parties
- ❑ **India:** Ratified on 10 April 1979

So, this particular convention, which talks about and also this is also one of the highest ratified conventions, there are 171 parties, and India has ratified this particular convention. So, International Covenant on Economic, Social and Cultural Rights is also adopted by the United Nations General Assembly. So, that may be the reason that there is the highest number of ratifications.

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International Covenant on Economic, Social and Cultural Rights(ICESCR)

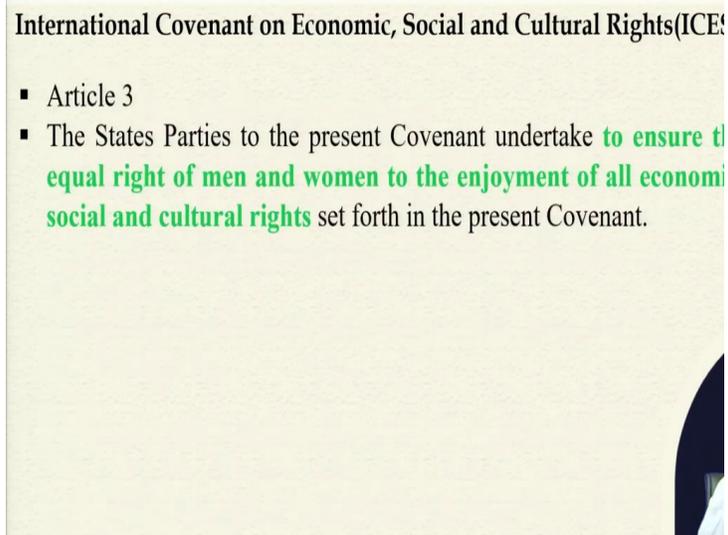
- **Preamble**
- The States Parties to the present Covenant,
- Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, **recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family** is the foundation of freedom, justice and peace in the world,
- Recognizing that **these rights derive from the inherent dignity of the human person,**
-
- Realizing that the **individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights** recognized in the present Covenant

And also we can see that these particular international instruments are very basic human rights provisions involved. So, the preamble of this convention, which says that there is the Charter of the United Nations looking into the provisions of the Charter of the United

Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family based on the foundations of freedom, justice and peace in the world.

And also, this convention recognizes that rights are derived from the inherent dignity of the human person and realise individual and also individuals also have duties and duties to other individuals and to the community at large and also the responsibility to strive for the promotion and observance of these particular human rights, economic rights, social rights, cultural rights. So, these are embedded in this particular convention.

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So, some of the important provisions will be looked into, and here it says that this particular covenant undertakes to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights under this particular convention, so, which talks about equal equality of men and women before the law and also the enjoyment of these particular rights.

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International Covenant on Economic, Social and Cultural Rights(ICESCR)

- Article 6

1. The States Parties to the present Covenant **recognize the right to work**, which includes the **right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.**
2. **The steps to be taken** by a State Party to the present Covenant to achieve the full realization of this right **shall include technical and vocational guidance and training programmes, policies and techniques** to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

So, Article 6, provides that this particular covenant recognizes the right to work and this includes the right of favourable to the opportunity to gain his living by work, which he freely chooses or accepts and will take appropriate steps to safeguard this particular right. So, the question is whether, in developing countries, you have a right to choose the work you want, the question is you may not be able to get a job of your own choice, but there is no prohibition at all so, this particular convention which recognizes the right to work.

And also all the members should take steps to be taken. So, the realization of these particular rights, and shall also include technical vocational guidance and training programs, policies and techniques to achieve steady economic, social, cultural and development and full productivity in employment and under conditions of safeguarding these freedoms, safeguarding the fundamental freedoms to an individual.

So, here, so, everyone has taken the minimum steps to realize these particular rights. So, there must be government programs to realize these particular rights.

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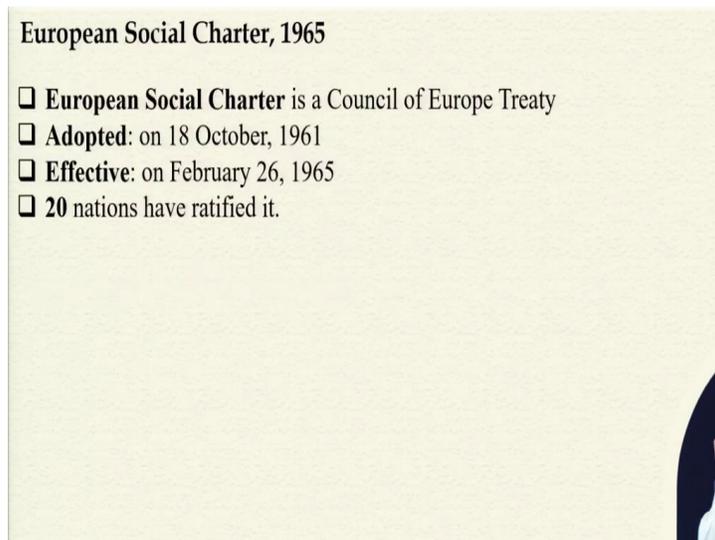
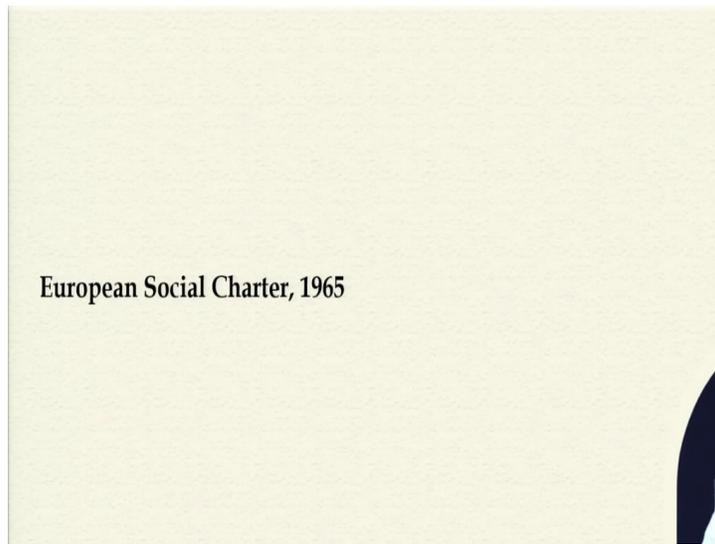
- International Covenant on Economic, Social and Cultural Rights(ICESCR)**
- Article 7
 - The States Parties to the present Covenant recognize **the right of everyone to the enjoyment of just and favourable conditions of work** which ensure, in particular:
 - a) **Remuneration** which provides all workers, as a minimum, with:
 - i. **Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women** being guaranteed **conditions of work not inferior to those enjoyed by men, with equal pay for equal work;**
 - ii. **A decent living for themselves and their families** in accordance with the provisions of the present Covenant;
 - b) **Safe and healthy working conditions;**
 - c) **Equal opportunity for everyone to be promoted in his employment to an appropriate higher level**, subject to no considerations other than those of seniority and competence;
 - d) Rest, leisure and reasonable limitation of working hours and periodic

And also it says that the right of everyone to the enjoyment of just and favourable conditions for work and they must ensure that remuneration provides a minimum so, it talks about fair wages and Equal Remuneration, fair wages and Equal Remuneration for work of equal value without distinction of any kind in particular in a very particular woman, being guaranteed the conditions of work, not inferior to those enjoyed by men, with equal pay for equal work.

So, equal pay for equal work is a fundamental principle, which is recognized under this particular convention as safe and healthy working conditions. Equal opportunity to be promoted in every employment to a higher level and this opportunity for promotion should not be discriminated against by men. So, equal opportunity should be given to women also for promotions.

And the other for example, in the case of rest, leisure, reasonable limitations of working hours, periodic holidays and remuneration for public holidays all these provisions must be retained in the domestic legislation.

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So, we talked about the very specifically with regard to the non-discrimination provisions, we have looked into this particular convention, if you look into some of the regional conventions, like the European Social Charter of 1965, which is applicable to the whole European Union, because these regional conventions like European Social charter, the African Convention, all these are talking about the equality of men and women, especially in the employment. So, as I already said, that, this is the ratification of this convention is limited to the European countries.

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European Social Charter, 1965

- *Preamble*
- The governments signatory hereto, being members of the Council of Europe,
- Considering that the aim of the Council of Europe is the achievement of greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and of **facilitating their economic and social progress, in particular by the maintenance and further realisation of human rights and fundamental freedoms;**
- ...Considering that the **enjoyment of social rights should be secured without discrimination on grounds of race, colour, sex, religion, political opinion, national extraction or social origin;**
- Being resolved to make every effort in common to improve the standard of living and to promote the social well being of both their urban and rural populations by means of appropriate institutions and action,
- Have agreed as follows:

So, you could say that the objective provided in the preamble to the convention, says that, facilitate economic and social progress in particular by the maintenance and further realisation of human rights and fundamental freedoms.

And also by considering the enjoyment of social rights, so, how these social rights would be secured and without any discrimination on the grounds of race, colour, sex, religion, political opinion, national extraction or social origin, irrespective of the fact and also it must be an effort to increase or improve the standard of living and to promote the social well being of the urban and rural populations.

So, we know that there is a lot of living standard difference between the urban population and the rural population. So, there must be appropriate institutions must be taken into place for reducing this disparity between urban and rural populations.

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European Social Charter, 1965

- *Article 1*
- **The right to work**
- With a view to ensuring the effective exercise of the right to work, the Contracting Parties undertake:
 1. To accept as one of their primary aims and responsibilities the **achievement and maintenance of as high and stable a level of employment as possible**, with a view to the attainment of full employment;
 2. To **protect effectively the right of the worker to earn his living** in an occupation freely entered upon;
 3. To **establish or maintain free employment services for all workers**;
 4. To **provide or promote appropriate vocational guidance,**

And also we can see some more provisions. So, it recognized the European Charter also recognizes the right to work and also accepts the European Union accept the primary aim and responsibility of achieving and maintenance of a high and stable level of employment as possible and protecting effectively the right of the worker beyond his living in an occupation freely entered. Establishing or maintaining free employment services for all workers to provide or promote appropriate vocational guidance and training and also rehabilitation should be provided. So, we can see the very close similarity between other international conventions the provisions have.

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European Social Charter, 1965

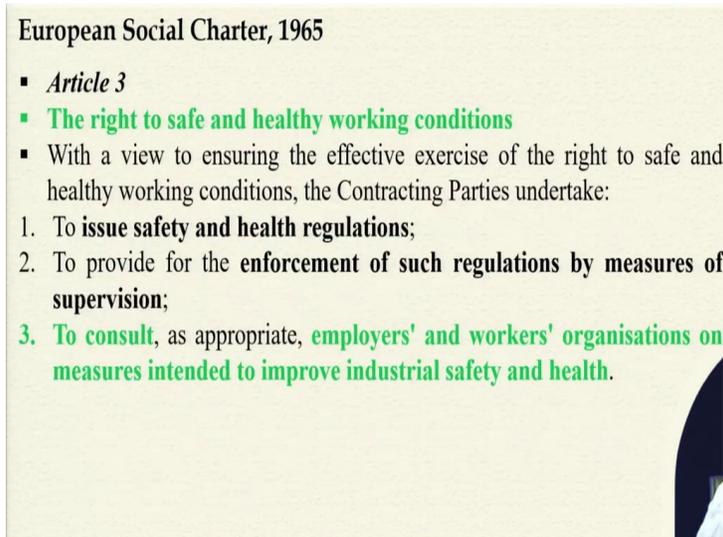
- *Article 2*
- The right to just conditions of work
- With a view to ensuring the effective exercise of the right to just conditions of work, the Contracting Parties undertake:
 1. To **provide for reasonable daily and weekly working hours**, the working week to be progressively reduced to the extent that the increase of productivity and other relevant factors permit;
 2. To **provide for public holidays with pay**;
 3. To provide for a **minimum of two weeks annual holiday with pay**;
 4. To provide for **additional paid holidays or reduced working hours for workers engaged in dangerous or unhealthy occupations** as prescribed;
 5. To **ensure a weekly rest period** which shall, as far as possible, coincide with the day recognised by tradition or custom in the country or region concerned as a day of rest.

So, Article 2, clearly talks about the right to just conditions of work, what do you mean by just conditions the just conditions will be the conditions which are appropriate to the countries for adoption.

So, this particular effective rights to the just conditions of work, so, the contracting parties must undertake reasonable daily and weekly working hours, so provide for reasonable daily and weekly working hours. So, the working hours should be regulated, so that should be progressively reduced to the extent so, to increase productivity and other relevant factors which it permits, there must be public holidays with payments and a minimum of 2 weeks annual holiday with pay additional paid holidays or reduced working awards for workers engaged in dangerous or unhealthy occupations and also there ensure a weekly rest period.

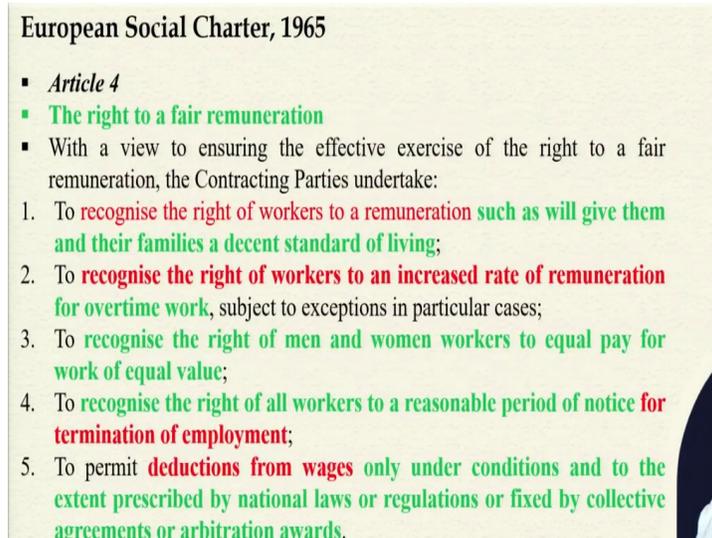
So, this must be all these principles must be incorporated into the European Social Charter of 1965. So, every member's votes will have to incorporate these particular provisions.

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And then the right to safe and healthy working conditions so, we (can) already said that to the working conditions, the safe and healthy working conditions. So, there is a right to safe and healthy working conditions to all the contracting parties of the European Union. So, health regulation and enforcement of any regulations for supervision and also, the government must consult the employees, workers organizations, on what are the measures to be implemented for realizing these rights and for industrial safety and health. So, there is comprehensive provisions which you can find in the European Convention as well.

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European Social Charter, 1965

- **Article 4**
- **The right to a fair remuneration**
- With a view to ensuring the effective exercise of the right to a fair remuneration, the Contracting Parties undertake:
 1. To recognise the right of workers to a remuneration such as will give them and their families a decent standard of living;
 2. To recognise the right of workers to an increased rate of remuneration for overtime work, subject to exceptions in particular cases;
 3. To recognise the right of men and women workers to equal pay for work of equal value;
 4. To recognise the right of all workers to a reasonable period of notice for termination of employment;
 5. To permit deductions from wages only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreements or arbitration awards.

And again, you can see that there is not only a right to work but there is a right to fair remuneration which will also be determined by the appropriate authorities.

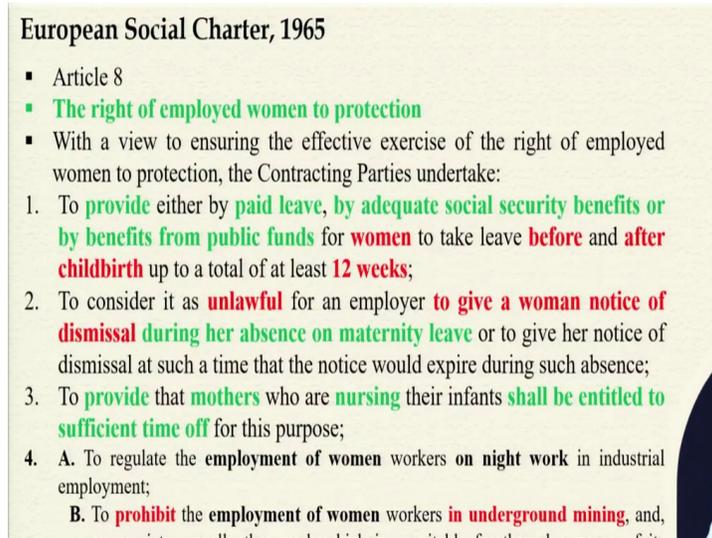
And also the European Social Charter, recognize the right of workers to a remuneration such as willing to give them and their families a decent standard of living. I think in most countries this is the standard which is adopted by a worker and his families a decent standard of living.

And also it recognizes the right of workers to an increased rate of remuneration for overtime work. And this increased rate which we saw that for example, in India, now it is fixed as double the usual working time wages.

So, here again, the right of men and women to equalise recognizes the right of men and women workers for equal pay for work of equal value. And also it recognizes the right of all workers to a reasonable period of notice for termination of employment. And also, permits the deductions from wages only under conditions and to the extent prescribed by national laws. So, authorized deductions, unauthorized deductions, authorized deductions we saw in our classes in the domestic legislations, saw there are deductions and it can be fixed by national laws or regulations or fixed by collective agreements, collective agreements, or even through arbitral awards to be implemented or even the court decisions.

So, deductions from wages authorized deductions are clear it must be clearly mentioned under domestic laws.

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European Social Charter, 1965

- Article 8
- **The right of employed women to protection**
- With a view to ensuring the effective exercise of the right of employed women to protection, the Contracting Parties undertake:
 1. To **provide** either by **paid leave, by adequate social security benefits or by benefits from public funds** for **women** to take leave **before and after childbirth** up to a total of at least **12 weeks**;
 2. To consider it as **unlawful** for an employer **to give a woman notice of dismissal during her absence on maternity leave** or to give her notice of dismissal at such a time that the notice would expire during such absence;
 3. To **provide** that **mothers** who are **nursing** their infants **shall be entitled to sufficient time off** for this purpose;
 4. A. To regulate the **employment of women workers on night work** in industrial employment;
B. To **prohibit** the **employment of women workers in underground mining**, and, as appropriate, on all other work which is **unsuitable** for them by reason of its

So, again, Article 8, if you look into clearly says the right of an employed woman to protection, so, what are the employed woman what are the kinds of protection available to the woman paid leave by adequate social security benefits, so benefits from public funds for a woman to take leave before and after childbirth, which we talked about maternity benefits. So, maternity benefits in European, so it is mentioned it is 12 weeks.

So, we can say that in India so we are much more advanced in this particular period which is granted for maternity benefits 26 weeks. And here and also it is considered unlawful for an employer to give a moment's notice of dismissal during her absence on maternity leave, and the employer is prohibited from dismissing any employee or and also any kind of unauthorized deductions are prohibited.

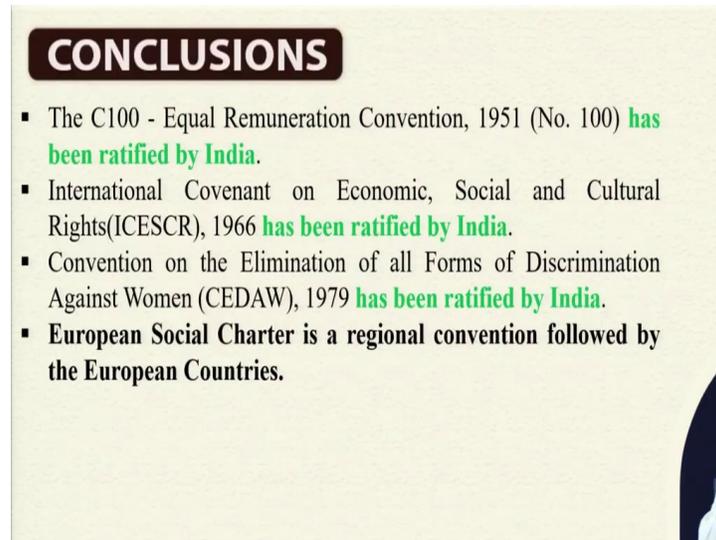
And also it is the duty of the employer to provide mothers with nursing breaks. So, sufficient time for nursing breaks, to, so and also regulate the employment of human workers at night work. So, until very recently until the enactment of these new labour codes in India then from 7 pm to morning 6 am the night work of women was prohibited.

Now, it is imparity for some industries to work for women workers during the night which is why the new labour codes it is allowed certain restrictions, and also the women workers in underground mining also unsuitable work.

So, unsuitable works have the sense that dangerous works and unhealthy works or works of arduous nature. So, the woman should be avoided from doing all these particular works. So,

the European Commission is also implemented or included these provisions in other international conventions as well as the ILO conventions.

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So, in conclusion, we can say that the Equal Remuneration convention of ILO has been adopted by the largest number of countries those who adopted it along. You can see that the international covenant on the UN General Assembly, the International Covenant on Economic, Social and Cultural Rights and then most importantly, the rights of women, which is mentioned under the Convention on the Elimination of All Forms of Discrimination Against Women popularly known as CEDAW.

So, the best example, is the European Convention, which included all these rights together non-discrimination, Equal Remuneration and non-discrimination between men and women what are the other rights are clearly mentioned under the European Convention as well.

So, I would say that these international conventions play a very crucial role in eliminating the discrimination between men and women even in developing countries like India, that is why we have also adopted these particular provisions and we have signed all these 3 conventions. So, the European Convention is Social Charter is applicable to only European countries.

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REFERENCES

- C100 - Equal Remuneration Convention, 1951 (No. 100)
- International Covenant on Economic, Social and Cultural Rights(ICESCR), 1966
- Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), 1979
- European Social Charter, 1965

So, this particular class talks about these important conventions. Thank you.