WOMEN, BUSINESS AND THE LAW 2020

Why Pay Matters for Working Women

Sheng Cui, Katrin Schulz | June 24, 2020
U.S. WOMEN’S SOCCER TEAM’S BATTLE

US Women's Soccer Fighting for Equal Pay
The part of soccer that is being affected is Women's soccer. These athletes deserve to be paid the way that all other soccer players do. Here, in ...
3 weeks ago

California District Court Kicks Out U.S. Women's National Team’s Equal Pay Claims
... U.S. Women's National Team's (WNT) equal pay case on May 1, granting partial summary judgment to the United States Soccer Federation ...
3 weeks ago

For USWNT and U.S. Soccer, Equal Pay Ruling Offers a Way Out
Gary Klausner of Federal District Court in Los Angeles, told them they were wrong. Not only had U.S. Soccer not paid the players less than the ...
1 month ago
WOMEN, BUSINESS AND THE LAW

70% of economies still have laws that may contribute to the gender pay gap.
LAWS AFFECT WOMEN THROUGHOUT THEIR WORKING LIVES

- Mobility
- Workplace
- Pay
- Marriage
- Parenthood
- Entrepreneurship
- Assets
- Pension
PAY INDICATOR

1. Equal Pay
   Does the law mandate equal remuneration for work of equal value?

2. Night Work
   Can women work the same night hours as men?

3. Dangerous Work
   Can women work in jobs deemed dangerous in the same way as men?

4. Industrial Work
   Are women able to work in the same industries as men?
1. Does the law mandate equal remuneration for work of equal value?

*Remuneration*: the ordinary, basic, or minimum wage or salary and any additional emoluments payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising from the worker’s employment.

*Work of equal value*: not only to the same or similar jobs but also to different jobs of the same value.

Employers are legally obliged to pay equal remuneration to male and female employees who perform work of equal value.

- Limits “equal remuneration” to the same/equal/similar work, or work of a similar nature
- Limits “remuneration” to only basic wages/salary
- Limits “equal remuneration for work of equal value” to the same place of business/same employer
Does the law mandate equal remuneration for work of equal value?

Yes 46% (88 Economies)

No 54% (102 Economies)

“No” by Region

EAP: East Asia & Pacific
ECA: Europe & Central Asia
OECD: High income
LAC: Latin America & Caribbean
MENA: Middle East & North Africa
SA: South Asia
SSA: Sub-Saharan Africa

EAP: 80%
ECA: 36%
OECD: 22%
LAC: 69%
MENA: 60%
SA: 75%
SSA: 54%
Does the law mandate equal remuneration for work of equal value?

TANZANIA

“…every employer shall take positive steps to guarantee equal remuneration for men and women for work of equal value.”

“‘remuneration’ means the total value of all payments, in money or in kind, made or owing to an employee arising from the employment of that employee.”

(Employment and Labor Relations Act, Sec. 7)
Does the law mandate equal remuneration for work of equal value?

**ARMENIA**

“For men and women, for the same or equivalent work, wages are paid in equal amounts.”

“The salary includes the basic earnings and additional remuneration, in any way issued by the employer to the employee for the work performed by the employee.”

(Labor Code, Art. 178)
2. Can women work the same night hours as men?

- Nonpregnant and non-nursing women can work the same night hours as men
- Restrictions do not apply to the food retail sector; women’s consent to work at night is required; or an employer needs to comply with safety measures

- Law broadly prohibits women from working at night
- Law limits the hours women can work at night
- Law gives the relevant minister/ministry the power to restrict or prohibit women’s night work
Can women work the same night hours as men?

**Yes**: 86% (164 Economies)

**No**: 14% (26 Economies)

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"No" by Region

- **EAP**: East Asia & Pacific
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EAP: 8%

ECA: 16%

OECD: 0%

LAC: 6%

MENA: 55%

SA: 50%

SSA: 6%
Can women work the same night hours as men?

BOLIVIA

“Women and children under the age of 18, may only work during the day, except nursing, domestic service and others to be determined.”
(General Labor Law, Art. 60)
3. Can women work in jobs deemed dangerous in the same way as men?

- No laws prohibit/restrict nonpregnant and non-nursing women from working in jobs deemed “hazardous,” “arduous,” or “morally inappropriate.”

- Prohibits/restricts women from working in jobs deemed hazardous, arduous, or morally inappropriate
- If employer or relevant minister/ministry can determine whether particular jobs are too hazardous, arduous, or morally inappropriate for women but not for men.
Can women work in jobs deemed dangerous in the same way as men?

- Yes: 71% (134 Economies)
- No: 29% (56 Economies)

“No” by Region:
- EAP: 12%
- ECA: 32%
- OECD: 6%
- LAC: 19%
- MENA: 75%
- SA: 25%
- SSA: 42%

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Can women work in jobs deemed dangerous in the same way as men?

**MOZAMBIQUE**

“Employers are forbidden from assigning female employees work that is harmful to their health or their reproductive functions. (Law No. 23, Art.11(2))

Hazardous
Nonpregnant and non-nursing women can work in the mining, construction, manufacturing, energy, water, agriculture, and transportation industries in the same way as men.

- Prohibits women from working in these industries.
- Prohibits women from working at night in “industrial undertakings,” or by giving the relevant minister or ministry the power to prohibit or restrict women from working in certain jobs or industries.
Are women able to work in the same industries as men?

- **Yes**: 61% (116 Economies)
- **No**: 39% (74 Economies)

“No” by Region:

- EAP: 32%
- ECA: 52%
- OECD: 13%
- LAC: 28%
- MENA: 60%
- SA: 63%
- SSA: 48%

**Regions**:

- **EAP**: East Asia & Pacific
- **ECA**: Europe & Central Asia
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Laws restrict women’s employment in various industries throughout the world

<table>
<thead>
<tr>
<th>Industry</th>
<th>Economies with at least one restriction</th>
<th>Example</th>
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</thead>
<tbody>
<tr>
<td>Mining</td>
<td>60</td>
<td>Working in any underground mine (Sierra Leone)</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>48</td>
<td>Cleaning, lubricating or adjusting any part of machinery (Bangladesh)</td>
</tr>
<tr>
<td>Construction</td>
<td>35</td>
<td>Working in industrial paint jobs (Colombia)</td>
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<tr>
<td>Energy</td>
<td>26</td>
<td>Exploratory drilling of oil and gas wells (Russian Federation)</td>
</tr>
<tr>
<td>Water</td>
<td>23</td>
<td>Working in jobs that require soaking the body in dirty water (Vietnam)</td>
</tr>
<tr>
<td>Agriculture</td>
<td>21</td>
<td>Skinning animals (Lebanon)</td>
</tr>
<tr>
<td>Transportation</td>
<td>16</td>
<td>Driving a railway, metro or locomotive train (Azerbaijan)</td>
</tr>
</tbody>
</table>
60 economies (32%) restrict women’s employment in mining
48 economies (25%) restrict women’s employment in manufacturing.
35 economies (18%) restrict women’s employment in construction
26 economies (14%) restrict women’s employment in the energy industry
23 economies (12%) restrict women’s employment in the water industry
21 economies (11%) restrict women’s employment in agriculture
16 economies (8%) restrict women’s employment in the transportation industry
The FIRST WOMAN DIVER in Ukraine’s History

We have to act on the touch. How does the first female diver in Ukraine work in the State Emergency Service...

How the first female diver in Ukraine works in the State Emergency Service.
June 8, 2019 ... Oksana Chekhmestrenko - the first woman in the post ...
The first such incident was very difficult.
Jun 8, 2019

The first female diver in history appeared in Ukraine

Oksana Chekhmestrenko fulfilled her dream and became the first female diver in Ukraine. She can dive even when ...
Mar 7, 2018
WBL 2020
Progress is being made: 2017—2019

Equal Pay
7 REFORMS
Germany, Jordan, Mali, Nepal, South Sudan, Thailand, Uruguay

Night Work
5 REFORMS
Jordan, Nepal, São Tomé and Príncipe, South Sudan, United Arab Emirates

Dangerous Work
5 REFORMS
India, Moldova, São Tomé and Príncipe, South Sudan, United Arab Emirates

Industrial Work
5 REFORMS
Moldova, Niger, São Tomé and Príncipe, South Sudan, United Arab Emirates
WBL 50-Year Data

Improvement across indicators: 1970—2019

- **PAY**: 17.2 → 35.8 → 53.9 → 66.1
- **PENSION**: 17.6 → 47 → 73.2
- **WORKPLACE**: 17.6 → 51.1 → 78.4
- **MARRIAGE**: 65.5 → 81.8
- **ASSETS**: 62.2 → 82.8
- **ENTREPRENEURSHIP**: 75.5 → 87.2
- **MOBILITY**: 75.5 → 87.2
What Triggers Reforms?
International Conventions

- Night Work (Women) Convention (Revised) 1919
- Night Work (Women) Convention (Revised) 1935
- Treaty of Rome 1951
- Equal Remuneration Convention 1958
- Equal Pay Directive 1976
- CEDAW 1990
- Health and Safety in Mines Convention 1995
- ILO abrogates the 1919 and 1934 Night Work Conventions 2017
- Equal Treatment Directive 2018
- ILO classifies Convention 45 as outdated 2018

- Night Work (Women) Convention 1934
- Underground Work (Women) Convention 1948
- Discrimination (Employment and Occupation) Convention 1957
- Equal Treatment Directive 1975
- Night Work Convention 1979
- ILO abrogates the 1919 and 1934 Night Work Conventions 2018
What Triggers Reforms?