



**PSI briefing for discussion of the General Survey
"Achieving gender equality at work".
International Labour Conference, 111th Session, 2023**

1. Background

The General Survey focuses on the Discrimination (Employment and Occupation) Convention, 1958 (No. [111](#)), the Workers with Family Responsibilities Convention, 1981 (No. [156](#)), the Maternity Protection Convention, 2000 (No. [183](#)), the Discrimination (Employment and Occupation) Recommendation, 1958 (No. [111](#)), the Workers with Family Responsibilities Recommendation, 1981 (No. [165](#)), and the Maternity Protection Recommendation, 2000 (No. [191](#)).

The decision on the scope of the Survey was taken by the Governing Body at its 337th Session in 2019, after hearing the submission of the Standards Review Mechanism (SRM) Tripartite Working Group (TWG) ([GB.337/LILS/PV](#)), which excluded the Equal Remuneration Convention, 1951 (No. [100](#)), from treatment in the General Survey, even though it is a fundamental instrument for the achievement of gender equality at work. The argument was the need to have a less broad, more focused approach and to concentrate the discussion on a non-exhaustive number of instruments, arguing also that Convention 100 was already the subject of a General Survey in 2012.

The General Survey will be an input to the recurrent discussion on fundamental principles and rights at work at the 2024 Labour Conference¹, as well as to the review of maternity protection instruments by the Standards Review Mechanism to be held in September 2023.²

2. Highlights of the General Survey

2.1. Non-discrimination in employment and occupation

Definitions and prohibitions. The Survey points to the importance of having a clear definition of "discrimination" and addresses the three components of the definition that Convention 111 incorporates: the fact, the reason, and the effect. It also includes the whole cycle of the world of work, from the process of job advertisement and recruitment to the termination of the employment relationship itself, including dismissal. The study points out that the definition is key as it regulates what is to be prevented and assessed that there are still significant gaps in national legislation, noting that discrimination on the grounds of sex (male-female) is the most regulated worldwide.

Work in the public sector. The Survey proposes the importance of having the State as a model employer, highlights the high number of women in the workforce, particularly in national and local public administration sectors, and shows that in many countries there are special laws regulating the public

¹ The year 2023 appears in the text of the Study for the recurrent discussion on fundamental principles and rights at work, however, it will be in 2024.

² https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_858207.pdf

sector and that it is important that they correspond to the necessary guarantees on discrimination and/or are assisted by general labour laws where there are gaps.

Digital and platform work. While digitalisation has brought positive aspects in terms of employment services, training and flexibility, the Survey points out two risks in terms of Artificial Intelligence that show the construction of gender-biased algorithms, which produce discriminatory access to employment opportunities, as well as job selection based on these same distortions. It opens platform work as an opportunity.

Discrimination and stereotypes. The link between discrimination and stereotypes appears in the Survey as fundamental, implicitly integrating structural aspects that, although international labour standards are far from transforming, they can at least accurately locate and provide for rights guarantees. The aspects cited in the Survey refer to stereotypical assessments of skills, abilities, sexual orientation, gender identity, and sexuality and emphasise the intersectional nature of discrimination.

National strategies and collective agreements. Another important aspect that the Survey mentions are national regulation not only through legislation but also through collective agreements, giving strength to the pact between the parties and legitimacy to one of the fundamental instruments of collective rights in the world of work, namely collective bargaining.

2.2. Workers with family responsibilities

The Survey places the emergence of the issue at the heart of decent work and gender equality. There is a clear interpretation that these family responsibilities have to do with care, and in particular unpaid care work, as well as the historical sexual division of labour. It approaches the issue from the concept of redistribution of responsibilities between men and women workers with and without family responsibilities, questioning the gender biases that perpetuate inequality, occupational segregation, family status, and the oversized impact on productivity that falls in all dimensions, mainly on women when dealing with the way forward.

The Survey mentions the issue of self-care very briefly, but it is worth bringing it into the discussion.

Two key issues that come to the fore are, on the one hand, working hours and working time, and on the other hand, care infrastructure and services both in the world of work and in society as a whole.

Scope of application. All branches of economic activity and all categories of workers, from which it follows that it includes the public sector, migrant workers, and typical forms of employment relations emerging today, such as platform work and teleworking. The Survey also notes that the protection of Convention 156 covers the entire life working cycle, including access to work and training, job progression and conditions of employment, return to work after leave, and protection against dismissal.

Collective bargaining. The Survey notes that in most cases the provisions of Convention 156 are agreed through collective bargaining agreements, which creates a serious deficit for workers not covered by this collective right.

Link to maternity protection and non-discrimination. This link is crucial as it gives a holistic approach to the implementation of all the instruments covered by the Survey.

Interdisciplinary government action. This approach becomes crucial and brings into the debate the need for the political will of the State and government, and not only the Ministries of Labour, as care policies require not only actions in the world of work.

Redistribution of care work between families and the State. When addressing public policy, the Survey highlights this paradigm shift about unfamiliarising care and the role of national care systems in it. It talks about the actors in the social organisation of care and their participation in the construction of the systems.

Convention 156 implementation by stages. The Survey provides clarity that the provision of Article 10 of the Convention has largely not been implemented globally and affirms the importance of sustained implementation.

2.3. Maternity protection

Relevant to the Survey is the link between maternity protection and decent work, as well as the consideration of maternity as a human right.

Human right. Maternity is a right that is enshrined in the human rights framework as inherent to women. This right was first established under the auspices of the ILO in 1919, with Convention 3, and since then has been recognised in various international human rights instruments outside the world of work, which marks the relationship between the human rights framework and international labour standards. This recognition as a right also makes it possible to see maternity protection as a key element in the prevention and reduction of poverty and its feminisation.

Indivisibility of the right to maternity protection. The Survey shows the link to other Conventions such as 100 (equal pay), 111, and 156, thus strengthening the link and interdependence.

Comprehensive approach. Maternity protection covers pregnancy, childbirth, the postnatal period, and breastfeeding, and protects against dismissal and in favour of remaining in the same or a similar job, protection against risks and job security, guaranteed remuneration during leave and return to work, protection of health, medical care and breastfeeding, and areas that also consider extended protection for children.

Co-responsibility. The Survey urges States to increase public funding for the implementation of comprehensive protection policies and raises the importance of State action, as well as that of employers.

Definition of women. Specifies any female person, noting the inclusion in the definition of all women, irrespective of sexual orientation and family status. Urges States to adopt inclusive and non-discriminatory measures, including for women with same-sex partners or adopted children.

Extension to fathers, including foster parents and primary caregivers. This is a key element for the redistribution and de-feminisation of roles, which is critical for building equality.

Protection deficits. There is evidence of a progressive increase of women in the labour force, which has also meant non-standard forms of employment that exclude rights, which is why the Survey calls on governments to redouble their efforts.

2.4. Social dialogue and tripartite participation

Both tripartism and social dialogue are critical mechanisms for the implementation and enforcement of international labour standards, so it is essential to legitimise the role of workers' organisations in this process. The Survey also highlights the low representation of women in these processes.

2.5. Remuneration and working conditions

Although the issue of remuneration, which is the subject of Convention 100, does not form part of the scope of this Survey, it cannot fail to be mentioned, as it is an invaluable share of gender equality at work. It notes as relevant one of the fundamental elements of Convention 100, which is to transcend the value of work, beyond the same type of work, but rather to work of equal value, an element that reflects the impact on the wage gap of gender segregation of labour, the feminisation of sectors and occupations and the concentration of the female workforce at the lowest levels of the labour pyramid. The Survey also shows the relationship and interdependence with remuneration and working conditions of aspects of discrimination in employment and occupation, as well as family responsibilities, including maternity.

2.6. Social security and social benefits

The prohibition of discriminatory treatment in Convention 111 includes access to social benefits. The existence of gender gaps concerning social benefits is a consequence of the accumulation of other gaps in terms of access to formal and late employment, part-time work, remuneration, the burden of care responsibilities, and retirement age, among others.

2.7. Services for the exercise of family responsibilities

The Survey points out that early childhood, long-term care, and other care and support services for persons with disabilities, children and older persons are of underlying importance for workers with family responsibilities. It notes that Convention 156 draws the attention of States to the importance of the creation of these services in the community, public, and private sectors. It also points out the value of the investment in the necessary social infrastructure and registers the decentralisation of these services to other territorial levels through local governments as significant. One aspect that the Survey highlights is the public subsidisation of private services, as well as the concession of these services in several countries.

The Survey recognises the degree of importance of care services, particularly long-term care, and validates the definition of "long-term care" maintained by the OECD, Eurostat and WHO, indicating that long-term care facilities include four main components: medical or nursing care, personal care services, assistance services, and social care services.

It further notes that Recommendation 165 asserts that States should take measures *"to establish adequately regulated and supervised home help and home care services... at a reasonable cost"*. It also presents that only 89 out of 179 countries have a legal obligation in national legislation to provide long-term care services, gives evidence that there is little information provided by States about public funding for these services, and suggests making long-term care a top priority on policy agendas in all countries, including universal protection, funding, increasing the workforce and decent work, and public support including paid care leave.

3. Aspects to be further developed from the General Survey

PSI appreciates the comprehensive analysis of both the global and national contexts highlighted in the Survey, in terms of trends in favour of, and actual conditions for, gender equality at work. It also highlights the detailed presentation of the efforts that have been made to close the gender gaps and the fact that all are still insufficient. The Survey provides observations that open new dimensions of understanding and work for the implementation of international labour standards and sets out a roadmap for ILO constituents to follow.

Therefore, for PSI as a voice within the Workers' Group, it is important to point out elements that, in our opinion, are critical to note as aspects to be deepened and will have to be evidenced during the discussion of the General Survey.

3.1. Public sector

The Survey has rightly pointed out that in a large number of countries, public sector workers are regulated by special laws, outside the general labour legislation, and it is necessary to expose that there is a tendency for these specific rules not to be in line with the guarantees of collective rights that international labour standards regulate in Conventions 87, 98, 151, and 154, so that the regulation of labour relations is deficient, particularly concerning the right to collective bargaining, an uplifting instrument of labour agreement through which the concrete implementation of Conventions 111 and 156, which are the subject of this Survey, passes.

The task of gender equality at work in the public sector also involves the enforcement of enabling collective rights.

3.2. Feminised work sectors and occupations

The persistence of gender segregation in the workplace has created feminised sectors of work and occupations that are subject to the reproduction of the same gender stereotypes and discrimination that are produced individually towards female workers, which are undervalued and transmitted to the male workforce that occupies them and have therefore been socially and occupationally constituted within the existing structure of gender discrimination.

The service sector, and a wide range of public services, have this configuration. Therefore, our task needs targeted action.

3.3. Rebuilding the social organisation of care

The Survey has taken a significant step towards outlining a new scenario for the discussion of care, by making it a concrete object of Convention 156 in the world of work, as well as placing it not only on the labour agenda but also on the political agenda of States, not only in terms of reform but also of transformation. This step taken by the Survey, in our opinion, shakes the floor of the limited conception of care only from the economic perspective and opens the spectrum of care in the political and cultural dimensions.

For PSI, this element strategically positions us to raise for discussion our proposal for rebuilding the social organisation of care and the 5Rs Care Manifesto, each of which is becoming more and more relevant. In particular, for this discussion, we will raise 4Rs, because of their relevance: **Recognising** care as a human

right; **Rewarding**, remunerating, and representing paid care work; **Redistributing** care work from families to the State (public services); and **Reclaiming** the public nature and fundamental responsibility of the State in providing comprehensive public care systems that transform unequal gender relations.

3.4. Just transition and transformation of the sexual division of labour

The Study has highlighted the need to emphasise the structural aspects that fuel gender inequality in the workplace daily, one of them being gender stereotypes.

As we have mentioned, we acknowledge that international labour standards aim to recognise rights and provide guarantees that, while having an impact on alleviating the effects of gender inequality in the world of work, also have dimensions of structural change.

For PSI, it will therefore be essential to accompany the work for the implementation of international labour standards with a focus on transforming the sexual division of labour and reconfiguring the just transition to one that reflects this intentionality.

3.5. Moving towards a non-binary conception of industrial relations

This historical moment also requires a transformative approach to labour relations, by affirming the rights won by the workers' movement, while at the same time advancing in the correspondence of these rights to the new ways of thinking, understanding, and acting in the world. International labour standards, therefore, need to affirm rights and guarantees, while at the same time making explicit the remarkable social changes affecting the world of work. The Survey has raised necessary aspects of interpretation, for example, the concept of "women", a task that must continue to advance towards other non-binary interpretations.

For PSI, this is a commitment and a challenge to be undertaken to increase influence within the ILO.

4. Our next steps to reinforce the political momentum brought about by the General Survey

4.1. Ratification, implementation, and monitoring of key conventions for gender equality

The Survey indicates that, as of December 2022, there have been 175 ratifications of Convention 111, 45 ratifications of Convention 156, and 43 ratifications of Convention 183, and that only 20 countries have ratified all three Conventions.

For our part, we would like to include Convention 100, with 174 ratifications, and Convention 190, with 27 ratifications, in this consideration and in line with the outlook for future work. It should also be noted that the full validity of the Freedom of Association Conventions 87, 98, 151, and 154 also have a vital influence.

In the next period, we need more coordinated work to develop a process of ratification, implementation, and monitoring of these Conventions in the public sector and their impact on public services in a comprehensive manner.

4.2. Advocacy at the ILO

Technical assistance. The Survey has opened the door for ILO technical assistance in this process of accelerating gender equality at work. As PSI, we will need to identify a group of priority countries to raise the need for technical assistance.

Preparation towards the process of:

- Standards Review being conducted by the Tripartite Working Group, whose September 2023 session will address Convention 183.
- Recurrent discussion on fundamental principles and rights at work at the 2024 session of the International Labour Conference.

May 2023.