

## **The International Labour Organization (ILO) And it's Conventions Relating to Women and Work\***

### **Introduction:**

The international Labour Organization (ILO) is a specialized agency of the United Nations that deals with labour issues. The preamble of the ILO Constitution reflects a concern that social unrest would result from the exploitation of the working class. Recently the ILO has paid increasing attention to the effects of globalization on labour rights, and in particular the deregulation of trade. Its objective is to promote opportunities for women and men to obtain decent and productive work in conditions of freedoms, equity, and security. The organization deals with a range of work-related issues including topics like sweat shops, children's rights, women's rights, and the spread of infectious diseases like HIV/AIDS.

### **What does the ILO do?**

The main goal is to establish and enforce international labour standards which take the form of either a **Convention** or a **Recommendation**. The standards can be defined as instruments that are non-binding guides for national policy and legislation development. The instruments are enforced through a regular review of the laws as well as through a complaint process.

The following are examples of up-to-date Conventions that India has or has not ratified<sup>1</sup>:

#### **Ratified:**

- Forced Labour Convention-C09
- Abolition of Forced Labour-C105
- Employment Policy-C122
- Equality of Treatment (Social Security)-C118

#### **Not Ratified:**

- Worst Forms of Child Labour-C182
- Minimum Age-C138
- Protection of Wages-C95
- Occupational Safety and Health-C155
- Social Security (Minimum Standards)-C102
- Employment Injury Benefits-C121
- Employment Promotion and Protection against Unemployment-C168
- Maternity Protection-C183

\* Developed by Jennifer Spring: Ottawa, Canada. For more information visit [http://www.ilo.org/global/lang--en/index.htm](http://www.ilo.org/global/lang-en/index.htm)

<sup>1</sup> India has only ratified 41 Conventions

## Core Conventions:

Eight ILO Conventions have been identified by the ILO's Governing Body as being fundamental to the rights of human beings at work, irrespective of levels of development of individual member States. These rights are a precondition for all the others in that they provide for the necessary implements to strive freely for the improvement of individual and collective conditions of work.

- C29 Forced Labour
- C87 Freedom of Association and Protection of the Right to Organize
- C98 Right to Organize and Collective Bargaining
- C100 Equal remuneration
- C105 Abolition of Forced Labour
- C111 Discrimination (Employment and Occupation)
- C138 Minimum Age Convention
- C182 Elimination of the Worst Forms of Child Labour

### A. Conventions and why they are Important for Women:

- **Children at School:**

**Maternity and Work:** During pregnancy and maternity leave you should be entitled to medical and midwife care without any additional cost.

**No harmful work:** During pregnancy and while breastfeeding you should be exempt from work that might bring harm to you or your baby.

**Leave:** Your maternity leave should last at least 14 weeks.

**Income:** During maternity leave your income should amount to at least two thirds of your preceding salary.

- C183: Maternity Protection
- C156: Workers with Family Responsibilities

- **Work and Safety at Work:**

Your employer, in all fairness, should make sure that the work process is safe.

**Free protection:** Your employer should provide protective clothing and other necessary safety precautions for free.

**Training:** You and your colleagues should receive training in all work related safety and health aspects and you should have been shown the emergency exits.

**Complaints:** When you inform your superior about an imminently or actually dangerous situation on the job, you should not be made to take up that job while this situation lasts.

- C155: Occupational Safety and Health.

- **Wages**

**The minimum wage** must cover the living expenses of the employee and his/her family members. Moreover it must relate reasonably to the general level of wages earned and the living standard of other social groups

- C131: Minimum wage

**Regular pay:** Wages must be paid regularly.

- C95: Regular pay

**Compensation overtime:** working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to.

- C47: Compensation overtime

**Work and Holidays: Paid holiday:** Three weeks paid holiday is the yearly minimum, national and religious holidays not included.

- C132-Holidays with Pay

**Pay on holidays:** You should be entitled to paid leave during national and officially recognized religious holidays.

**Compensation holidays:** If you have to work on a national or religious holiday you should be entitled to compensation. Not necessarily in the same week, provided the right to a paid compensation day is not forfeited.

**Weekend work compensation:** If you have to work during the weekend, you should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the

weekend, but at least in the course of the following week.

**School holidays:** Your paid holidays should be allowed to coincide with the holidays of school going children.

**Equal opportunities of parents:** Employees (regardless of gender) with

family responsibilities should have the same opportunities as their colleagues who have no such responsibilities.

\*India ratified Convention 14, but not Convention 47 and 106.

- **Social Security:**

**Pension rights:** From the age of 65, set as a percentage of the minimum wage or a percentage of the earned wage. This basic ruling has been laid down in Social Security Minimum Standards

**Dependents' benefit:** When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage.

**Unemployment benefit:** For a limited period of time the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

**Medical care:** Employees and their family members should have access to the necessary minimal medical care at an affordable price.

Your rights to work and income should be protected when illness strikes. The first 3 days of your absence due to sickness do not need to be compensated for.

**Minimum income:** Minimally you should be entitled to an income during 6 months of 60 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year).

**Job security:** During the first 6 months of your illness you should not be fired.

**Disability benefit:** Whenever you are disabled due to an occupational disease or accident, you ought to receive a somewhat higher benefit than when the cause is not work related.

- C121: Employment Injury Benefits and Medical Care and Sickness Benefits.
- C102, 121, 128, 130 and 168

*\*India has not ratified Social Security (Minimum Standards) Convention 102 nor subsequent Conventions 121, 128, 130 and 168.*

- **Fair Treatment at Work:**

**Equal pay**

At workplaces equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on religion, race or ethnic background is also forbidden. A transparent remuneration system and the clear matching of pay and position are in place and help to prevent wage discrimination.

**Sexual intimidation:** Sexual intimidation is gender discrimination.

**Training opportunities:** All employees, regardless of gender, religion, race or ethnic background are entitled to equal training and schooling opportunities.

**Freedom to complain**

You should know whom to turn to for help in case of discrimination. Whenever you ask questions about discrimination or file a complaint you shall feel protected against intimidation and against being dismissed.

- C11: lists the discrimination grounds which are forbidden. Convention 100 is about Equal Remuneration for Work of Equal Value.

- **Children at Work:**

At workplaces there should no work be performed by children that could harm their health and hampers their physical and mental development. All children should be able to attend school. Once this is safeguarded there is no objection against children performing light jobs between the ages of 12 and 14.

**Forced Labour:** Employers have to allow you to look for work elsewhere. If you do, you should not be shorted on wages or threatened with dismissal. (In the reverse cases international law considers this as forced labour).

**No passport or ID:** You should hold your own passport or ID. Not your employer. (One of the indicators of forced labour is whether the worker can freely use their passport or ID. Too often still, especially in the context of migration, the employer confiscates this personal document. Whenever this happens it is a matter of forced labour.)

**Pay back loan:** When you do not receive any pay since you still have not yet fully paid back the personal loan provided by your employer, this is considered to be forced labour.

- C29 and 105 specify are the qualifications of forced labour. It is work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.
- C 138 and 182

- **Trade Union Rights:**

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

**Freedom to join a union an being active in the trade union outside working hours**

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours

- C87 and 98

**B. ILO's Gender Equality at the Heart of Decent Work Campaign:**

Gender equality at the heart of decent work offers an opportunity to move to further action and guide the Organization's future aspirations for promoting gender equality and women's empowerment in the world of work. This issue of the Global Employment Trends for Women looks at the gender aspects of the impact of the financial crisis and slowdown in world economic growth on jobs, and updates indicators on the situation of women in labour markets around the world.

**Campaign Objectives:**

- Increase general awareness and understanding of gender equality issues in the world of work;
- Highlight the specific linkages between gender equality and securing decent work for all women and men;
- Promote the ratification and application of key ILO gender equality labour standards; and
- Advocate the importance of overcoming existing barriers to gender equality as beneficial for all.

*For more information visit:*

**International Labour Organization:**

<http://www.ilo.org/global/lang--en/index.htm>

**Gender Equality at the Heart of Decent Work Campaign:**

<http://www.ilo.org/gender/lang--en/index.htm>

