

Comparative study of the labour legislation in 8 Arab countries: The protection of working women's rights

ITUC REPORT

ITUC, International Trade Union Confederation
April 2012



ITUC CSI IGB



التغيير من أجل المساواة
شبكة المرأة العربية في النقابات العمالية

Acknowledgment

This publication was realized thanks to the Belgian trade union ABVV/FGTB and with the financial support of the Belgian Ministry of Employment, Labour and Social Dialogue.



We extend our thanks to Nael Fattouh Alhawah, lawyer and researcher, who helped us putting this information together.

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Introduction

Comparative study of the labour legislation in 8 Arab countries: The protection of working women's rights

The spring of 2011 will remain a breakthrough in the history of the Arab region. In several countries people took the streets to demand freedom, democracy and social justice. The ITUC has been following these developments very closely, supporting the popular calls and demanding that independent trade unions be fully recognized both in law and in practice.

On March 8, 2011 women from the region came together in Tunis to create the Arab Women's Network. In the founding declaration they established that gender equality in the household, at the work place and in society are an essential component of the fight for democracy and social justice. They named their network "Changing for Equality" and agreed that the trade union movement should make gender equality one of its top priorities. They further committed to working together with civil society organisations to ensure that the reforms triggered by the popular movements would deliver on the advancement of women's rights.

This study aims at highlighting the gaps between the ILO Gender Conventions and the national legislation in eight Arabic countries, namely Egypt, Bahrain, Palestine, Jordan, Yemen, Tunisia, Algeria and Morocco. If we take these ILO Conventions as a reference, overall there is still a lot to be done to guarantee the protection of working women's rights in law. And even when the law is in conformity with international standards, in many cases it is not enforced. The lack of efficient implementation mechanisms is a prime obstacle to the effective protection of women's rights in the region.

This study is conceived as a tool that can orient advocacy and campaign work at the national and regional levels. It can also be useful to compare how rights are protected under the different legislations. It is only a starting point though, a source of inspiration that provides the legal background on which to rely in the difficult and long-term fight for gender justice at work. But the time for Arab women to enjoy their human rights is overdue!

Sharan Burrow

General Secretary
ITUC

Labour legislation in Algeria

Algeria has ratified ILO Conventions 100 (Equal Remuneration) and 111 (Discrimination in Employment and Occupation)

1. The legislation in force is Act no. 90-11 of 21 April 1990 concerning labour relations and its amendments. The purpose of the Act is to govern individual and collective labour relations between salaried workers and employers. Salaried workers are considered to be all persons providing manual or intellectual work in return for remuneration for another natural or legal person, public or private, referred to as employer. Public servants and contract staff working in public institutions and administrations of the State, wilayas (provinces) and communes are excluded from the scope of this law and their working conditions are governed by specific legislation. Home workers and domestic staff are excluded from the scope of the law but have the same status as salaried employees with regard to all social security benefits. Employers failing to register them for social security within the prescribed time limit are punishable by a fine or prison sentence.
2. Any clause of an employment contract that derogates, to the workers' detriment, from the rights granted to them by the legislation, regulations or collective agreements is null and void.
3. Salaried women, as with salaried men, have the right to protection against discrimination, other than that based on aptitude and merit, in occupying a position (Article 6 indent 3 of Act no. 90-11 of 21 April 1990, JORA no. 17-1990). Any provision of a collective agreement or an employment contract that may give rise to any form of discrimination in employment between workers on the basis of their sex, social or marital status is null and void (Article 17 of Act no. 90-11 of 21 April 1990, JORA no. 17-1990). The law protects against wage discrimination and all employers are obliged to ensure equal remuneration for work of equal value.
4. Protection of women's rights

A. Juvenile women

The minimum age for employment may not, in any event, be lower than sixteen, except within the framework of apprenticeship contracts established in compliance with the legislation and regulations in force. The law prohibits minors from working in jobs that are dangerous, unhealthy, damaging to their health or considered inappropriate on religious or social grounds.

B. Protection of women's rights

The current labour legislation lists no job category to which women cannot have access. Only work involving exposure to ionising radiation is forbidden for women who are pregnant or breastfeeding (Art. 44 and 50 of Decree 86-132 of 27 May 1986). The law does however prohibit the employment of women, regardless of their age, for night work (between 9 p.m. and 5 a.m.), save in the case of special dispensations granted by the labour inspectorate. Women aged under 19 may not, under any circumstances, be employed for night work (Article 28 of Act no. 90-11 of 21 April 1990, JORA no. 17-1990). All employers are obliged to ensure equal remuneration for work of equal value without discrimination (Article 84 of Act no. 90-11 of 21 April 1990, JORA no. 17-1990). Women workers, in the same way as their male colleagues, have the right to respect for their dignity and their moral and physical integrity within the framework of their employment relationship (Article 6 of Act no. 90-11 of 21 April 1990, JORA no. 17-1990). By virtue of this Article, the employer, the participation committee and the trade union must each take steps to introduce provisions into their respective internal regulations that penalise any violation of these rights.

C. Maternity protection

Salaried women are entitled to pre-natal and post-natal maternity leave (Article 55, paragraph 1 of Act no. 90-11 of 21 April 1990, JORA no. 17-1990). The period of maternity leave covered by social security is fourteen weeks (Article 29 of Act no. 83-11 of 02-07-1983, amended by Article 12 of Ordinance no. 96-17 of 06-07-1996). Salaried women required to interrupt work to take maternity leave are legally entitled to suspend the employment relationship (Article 64, indent 2 of Act no. 90-11 of 21 April 1990, JORA no. 17-1990). At the end of the period during which the employment relationship is suspended, the employee is entitled return to her post, as of right, or to a post with the same pay (Article 65 Act no. 90-11 of 21 April 1990, JORA no. 17-1990).

Enforcement of labour law

In practice, women face widespread discrimination in employment. They are often paid less than men for work of equal value. Women are heavily concentrated in the informal economy and agricultural sector. There is, moreover, a high level of segregation on the formal labour market: around 80% of women employed in this market work in the health or education sectors.

Description and evaluation of the legal provisions in Algeria compared to ILO Convention 183 Maternity Protection

Convention 183	Algerian law
<p>Scope:</p> <ol style="list-style-type: none"> 1. All employed women; 2. Each member state may exclude wholly or partly from the scope of the Convention limited categories of workers when its application to them would raise special problems. <p>Maternity leave:</p> <ol style="list-style-type: none"> A. Women have the right to a maternity leave of not less than 14 weeks. B. The maternity leave should include a compulsory period of six weeks after child birth to protect the health of mother and child. C. The prenatal portion of the maternity leave is extended by any period elapsing between the presumed date of childbirth and the actual one, without reduction in any compulsory portion of the postnatal leave. <p>Leave in case of illness or complications:</p> <ol style="list-style-type: none"> 1. the pre or postnatal leave is extended in case of illness or risk of complications from pregnancy or childbirth. 2. States may designate the maximum duration of such leave as per their national or local regulations. <p>Benefits (pay):</p> <ol style="list-style-type: none"> (1) Cash benefits shall be provided to women who are absent from work on maternity leave under articles 4 and 5. (2) Cash benefits shall be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living. (3) The amount of such benefit or assistance should not be less than two thirds of the woman's last pay. 	<p>Women have the right to maternity leave during the prenatal and post-natal periods. The period of maternity leave covered by the social security system is fourteen weeks. Maternity leave must be taken six weeks at most and one week at least before the estimated date of childbirth.</p> <p>Leave taken 6 weeks prior to the estimated date of childbirth is covered in accordance with the conditions provided for in terms of health insurance.</p> <p>Women who are covered have the right to the daily benefits defined by the health insurance fund based on 100% of her salary.</p> <p>The duration and the rate of benefits in cash and in kind may not be lower than the maternity allowances provided for by the social security system.</p>

4) Where states opt for a different pay standard, the benefit should not be less than two thirds of the last pay under the previous standard.

5) Each Member shall ensure that the conditions to qualify for cash benefits can be satisfied by a large majority of the women to whom this Convention applies.

6) Where a woman does not meet the conditions to qualify for cash benefits, she shall be entitled to adequate benefits out of social assistance funds, subject to the means test required for such assistance.

(7) Benefits shall include medical prenatal, childbirth and postnatal care, as well as hospitalization care when necessary.

(8) Benefits above shall be provided through compulsory social insurance or public funds. An employer shall not be individually liable for the direct cost of any such monetary benefit to a woman employed by him or her.

Employment protection and non-discrimination:

It shall be unlawful for an employer to terminate the employment of a woman during her pregnancy or absence on leave referred to in Articles 4 or 5. The burden of proving that the reasons for dismissal are unrelated to pregnancy rests on the employer.

A woman is guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of her maternity leave.

Each Member shall adopt appropriate measures to ensure that maternity does not constitute a source of discrimination in employment and access to employment.

Measures include a prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work that is:

a. prohibited or restricted for pregnant or nursing women under national laws or regulations; or

b. where there is a recognized or significant risk to the health of the woman and child.

Cash benefits only apply to salaried women.

Principle (5) not fulfilled.

The benefits in kind covered by maternity insurance include care during the prenatal, childbirth and postnatal period. The cost of medical care and medicines are reimbursed on the basis of 100% of the rates set by regulation for workers whose social security contributions have been paid under the conditions provided for by law.

Principle (8) fulfilled. Benefits are covered by the social security fund.

No specific protection against dismissal on grounds of pregnancy or childbirth in the new labour legislation. Algeria has, however, ratified Convention O3 (1919) on maternity protection, whereby women are protected against dismissal during pregnancy and maternity leave.

Women have the right to return to their position or a position with the same pay at the end of the period during which the employment relationship is suspended.

No protection against compulsory pregnancy testing.

<p>Breastfeeding mothers :</p> <p>A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child.</p> <p>The allocated time to nursing breaks or the reduction of daily hours of work are determined by each member state.</p> <p>Breaks or reduction of daily hours are deemed as regular working hours and duly remunerated.</p>	<p>The legal provisions covering women employed in the public sector provide for the right to take unpaid parental leave as well as the right to take breastfeeding breaks for a period of one year as of the expiry of the maternity leave. These breaks are set at two hours a day paid at the normal pay rate for the first six months and one hour a day for the last six months. Women employed in the private sector are not covered by these provisions.</p>
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Description and evaluation of the legal provisions in Algeria compared to ILO Convention 100 Equal Remuneration

Convention 100	Algerian law
<p>Purpose:</p> <p>1 - Equal remuneration for work of equal value.</p> <p>2- Equal pay without discrimination based on sex.</p> <p>Definition of remuneration includes 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.</p> <p>State Roles:</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>Any provision of a collective agreement or an employment contract that may give rise to any form of discrimination in the area of remuneration on the basis of gender is null and void All employers are legally obliged to ensure equal remuneration for work of equal value, without discrimination.</p> <p>Right protected by law but no mechanisms implementing it.</p> <p>No objective appraisal of jobs on the basis of the work performed.</p>

Description and evaluation of the legal provisions in Algeria compared to ILO Convention 111 on Discrimination in Employment and Occupation

Convention n° 111	La législation algérienne
<p>Definition:</p> <p>For the purpose of this Convention the term discrimination includes:</p> <p>a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;</p> <p>b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies.</p> <p>State roles:</p> <p>1. Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.</p> <p>2. Each state undertakes to seek the co-operation of employers' and workers' organizations and other appropriate bodies in promoting the acceptance and observance of this policy;</p> <p>3. States undertake to enact such legislation and to promote such educational programs as may be calculated to secure the acceptance and observance of the policy.</p> <p>4. States undertake</p> <ul style="list-style-type: none"> - to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy; - to pursue the policy in respect of employment under the direct control of a national authority; - to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority; 	<p>The principle of non-discrimination is guaranteed by law but there are insufficient measures to implement it.</p> <p>No mechanism to implement the principle of equal opportunities.</p> <p>No national policy drawn up to promote equal opportunities and treatment. In practice, women's participation on the labour market is limited and highly segregated.</p>

- to indicate in its annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action.

Exceptions:

1. Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State shall not be deemed to be discrimination, provided that the individual concerned shall have the right to appeal to a competent body established in accordance with national practice.

2. Special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labor Conference shall not be deemed to be discrimination.

3. Any Member may, after consultation with representative employers' and workers' organizations, determine that other special measures designed to meet the particular requirements of persons who require special protection or assistance, shall not be deemed to be discrimination.



Description and evaluation of the legal provisions in Algeria compared to ILO Convention 156 on Workers with Family Responsibilities

Convention 156	Algerian law
<p>Purpose: Enhancing equality of opportunities and treatment for workers with family responsibilities</p> <p>Scope of the implementation:</p> <ol style="list-style-type: none"> 1. The Convention applies to men and women workers with responsibilities in relation to their dependent children, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity. 2. The provisions of this Convention shall also be applied to men and women workers with responsibilities in relation to other members of their immediate family who clearly need their care or support, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity. 3. The Convention applies to all branches of economic activity and all categories of workers. <p>Protection objectives:</p> <p>State role:- Enable workers with family responsibilities to exercise their right to free choice of employment without being discriminated against as much as possible and without having conflicting responsibilities at home and work.</p> <p>All measures shall be taken in order to achieve actual equality in:</p> <ol style="list-style-type: none"> a) Free choice of employment; b) Taking into account their needs in terms of social security. <p>Family responsibilities shall not, as such, constitute a valid reason for termination of employment.</p>	<p>No legal protection in this area.</p>

Sexual harassment

The labour legislation has not yet introduced sexual harassment as gross misconduct on the part of the employer; only the amended penal code contains a provision on the punishment of sexual harassment in Article 341 bis ("All persons abusing the authority conferred upon them by their position or occupation to give orders to, threaten, impose constraints or exercise pressure on another person for the purpose of obtaining sexual favours shall be deemed to have committed the offence of sexual harassment and shall be punishable by imprisonment for two months to one year and a fine of 50,000 to 100,000 dinars. In the event of a repeat offence, the punishment shall be doubled"). The majority of the sexual harassment offences identified are committed in the workplace, but very few complaints are filed.

Labour Legislation in Bahrain

Bahrain ratified ILO Convention No 111 on Discrimination in employment and occupation

1. Applicable law: The Labour law for the private (Non-Governmental) sector - Bahrain (23/1976). The law applies to all workers and employers without discrimination. «Worker» is defined as any person, male or female, employed for remuneration of any kind by an employer and under his/her control or supervision. «Employer» means any physical or legal person employing one or more workers for remuneration of any kind.

2. The provisions of the Labour Law do not apply to the following categories of workers: 1.) Civil servants and employees of certain public corporate entities. 2.) Domestic servants and persons regarded as such. 3.) Persons employed in temporary and casual work which is beyond the scope of the employer's core business and for duration of less than one year. 4.) Ship officers, engineers, seamen and others whose employment contract is subject to a special law. 5.) Certain persons employed in agricultural work 6) Members of the employer's family whom he/she actually supports.

3. Clauses in individual contracts found to be in violation of the provisions of the labour Law are null and void.

4. There is no provision prohibiting specifically gender-based discrimination. However the Law refers explicitly to non-discrimination between national and foreign workers such as illustrated by article 44 which prevents employers from discriminating in wages between nationals and non-nationals when they are equal in competence, technical ability and qualifications. (Article 44: An employer who employs foreign workers may not pay them wages or remunerations which are more than these paid to Bahraini workers having equal skills, technical capabilities and academic qualifications except to the extent where the need arises from recruitment of foreign workers.). No such provision can be found with regard to discrimination between men and women.

5. Protection of women's rights:

A. Juvenile women

The law prohibits the employment of juveniles under fourteen years of age. Juveniles aged 14-16 years may not be employed save under the following conditions: a-) Obtaining a license or permit from the competent ministry; b-) Conducting a medical examination proving they are fit to do the required work; c-) They are not employed in risky or dangerous industries and occupations that are prejudicial to their health such as regulated by the competent authority. Juveniles shall not be employed for more than 6 hours a day in effect nor can they be asked to spend more than 7 consecutive hours a day including breaks at the workplace. They are not allowed to work for more than 4 consecutive hours or at night. Juveniles employed within the family context are exempted from the law.

B. Protection of women's rights

Apart from the generic definition of a worker which explicitly refers to men and women, there is no specific provision protecting against gender discrimination. Women are not allowed to work at night except for jobs in infirmaries and other institutions for which the conditions of work are defined by the Minister. It is prohibited to employ women in industries and occupations which are prejudicial to them or their unborn children. Such industries and occupations shall be defined by the competent authority. The Minister further issues a decree determining the list of occupations for which the employer should offer women workers an alternative occupation after marriage. The Minister of Labour may issue other decisions to regulate women's employment.

C. Maternity protection

A woman is entitled to a fully-paid maternity leave of 45 days that will not be deducted from her annual leave. She has the right to an additional 15 day leave without pay. A breastfeeding woman has the right to one or two breaks (not more than one hour a day in total) for breastfeeding; the employer shall designate the timing of this break(s). Authorization must be renewed every six months upon availability of medical reports. Women workers shall not be dismissed on the grounds of marital status, pregnancy or while on maternity leave.

Enforcement of labour laws

Many of the legal provisions related to women's employment are not implemented, especially in the private sector. The inspection of women's working conditions is very limited and inefficient. The fact that several legal provisions are generic and lack clarity makes it far too easy to evade the law.

Gender dimension in collective agreements

There is no special requirement in the provisions of labour laws to encourage gender sensitive collective agreements.

Description and evaluation of the legal provisions in Bahrain compared to ILO Convention No 183 on Maternity Protection

Convention No. 183	Bahraini Law
<p>Scope:</p> <p>1. All employed women</p> <p>2. Each member state may exclude wholly or partly from the scope of the Convention limited categories of workers when its application to them would raise special problems</p> <p>Maternity leave:</p> <p>A. Women have the right to a maternity leave of not less than 14 weeks</p> <p>B. The maternity leave should include a compulsory period of six weeks after child birth for protection of the health of mother and child;</p> <p>C. the prenatal portion of the maternity leave is extended by any period elapsing between the presumed date of childbirth and the actual one, without reduction in any compulsory portion of the postnatal leave.</p> <p>Leave in case of illness or complications:</p> <p>1. the pre or postnatal leave is extended in case of illness or risk of complications from pregnancy or childbirth.</p> <p>2. States may designate the maximum duration of such leave as per their national or local regulations.</p>	<p>The law applies to all working women save the stipulated exemptions which include domestic, agriculture and casual workers, and those employed in family businesses.</p> <p>A woman is entitled to a paid maternity leave of 45 days; she can apply for an additional 15 day leave.</p> <p>This principle is not realized.</p> <p>Benefits from the ordinary sick leave.</p> <p>This principle is not realized.</p>

Benefits (pay):

(1) Cash benefits shall be provided to women who are absent from work on leave under articles 4 and 5.

(2) Cash benefits shall be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living.

(3) The amount of such benefit or assistance should not be less than two thirds of the woman's last pay.

(4) where states opt for a different pay standard, the benefit should not be less than two thirds of the last pay under the previous standard.

(5) Each Member shall ensure that the conditions to qualify for cash benefits can be satisfied by a large majority of the women to whom this Convention applies.

(6) Where a woman does not meet the conditions to qualify for cash benefits, she shall be entitled to adequate benefits out of social assistance funds, subject to the means test required for such assistance.

(7) Benefits shall include medical prenatal, childbirth and postnatal care, as well as hospitalization care when necessary.

(8) Benefits above shall be provided through compulsory social insurance or public funds. An employer shall not be individually liable for the direct cost of any such monetary benefit to a woman employed by him or her.

Employment protection and non-discrimination:

It shall be unlawful for an employer to terminate the employment of a woman during her pregnancy or absence on leave referred to in Articles 4 or 5. The burden of proving that the reasons for dismissal are unrelated to pregnancy rests on the employer.

A woman is guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of her maternity leave.

Each Member shall adopt appropriate measures to ensure that maternity does not constitute a source of discrimination in employment and access to employment.

Measures include a prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work that is:

Women receive 100% of their salary during the 45 day maternity leave. She can take 15 additional days without pay.

This principle (5) is not realized

This principle is not realized.

Maternity benefits are paid by the employer.

Female workers may not be dismissed on the grounds of being married, pregnant or while on maternity leave.

Principle not realized.

Medical exam on women prior to joining work to prove they are fit for the job - they should not be employed in occupations that are prejudicial to their health.

<p>(a) prohibited or restricted for pregnant or nursing women under national laws or regulations; or</p> <p>(b) Where there is a recognized or significant risk to the health of the woman and child</p> <p>Breastfeeding Mothers:</p> <p>A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child</p> <p>The time allocated to nursing breaks or the reduction of daily hours of work are determined each state.</p> <p>Breaks or reduction of daily hours are deemed as regular working hours and duly remunerated.</p>	<p>Breastfeeding women are entitled to one or two breastfeeding breaks (one hour a day in total). Proof that lactation is still taking place is requested by a medical report every 6 months.</p> <p>No provision indicating that the breastfeeding breaks are paid.</p>
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Description and evaluation of the legal provisions in Bahrain compared to ILO Convention No100 on Equal remuneration

Convention No 100	Bahraini law
<p>Purpose:</p> <p>1- equal remuneration for work of equal value; 2- equal pay without discrimination based on sex.</p> <p>Definition of remuneration includes 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.</p> <p>State Roles:</p> <p>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.</p> <p>2- 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.</p>	<p>There are no legal provision to prevent gender discrimination in wages.</p> <p>Wage: all cash and in-kind remuneration a worker receives in addition to allowances and raises, if any.</p> <p>Principle not realized.</p> <p>Principle not realized.</p>

3-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.

Principle not realized.

Description and evaluation of the legal provisions in Bahrain compared to ILO Convention No 111 on Discrimination in Employment and occupation

Convention No 111	Bahraini Law
<p>Definition:</p> <p>For the purpose of this Convention the term discrimination includes:</p> <p>(a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;</p> <p>(b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies.</p> <p>State roles:</p> <p>1- Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.</p> <p>2- Each state undertakes to seek the co-operation of employers' and workers' organizations and other appropriate bodies in promoting the acceptance and observance of this policy.</p> <p>3- States undertake to enact such legislation and to promote such educational programs as may be calculated to secure the acceptance and observance of the policy.</p> <p>4- States undertake to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy</p> <p>- to pursue the policy in respect of employment under the direct control of a national authority</p>	<p>The law does not address sex-based discrimination.</p> <p>There is no provision to make the principles of equal opportunity and equal treatment binding.</p> <p>No national policy to promote equal opportunities.</p> <p>No provision to oblige the state to seek worker-employer organizations' cooperation on that issue.</p> <p>No laws that promote educational programs to accept such a policy.</p> <p>The law does not encourage the State to repeal any provisions or regulations that contradict these principles.</p>

<p>- to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority</p> <p>- to indicate in its annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action</p> <p>Exceptions:</p> <p>1. Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State shall not be deemed to be discrimination, provided that the individual concerned shall have the right to appeal to a competent body established in accordance with national practice.</p> <p>2. Special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labor Conference shall not be deemed to be discrimination.</p> <p>3. Any Member may, after consultation with representative employers' and workers' organizations, determine that other special measures designed to meet the particular requirements of persons who require special protection or assistance, shall not be deemed to be discrimination.</p>	<p>No provision or programme guaranteeing equal treatment and equal opportunity in vocational guidance or training.</p> <p>No report released on the enforcement of the Convention.</p> <p>No special measure in place to provide protection as per the Conventions and Recommendations of the Labour Conference.</p> <p>There is no consultation involving worker and employer organizations on that issue.</p>
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Description and evaluation of the legal provisions in Bahrain compared to ILO Convention No 156 on Workers with Family Responsibilities

Convention n° 156	Législation bahreïnne
<p>Purpose: Enhancing equality of opportunities and treatment</p> <p>Scope of Implementation:</p> <p>1- The Convention applies to men and women workers with responsibilities in relation to their dependent children, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.</p> <p>2- The provisions of this Convention shall also be applied to men and women workers with responsibilities in relation to other members of their immediate family who clearly need their care or support, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.</p>	<p>The law does not cover the issue of workers with family responsibilities and the few related provisions apply to women only.</p>

3- The Convention applies to all branches of economic activity and all categories of workers.

Protection objectives:

State role: enable workers with family responsibilities to exercise their right to free choice of employment without being discriminated against as much as possible and without having conflicting responsibilities at home and work

All measures shall be taken in order to achieve actual equality in:

a- Free choice of employment

b- Taking into account their needs in social security

Family responsibilities shall not, as such, constitute a valid reason for termination of employment.

Sexual Harassment

The Bahraini Labour Law does not address sexual harassment against working women and there is no specific regulation dealing with sexual harassment at the workplace. The law suffices with the provisions stipulated in the Penal Law of Bahrain. The Committee of Experts of the ILO (CEACR) has on several occasions requested the Government to define and prohibit sexual harassment at the workplace in the labour laws.



Labour legislation in Egypt

Egypt ratified the ILO Conventions No 100 (Equal Remuneration) and No 111 (Discrimination in employment and occupation)

1. Applicable Legislation: Labour Law (12/2003) and its ensuing executive regulations.
2. Scope: the Labour Law applies to all workers and employers across Egypt since it regulates work relations, without prejudice to the exceptions.
3. The following categories of persons are excluded from the scope of the Labour Law (in addition to others covered by special provisions):
 - a) State employees and workers in local administration units and entities;
 - b) Domestic workers and the like;
 - c) employer's dependents (family members).
 - d) Women working in plain agricultural activities.
4. Nullification: every condition or agreement is deemed null and void if found to be in violation of the provisions of the Labour Law. The rights enshrined in the Law are considered to be the minimum.
5. Non-Discrimination: a "worker" is defined as every natural person who works for an employer against remuneration and under that employer's supervision. The "employer" is every natural or corporate/ legal person who employs one or more worker(s) against remuneration. The law prohibits gender discrimination in wages.
6. Protection of women's rights:

A. Juvenile women

The law prohibits the employment of male and female children prior to the age by which they have finished their basic education or before they have reached the age of fourteen years – whichever comes first. The minister issues a decree to regulate the employment of juveniles aged 14 to 18. The law prohibits the employment of juveniles for more than 6 hours a day. Working days must include breaks to ensure that juveniles do not work for more than 4 consecutive hours. Juveniles are not allowed to work at night (as of 7 pm through 7 am.). Juvenile employment provisions shall not apply to workers in plain agricultural activity.

B. Protection of women's rights

All provisions regulating workers' employment apply to working women in similar settings without any discrimination. The minister determines conditions, activities, occasions in which women's night work is prohibited. S/he determines the occupations deemed dangerous to women from a health-related or ethical viewpoint and other works in which women should not be employed. The law prohibits the dismissal of workers on any of the following grounds: sex, marital status, family responsibilities and pregnancy.

A woman has the right to quit her work without paying compensation for marriage, pregnancy or childbirth considerations. Payments due to workers may not be encumbered or withheld above 25% of his or her salary. This rate can be increased to 50% if the money is used to pay back any family support.

C. Maternity protection

A woman who has worked for 10 months or more at a facility has the right to a ninety-day fully paid maternity leave. She should not be asked to work during the first 45 days that follow childbirth. A woman is entitled to such maternity leave only twice during her service. Employers shall not dismiss or terminate the contract of a woman while on maternity leave. Breastfeeding mothers have the right to two fully paid daily breaks (half an hour each) for the first 24 months following childbirth. These breaks are considered regular working hours. A woman has the right to a childcare leave without pay twice during her service time, provided that the number of employees/ workers at the facility is 50 or more. Employers employing more than 100 workers are obliged to open a daycare center at the facility. Facilities operating in the same area or compound but not employing a hundred workers each may open a joint daycare center.

Enforcement of labour laws

In practice working women are exposed to several kinds of discrimination making them the most vulnerable and poor of all Egyptian workers. They are overrepresented in low-skilled, low-paid and informal jobs. The Egyptian laws do not apply to women working in agriculture and domestic work, despite the fact that these workers are among the most vulnerable: they work without health and safety protection, have no paid leave, no social protection or health insurance. In addition they are not allowed to join a union.

The Egyptian government does not enforce the provisions of ILO Convention No111 and No 100. There are no mechanisms to remove the barriers preventing women from accessing decent work opportunities, promotion or leadership positions. The principles of equality of treatment and opportunity are not implemented in practice. The Egyptian government has not taken the appropriate measures to promote the ILO Conventions it ratified.

Gender dimension in collective agreements

The Egyptian Labour Law does not provide for or encourage gender-sensitive elements in collective agreements; in practice gender is generally not addressed in collective agreements.

Description and evaluation of the legal provisions in Egypt compared to ILO Convention No 183 on Maternity protection

Convention No. 183	Egyptian Law
<p>Scope:</p> <p>1. All employed women;</p> <p>2. Each member state may exclude wholly or partly from the scope of the Convention limited categories of workers when its application to them would raise special problems.</p> <p>Maternity leave:</p> <p>A. Women have the right to a maternity leave of not less than 14 weeks</p> <p>B. The maternity leave should include a compulsory period of six weeks after child birth for protection of the health of mother and child;</p> <p>C. the prenatal portion of the maternity leave is extended by any period elapsing between the presumed date of childbirth and the actual one, without reduction in any compulsory portion of the postnatal leave.</p> <p>Leave in case of illness or complications:</p> <p>1. the pre or postnatal leave is extended in case of illness or risk of complications from pregnancy or childbirth.</p>	<p>A woman is entitled to a fully-paid ninety-day maternity leave provided that she has spent at least 10 months working for the employer (article 91).</p> <p>A woman may not be asked to work during the first 45 days after childbirth.</p> <p>A woman is entitled to two maternity leaves during her entire period of service.</p> <p>There is no special protection for the difference in calculating the pre- and postnatal periods.</p> <p>There is no special provision that addresses this situation; it is covered by the provisions for ordinary sick leaves (article 5-4). Compensation thereof is provided for under the social security law; the Labor Law allows workers to extend their maternity leave by using their annual leave days.</p>

2. States may designate the maximum duration of such leave as per their national or local regulations.

Benefits (pay):

(1) Cash benefits shall be provided to women who are absent from work on maternity leave under articles 4 and 5.

(2) Cash benefits shall be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living

(3) The amount of such benefit or assistance should not be less than two thirds of the woman's last pay.

(4) where states opt for a different pay standard, the benefit should not be less than two thirds of the last pay under the previous standard.

(5) Each Member shall ensure that the conditions to qualify for cash benefits can be satisfied by a large majority of the women to whom this Convention applies.

(6) Where a woman does not meet the conditions to qualify for cash benefits, she shall be entitled to adequate benefits out of social assistance funds, subject to the means test required for such assistance.

(7) Benefits shall include medical prenatal, childbirth and postnatal care, as well as hospitalization care when necessary.

(8). Benefits above shall be provided through compulsory social insurance or public funds. An employer shall not be individually liable for the direct cost of any such monetary benefit to a woman employed by him or her.

Employment protection and non-discrimination:

It shall be unlawful for an employer to terminate the employment of a woman during her pregnancy or absence on leave referred to in Articles 4 or 5. The burden of proving that the reasons for dismissal are unrelated to pregnancy rests on the employer.

A woman is guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of her maternity leave.

Each Member shall adopt appropriate measures to ensure that maternity does not constitute a source of discrimination in employment and access to employment.

Leaves under article 4 and 5 of the Convention are fully paid under article 91 of the Egyptian Law which does not observe safeguards for dealing with women absent from work without being on maternity or ordinary sick leaves.

This principle is not realised.

.This principle is not realized

Responsibility for financing the compensation for wages while on maternity leave is split between social insurance scheme and the employer. The social insurance scheme bears 75% of the cost and the employer bears 25%.

A female worker may not be dismissed while on maternity leave; But she has the burden of proving the cause of her dismissal.

There no special measures in place to enforce the principle of non-discrimination in employment, including in access to job opportunities.

<p>Measures include a prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work that is:</p> <p>(a) prohibited or restricted for pregnant or nursing women under national laws or regulations; or</p> <p>(b) where there is a recognized or significant risk to the health of the woman and child</p> <p>Breastfeeding Mothers:</p> <p>A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child.</p> <p>The allocated time to nursing breaks or the reduction of daily hours of work are determined by each member state.</p> <p>Breaks or reduction of daily hours are deemed as regular working hours and duly remunerated.</p>	<p>Workers in general should undergo medical screening to make sure they are fit to deliver the required work (article 216).</p> <p>Breastfeeding mothers have the right to two breastfeeding breaks a day for a period of 24 months where each break is no less than 30 minutes or one hour combined (article 93).</p> <p>Breaks under item 1 are deemed regular working hours and they are to be paid in full on</p> <p>A woman has the right to apply for a leave without pay for a period of two years for childcare; she is entitled to make use of this right twice during her term of service.</p>
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Description and evaluation of the legal provisions in Egypt compared to ILO Convention No 100 on Equal Remuneration

Convention No 100	Egyptian law
<p>Purpose:</p> <p>1- equal remuneration for work of equal value; 2- equal pay without discrimination based on sex.</p> <p>Definition of remuneration includes 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.</p> <p>State Role:</p> <p>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.</p> <p>2- 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.</p>	<p>Discrimination in wages based on sex is prohibited (article 35).</p> <p>All remuneration workers receive in cash or in kind is considered wage (article 1).</p> <p>Should no agreement on wage be reached between the worker and his/her employer, it is determined by following what is customary or by recourse to a court of law (article 36).</p> <p>The National Council on Wages is mandated with determining the minimum wage and the indexation process (article 34.i).</p>

3- 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.

There is no measure to promote the application of the principle of equal remuneration for work of equal value. The ILO Committee of Experts (CEACR) has on several occasions expressed the view that the Egyptian Labour Law does not reflect the principle of equal remuneration for work of equal value which hampers the elimination of gender discrimination in wages.

Description and evaluation of the legal provisions in Egypt compared to ILO Convention No 111 on Discrimination in employment and occupation

Convention No 111	Egyptian Law
<p>Definition :</p> <p>For the purpose of this Convention the term discrimination includes:</p> <p>(a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;</p> <p>(b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies.</p> <p>State roles:</p> <p>1- Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.</p> <p>2- Each state undertakes to seek the co-operation of employers' and workers' organizations and other appropriate bodies in promoting the acceptance and observance of this policy.</p> <p>3- States undertake to enact such legislation and to promote such educational programs as may be calculated to secure the acceptance and observance of the policy.</p>	<p>The law prohibits gender discrimination; its provisions apply to all workers in similar situations without discrimination.</p> <p>The Higher Council for Human Resources is mandated with developing national policies to plan human development and strategies (article 132).</p> <p>The Higher committee is mandated with planning employment and recruitment policies as well as the regulations thereof.</p> <p>The Committee has not established special protection, policies or programmes to fight gender discrimination in employment.</p>

4- States undertake

- to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy;
- to pursue the policy in respect of employment under the direct control of a national authority;
- to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;
- to indicate in its annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action.

Exceptions:

1. Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State shall not be deemed to be discrimination, provided that the individual concerned shall have the right to appeal to a competent body established in accordance with national practice.
2. Special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labor Conference shall not be deemed to be discrimination.
3. Any Member may, after consultation with representative employers' and workers' organizations, determine that other special measures designed to meet the particular requirements of persons who require special protection or assistance, shall not be deemed to be discrimination.

There are no special measure to enforce the principles of non-discrimination, equal treatment and equal opportunities in employment.



Description and evaluation of the legal provisions in Egypt compared to ILO Convention No 156 on Workers with Family Responsibilities

Convention No 156	Egyptian Law
<p>Purpose: Enhancing equality of opportunities and treatment.</p> <p>Scope of Implementation:</p> <p>1- The Convention applies to men and women workers with responsibilities in relation to their dependent children, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.</p> <p>2- The provisions of this Convention shall also be applied to men and women workers with responsibilities in relation to other members of their immediate family who clearly need their care or support, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.</p> <p>3- The Convention applies to all branches of economic activity and all categories of workers.</p> <p>Protection objectives:</p> <p>State role: enable workers with family responsibilities to exercise their right to free choice of employment without being discriminated against as much as possible and without having conflicting responsibilities at home and work.</p> <p>All measures shall be taken in order to achieve actual equality in:</p> <p>a- Free choice of employment</p> <p>b- Taking into account their needs in social security</p> <p>Family responsibilities shall not, as such, constitute a valid reason for termination of employment.</p>	<p>There are no measures in the law with regard to that protection.</p> <p>The law and the actual application of the law do not promote such objectives.</p> <p>There are no measure to promote the actual protection of workers with family responsibilities (Article 2.5).</p>

Sexual Harassment

The Egyptian Labour Law does not provide any protection against sexual harassment, despite the fact that this is a widespread problem. Such crimes can be prosecuted under the Egyptian Penal Law.

Labour legislation in the Kingdom of Jordan

Jordan ratified ILO Conventions No 100 (Equal Remuneration) and No 111 (Discrimination)

1. The applicable law is the Labour Law (8/1996), its amendments and ensuing executive regulations. All labour law provisions apply to all workers and employers without prejudice to the articles dealing with exceptions. A worker is defined as every natural male or female person hired for a wage.

2. The categories of workers and employees exempted from the provisions of the labour law include (1) municipalities workers (2) employer's family members working in the family business without a wage (3) domestic workers including cooks and gardeners (4) certain agricultural workers.

3. Nullification: the provisions of the labour law are the minimum requirements without prejudice to the application of any regulation more favorable to the worker. Every condition or agreement by virtue of which a worker may waive his/ her rights stipulated in the law is considered null and void.

4. There is no legal protection against gender discrimination beyond article 2 which explicitly refers to men and women in the definition of the worker.

5. Protection of women's rights:

A. Juvenile women

A juvenile is every male or female person who is older than seven years but has not attained the age of 18. The minimum employment age is 16 years. Juvenile between 16 and 18 are allowed to work with the permission of their parents and a certificate of good health. Juveniles cannot be employed in jobs that are hazardous, exhausting or associated with health risks following a list established by the Minister of Labour. Juveniles cannot be employed for more than 6 hours a day including a rest period of no less than one hour. They must not work at night, week-ends and holidays.

B. Protection of Women's rights

The minister issues a decision defining 1) the industries and professions where it shall be prohibited to employ women and 2) the operating times during which it shall be prohibited to ask women to work.

C. Maternity protection

Women workers have the right to a fully-paid maternity leave before and after delivery for a total of 10 weeks, provided that the period subsequent to delivery is no less than 6 weeks. This maternity leave is paid by the employer up to the fourth child. During the first year following the maternity leave, working mothers have right to paid breastfeeding period(s) up to one hour a day. Employers having at least 20 female workers in their facilities should make available a suitable place for a daycare center with a qualified caregiver provided there are no less than 10 children under 4 years in the facility. Mothers working at a facility with more than ten workers are entitled to a leave without pay for a maximum of one year to care for their child. They retain the possibility of joining work again at the end of the leave period.

Enforcement of labour laws

In practice the enforcement of the law is weak. The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) notes that the Labour Law, while defining the terms "wages" and "worker", does not include a provision expressly providing for equal remuneration for men and women for work of equal value. The non-discrimination provisions of the Constitution and of the Labour Law are in fact inadequate to ensure the full application of the principle of equal remuneration for men and women for work of equal value, and hinder progress in eradicating gender-based pay discrimination. The Committee also notes from the statistics provided by the Government on the distribution of men and women by occupation and wage level for the years 2000-2003 that the differences in wage levels between men and women remained significant in

2003, and that the labour market is highly segregated. The Committee, urges the Government to take effective steps to address the occupational gender segregation and to promote women to higher level positions. .

Gender dimension in collective agreements

There are no legal provisions that encourage the inclusion of gender aspects in collective bargaining.

Description and evaluation of the legal provisions in Jordan compared to ILO Convention No 183 on Maternity Protection

Convention No. 183	Jordanian Law
<p>Scope:</p> <p>1. All employed women</p> <p>2. Each member state may exclude wholly or partly from the scope of the Convention limited categories of workers when its application to them would raise special problems</p> <p>Maternity leave :</p> <p>A. Women have the right to a maternity leave of not less than 14 weeks</p> <p>B. The maternity leave should include a compulsory period of six weeks after child birth for protection of the health of mother and child;</p> <p>C. the prenatal portion of the maternity leave is extended by any period elapsing between the presumed date of childbirth and the actual one, without reduction in any compulsory portion of the postnatal leave.</p> <p>Leave in case of illness or complications:</p> <p>1. the pre or postnatal leave is extended in case of illness or risk of complications from pregnancy or childbirth.</p> <p>2. States may designate the maximum duration of such leave as per their national or local regulations.</p> <p>Benefits (pay):</p> <p>(1) Cash benefits shall be provided to women who are absent from work on maternity leave under articles 4 and 5.</p> <p>(2) Cash benefits shall be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living</p>	<p>The law applies to all women save those excluded under a special provision such as the employer's family members who work in the family business for no remuneration, domestic workers and the like as well as some workers in the agricultural sector.</p> <p>Up to their 4th child, women have the right to a fully paid maternity leave of not less than 10 weeks (pre and post natal) provided that at least six weeks are taken immediately after delivery.</p> <p>No protection is available.</p> <p>No such protection is available and it is further addressed as part of the sick leave regulations.</p> <p>Maternity leaves and breastfeeding periods are fully paid.</p> <p>No standard in that regard.</p>

(3) The amount of such benefit or assistance should not be less than two thirds of the woman's last pay.

(4) where states opt for a different pay standard, the benefit should not be less than two thirds of the last pay under the previous standard.

(5) Each Member shall ensure that the conditions to qualify for cash benefits can be satisfied by a large majority of the women to whom this Convention applies.

(6) Where a woman does not meet the conditions to qualify for cash benefits, she shall be entitled to adequate benefits out of social assistance funds, subject to the means test required for such assistance.

(7) Benefits shall include medical prenatal, childbirth and postnatal care, as well as hospitalization care when necessary.

(8). Benefits above shall be provided through compulsory social insurance or public funds. An employer shall not be individually liable for the direct cost of any such monetary benefit to a woman employed by him or her.

Employment protection and non-discrimination:

It shall be unlawful for an employer to terminate the employment of a woman during her pregnancy or absence on leave referred to in Articles 4 or 5. The burden of proving that the reasons for dismissal are unrelated to pregnancy rests on the employer.

A woman is guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of her maternity leave.

Each Member shall adopt appropriate measures to ensure that maternity does not constitute a source of discrimination in employment and access to employment.

Measures include a prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work that is:

(a) prohibited or restricted for pregnant or nursing women under national laws or regulations; or

(b) where there is a recognized or significant risk to the health of the woman and child

This principle (5) is not realized.

Partly dealt with under the social security provisions and ad hoc conditions.

The employer is responsible for the funding of the wages during the maternity leave up to the 4th child.

A woman cannot be dismissed from work if she is in her sixth month of pregnancy or while on maternity leave. A woman has the right to quit her work if she feels that it is hazardous to her health.

Actual enforcement of the law observes this principle (from the rulings of the Jordanian court of Cassation)

There are no special measures in place to ensure that maternity does not constitute a source of discrimination.

The minister defines the types of work in which no one can be employed save after undergoing a medical screening/ exam.

<p>Breastfeeding Mothers:</p> <p>A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child</p> <p>Time allocated nursing breaks or the reduction of daily hours of work are determined by each state.</p> <p>Breaks or reduction of daily hours are deemed as regular working hours and duly remunerated.</p>	<p>Once the maternity leave is over, a woman has the right to breastfeeding break(s) for a period of one year. Total duration of the breastfeeding break(s) should be one fully paid hour a day.</p>
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Description and evaluation of the legal provisions in Jordan compared to ILO Convention No 100 on Equal remuneration

Convention No 100	Jordanian law
<p>Purpose:</p> <p>1- equal remuneration for work of equal value;</p> <p>2- equal pay without discrimination based on sex.</p> <p>Definition of remuneration includes 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.</p> <p>State Roles:</p> <p>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.</p> <p>2- 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.</p> <p>3- 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.</p>	<p>No legal provision available to protect the principle of equal pay for work of equal value.</p> <p>Remuneration is all in cash or in kind wage in addition to other emoluments excluding overtime remuneration (article 45).</p> <p>No measure to ensure the application of the principle of equal pay for work of equal value.</p> <p>A tripartite committee determines the minimum wage under the standard pertaining to living costs.</p>

Description and evaluation of the legal provisions in Jordan compared to ILO Convention No 111 on Discrimination in employment and occupation

Convention No 111	Jordanian Law
<p>Definition:</p> <p>For the purpose of this Convention the term discrimination includes:</p> <p>(a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;</p> <p>(b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies.</p> <p>State roles:</p> <ol style="list-style-type: none"> 1. Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof. 2. Each state undertakes to seek the co-operation of employers' and workers' organizations and other appropriate bodies in promoting the acceptance and observance of this policy. 3. States undertake to enact such legislation and to promote such educational programs as may be calculated to secure the acceptance and observance of the policy. 4. States undertake <ul style="list-style-type: none"> - to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy; - to pursue the policy in respect of employment under the direct control of a national authority; - to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority; - to indicate in its annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action. 	<p>The law applies to all workers without prejudice to the exceptions; But the provisions do not constitute a guarantee to equal treatment and equal opportunity.</p> <p>No protection whatsoever under this principle. There is no national policy that aims at promoting equal opportunities and equal treatment.</p> <p>There is no commitment on the part of the State to seek cooperation between labour and employers' organizations to promote acceptance of the principles of equal treatment and opportunity.</p> <p>There are no laws to promote education programmes to prompt acceptance of such policy.</p> <p>No laws were promulgated to repeal provisions found to be in contradiction with this policy.</p> <p>Laws do not ensure application of the policy in vocational training, guidance and training.</p>

<p>Exceptions:</p> <p>1- Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State shall not be deemed to be discrimination, provided that the individual concerned shall have the right to appeal to a competent body established in accordance with national practice.</p> <p>2- Special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labor Conference shall not be deemed to be discrimination.</p> <p>3- Any Member may, after consultation with representative employers' and workers' organizations, determine that other special measures designed to meet the particular requirements of persons who require special protection or assistance, shall not be deemed to be discrimination.</p>	<p>No consultation was conducted between the state and labour and employers' organizations so as not to consider certain measures as discrimination when used to observe the special needs of certain categories or persons.</p>
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Description and evaluation of the legal provisions in Jordan compared to ILO Convention No 156 on Workers with Family Responsibilities

Convention No 156	Jordanian Law
<p>Purpose:</p> <p>Enhancing equality of opportunities and treatment</p> <p>Scope of implementation:</p> <p>1- The Convention applies to men and women workers with responsibilities in relation to their dependent children, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.</p> <p>2- The provisions of this Convention shall also be applied to men and women workers with responsibilities in relation to other members of their immediate family who clearly need their care or support, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.</p> <p>3- The Convention applies to all branches of economic activity and all categories of workers.</p> <p>Protection objectives:</p> <p>State role: enable workers with family responsibilities to exercise their right to free choice of employment without being discriminated against as much as possible and without having conflicting responsibilities at home and work</p>	<p>The provisions of this Convention have not been addressed in Jordanian laws.</p>

All measures shall be taken in order to achieve actual equality in:

a- Free choice of employment

b- Taking into account their needs in social security

Family responsibilities shall not, as such, constitute a valid reason for termination of employment

Sexual Harassment

Under article 29.vi, of the Labour Law, male and female workers are allowed to quit work as a result of any form of sexual harassment. But this article does not provide for a right to severance pay or compensation.



Labour legislation in the Kingdom of Morocco

Morocco ratified ILO Conventions No 100 (Equal Remuneration), No 111 (Discrimination) and No 183 (Maternity protection)

1. The applicable law is the Labour Code and its amending decrees. The Code applies to workers and employers. The provisions of the Code apply to both men and women who are contracted for work in industrial, commercial, traditional and agricultural firms. They also apply to state and local government's industrial, commercial and agricultural entities. The provisions of the Code apply to accredited occupations and to the service sector. They apply to home-based workers with an employment contract provided that (A) they perform activity for one or more employers against remuneration (B) they work alone or with the assistance of a spouse or family member.

2. The provisions of the Code apply without prejudice to other regulation, collective agreements or what has been customarily agreed upon, whichever is more favourable to the worker.

3- Article 9 of the Code prohibits all discriminations on the basis of sex and marital status that undermine the principles of equal opportunity and equal treatment. Women workers are entitled to sign employment contracts and be involved in trade union work and activism, regardless of their marital status. The sex of a worker, his/her marital status and family and social responsibilities shall not, as such, constitute valid reasons for termination of employment. Article 19 of the new Constitution of 2011 stresses the principle of non-discrimination between men and women and declares that the Moroccan State shall work toward parity. Article 346 of the labour Code prohibits gender discrimination in wages for a work of equal value.

4- Protection of women's rights

A. Juvenile women

Juveniles, either male or female, may not be employed before attaining the age of 15 years. Juveniles under 18 may not be employed in dangerous occupations that might hinder their growth and survival. They cannot work in occupations that are beyond their capacity or prejudicial to public morality. Juveniles under 18 may not be employed without the prior approval of the competent authority. It is prohibited to employ juveniles at night and their working hours are regulated.

B. Protection of women's rights

Women can be employed in any occupation including during night hours provided their health and social conditions allow it. They are not allowed to be employed in occupations that are beyond their capacity or might be prejudicial to their health or undermine morals. Women may not be employed in quarries and mines.

C. Maternity protection

Employed women have a right to a fourteen-week maternity leave. This leave is paid, up to a certain ceiling. Working women shall not be employed during seven weeks after childbirth. Pregnant women have the right to stop working seven weeks prior to the set delivery date. In cases of complication associated with pregnancy or childbirth, they are entitled to suspend the labour contract as of 8 weeks before childbirth and until 14 weeks thereafter. Employers are expected to alleviate the tasks carried out by working women before and after childbirth.

Employed woman shall not be dismissed during maternity leave. This protection can be granted up to 14 weeks after childbirth in case of medical problems related to maternity. A pregnant woman has the right to leave work at any time, without prior notice and without being held liable for compensation.

In addition to the regular breaks granted to all workers, a breastfeeding woman has the right to daily nursing breaks for a period of 12 months following the end of the maternity leave. Two breaks of 30 minutes in the morning and 30 minutes after noon are fully paid. Facilities with more than 50 working women should have a room for breastfeeding purposes. Such room can be also used as daycare center for the small children of women working in the facility.

Working women have the right not to resume work after their maternity leave. In agreement with their employer, working mothers can take a one-year leave without being paid in order to take care of their children.

Enforcement of labour laws

The reference to the existence of an employment relationship excludes in practice many working women from the provisions of the Code. With regard to the non-discrimination legislation, it is worth noting that in 2006, the government adopted a National strategy for equity and equality which aims to integrate the principle of equality between men and women in development policies and programmes. However the Committee of Experts of the ILO noted in 2010 that in public administration, women are still concentrated in sectors such as health, youth and education and in jobs at the lowest ranks of the hierarchy. The Committee also noted that in the textile sector, women suffer from job insecurity, limited access to training opportunities, long working days and poor conditions. Discrimination in wages is widespread often due to the fact that minimum wage legislation is not applied. The Committee has urged the government to take all the necessary measures to eliminate the obstacles hindering equality between women and men in practice. It insisted on the need to adopt and implement strategic policies that consistently fight gender stereotypes and promote women's access to employment, to occupational training, and in higher positions.

Description et évaluation des dispositions légales au Royaume du Maroc en comparaison avec la Convention n° 183 de l'OIT sur la protection de la maternité

Convention N° 183	Législation marocaine
<p>Scope:</p> <p>1. All employed women</p> <p>2. Each member state may exclude wholly or partly from the scope of the Convention limited categories of workers when its application to them would raise special problems</p> <p>Maternity leave:</p> <p>A. Women have the right to a maternity leave of not less than 14 weeks</p> <p>B. The maternity leave should include a compulsory period of six weeks after child birth;</p> <p>C. the prenatal portion of the maternity leave is extended by any period elapsing between the presumed date of childbirth and the actual one, without reduction in any compulsory portion of the postnatal leave.</p> <p>Leave in case of illness or complications:</p> <p>1. the pre or postnatal leave is extended in case of illness or risk of complications from pregnancy or childbirth.</p> <p>2. States may designate the maximum duration of such leave as per their national or local regulations.</p>	<p>Working women with an employment contract have a right to a paid 14-week maternity leave. It is prohibited to employ women in the 7 weeks following delivery.</p> <p>In case of medical problems linked to pregnancy or childbirth, the maternity leave can be extended up to 22 weeks (8 weeks before and 14 weeks after delivery)</p>

Benefits (pay) :

(1) Cash benefits shall be provided to women who are absent from work on maternity leave;

(2) Cash benefits shall be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living

(3) The amount of such benefit or assistance should not be less than two thirds of the woman's last pay.

(4) Where states opt for a different pay standard, the benefit should not be less than two thirds of the last pay under the previous standard.

(5) Each Member shall ensure that the conditions to qualify for cash benefits can be satisfied by a large majority of the women to whom this Convention applies.

(6) Where a woman does not meet the conditions to qualify for cash benefits, she shall be entitled to adequate benefits out of social assistance funds, subject to the means test required for such assistance.

(7) Benefits shall include medical prenatal, childbirth and postnatal care, as well as hospitalization care when necessary.

(8) Benefits above shall be provided through compulsory social insurance or public funds. An employer shall not be individually liable for the direct cost of any such monetary benefit to a woman employed by him or her.

Employment protection and non-discrimination:

It shall be unlawful for an employer to terminate the employment of a woman during her pregnancy or absence on leave referred to in Articles 4 or 5. The burden of proving that the reasons for dismissal are unrelated to pregnancy rests on the employer.

A woman is guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of her maternity leave.

Each Member shall adopt appropriate measures to ensure that maternity does not constitute a source of discrimination in employment and access to employment

Measures include a prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work that is:

This principle is realized for women with an a labour contract

Cash benefits are linked to wages only.

This principle (5) is not realized.

This principle is only partly realized.

Principle realised – Maternity benefits are covered by social security funds.

It is forbidden to terminate the employment contract during pregnancy and maternity leave or up to 14 weeks after delivery in case of medical problems.
There is no text stating that the burden of proof rests with the employer.

The law protects this right.

The State has not taken all necessary measures to ensure that maternity is not a source of discrimination.

There is no measure to protect against abusive pregnancy tests.

<p>(a) prohibited or restricted for pregnant or nursing women under national laws or regulations; or</p> <p>(b) Where there is a recognized or significant risk to the health of the woman and child.</p> <p>Les mères qui allaitent:</p> <p>A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child</p> <p>The allocated time to nursing breaks or the reduction of daily hours of work is determined by each state.</p> <p>Breaks or reduction of daily hours are deemed as regular working hours and duly remunerated.</p>	<p>For a period of 12 months after having resumed her work, a breastfeeding woman is entitled to a daily break of one hour, fully paid (half an hour in the morning and half an hour in the afternoon) to breastfeed her child.</p>
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Description and evaluation of the legal provisions in Morocco compared to ILO Convention No 100 on Equal remuneration for work of equal value

Convention No 100	Moroccan law
<p>Purpose:</p> <p>1- equal remuneration for work of equal value;</p> <p>2- equal pay without discrimination based on sex</p> <p>Definition of remuneration includes 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</p> <p>State Roles :</p> <p>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</p> <p>2. 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.</p>	<p>The principle of non-discrimination in wage for work of equal value is enshrined in the labour legislation.</p> <p>The salary includes basis salary plus any other bonuses.</p> <p>The State has not taken steps to encourage objective job classification to implement the principle of equal pay for work of equal value.</p> <p>The state has not set methods nor does it refer to collective agreements.</p>

3. 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.

Description and evaluation of the legal provisions in Morocco compared to ILO Convention No 111 on Discrimination in employment and occupation

Convention No 111	Moroccan Law
<p>Definition:</p> <p>For the purpose of this Convention the term discrimination includes:</p> <p>(a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;</p> <p>(b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies.</p> <p>State roles:</p> <p>1. Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.</p> <p>2. Each state undertakes to seek the co-operation of employers' and workers' organizations and other appropriate bodies in promoting the acceptance and observance of this policy.</p> <p>3. States undertake to enact such legislation and to promote such educational programs as may be</p>	<p>Discrimination based on sex is prohibited by law. The law recognizes that marital status can affect equality of opportunity or cause unequal treatment in pay, promotion or dismissal.</p> <p>Beyond the legislation, measures to promote equality in practice are limited. Clear implementation mechanisms are often lacking.</p> <p>The State did not attempt to seek the cooperation of all organizations of employers and workers to encourage this policy.</p> <p>The State has not showed firm commitment to repeal all provisions contrary to this policy.</p>

calculated to secure the acceptance and observance of the policy.

4. States undertake

- to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy;

- to pursue the policy in respect of employment under the direct control of a national authority;

- to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;

- to indicate in its annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action.

Exceptions:

1. Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State shall not be deemed to be discrimination, provided that the individual concerned shall have the right to appeal to a competent body established in accordance with national practice.

2. Special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labor Conference shall not be deemed to be discrimination.

3. Any Member may, after consultation with representative employers' and workers' organizations, determine that other special measures designed to meet the particular requirements of persons who require special protection or assistance, shall not be deemed to be discrimination.

Non-discrimination policies are not clearly reflected in guidance services and vocational training

There was no consultation between employees and employers on this topic.

Description and evaluation of the legal provisions in Morocco compared to Convention 156 on Workers with Family Responsibilities

Convention No 156	Moroccan Law
<p>Purpose: Enhancing equality of opportunities and treatment</p> <p>Scope of Implementation:</p> <ol style="list-style-type: none"> 1. The Convention applies to men and women workers with responsibilities in relation to their dependent children, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity. 2. The provisions of this Convention shall also be applied to men and women workers with responsibilities in relation to other members of their immediate family who clearly need their care or support, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity. 3. The Convention applies to all branches of economic activity and all categories of workers. <p>Protection objectives:</p> <p>State role: enable workers with family responsibilities to exercise their right to free choice of employment without being discriminated against as much as possible and without having conflicting responsibilities at home and work.</p> <p>All measures shall be taken in order to achieve actual equality in:</p> <ol style="list-style-type: none"> a- Free choice of employment b- Taking into account their needs in social security <p>Family responsibilities shall not, as such, constitute a valid reason for termination of employment.</p>	<p>There are no text addressing the content of this Convention</p> <p>Principle established in labour laws</p>

Sexual Harassment

Article 40 of the Labour Code deals with sexual harassment at the workplace but the Moroccan Penal Code provides a better protection to victims. The Labour Code assimilates the worker's resignation in cases of sexual harassment to unfair dismissal provided it is established that the employer is the perpetrator. But the Labour Code does not define the sanctions applicable in such cases leaving the victim who is subject to the loss of his/her job, unprotected. Compensation for the prejudice suffered can only be claimed through the application of the penal law.

Labour Legislation in Palestine

1. Applicable Law: Palestine Labour Law (7/2000) and related executive regulations.
2. Scope of application: The Labour Law provisions apply to all workers and employers in Palestine without prejudice to the exceptions.
3. Exceptions: the following categories of workers (as well as other individuals designated in a special legislation) are exempted from being covered by the provisions of the labour Law: a) employees of government and local bodies b) domestic workers and the like (the minister issues a special regulation to determine their categories) c) Members of the business owner's or employer's family.
4. Nullification: the labour Law provisions are the minimum requirements that cannot be ignored.
5. Non-Discrimination: a worker is defined as every natural person who performs work for an employer or a business owner against certain remuneration; an employer can be an individual, a legal person or someone who has been delegated. Work is the right of each capable citizen that the Palestinian National Authority (PNA) endeavors to provide on the basis of equal opportunities and non-discrimination. The law prohibits discrimination between men and women.
6. Protection of women's rights:

A. Juvenile women

A juvenile is a person, male or female, who is older than 15 but has not attained the age of 18 year. It is prohibited to employ children who are under 15 years of age. Juveniles must undergo a medical screening prior to employment which must be repeated every six months. It is prohibited to employ juveniles in: a) dangerous industries or activities that are harmful to their health (to be defined by the minister) b) night shifts, night jobs or during official and religious holidays c) overtime or on the basis of per-unit production d)- remote or isolated locations. Juveniles' daily working hours are reduced by one hour a day compared with adult workers. Rest period(s) of no less than one hour a day must be implemented in order to ensure that juveniles do not work for more than 4 consecutive hours. Juveniles are entitled to a three-week annual leave that should not be delayed or postponed. Juveniles working for and under the supervision of their closest relatives are exempted from the provisions of this section of the law.

B. Protection of women's rights

It is prohibited to employ women in: a) dangerous and exhausting work (to be defined by the minister) b) overtime and extra work hours during pregnancy and the first 6 months after delivery c) night shift jobs or at night time except for jobs otherwise designated by the Council of Ministers. Facilities should have available comfort for female workers.

C. Maternity protection

Pregnant women who have been working a minimum of 180 days in the company have the right to a fully-paid ten-week maternity leave provided that 6 weeks of the period are postnatal. Women on maternity leave cannot be dismissed from work. Breastfeeding mothers have the right to one or more nursing breaks that are no less than one hour a day in total and for a period of one year after childbirth. Breastfeeding breaks are considered regular working hours. Without prejudice to the interest of work, working women are entitled to a leave without pay for childcare or for accompanying their spouse. Employers should post at the work place the provisions regulating women's employment.

Enforcement of labour laws

As most provisions related to women's employment are often generic, non-binding and incomplete, enforcement of the labour law is inadequate. Examples of inadequacy include childcare leaves that are left in the hands of the employer and the failure to issue regulations to enforce some of the provisions of the law like in the case of domestic workers whose employment is left unregulated in the practice. Some provisions are also disadvantageous such as the one related to breastfeeding breaks that last

for a period of one year as of the childbirth rather than the end of the maternity leave. Non-discrimination provisions are often ineffective due to the lack of active monitoring and the absence of follow-up and enforcement mechanisms. We could also add to that list the fact that the wife (wives) and daughters of employers are denied their workers' rights and the fact that minimum wage regulation is not implemented.

Gender dimension in collective agreements

The Palestine Labour Law does not provide for any binding or non-binding arrangements to make collective agreements gender sensitive.

Description and evaluation of the legal provisions in Palestine compared to ILO Convention 183 on Maternity protection

Convention No. 183	Palestinian Law
<p>Scope:</p> <p>1. All employed women</p> <p>2. Each member state may exclude wholly or partly from the scope of the Convention limited categories of workers when its application to them would raise special problems</p> <p>Maternity leave:</p> <p>A. Women have the right to a maternity leave of not less than 14 weeks</p> <p>B. The maternity leave should include a compulsory period of six weeks after child birth for protection of the health of mother and child;</p> <p>C. the prenatal portion of the maternity leave is extended by any period elapsing between the presumed date of childbirth and the actual one, without reduction in any compulsory portion of the postnatal leave.</p> <p>Leave in case of illness or complications:</p> <p>1. the pre or postnatal leave is extended in case of illness or risk of complications from pregnancy or childbirth.</p> <p>2. States may designate the maximum duration of such leave as per their national or local regulations.</p> <p>Benefits (pay):</p> <p>(1) Cash benefits shall be provided to women who are absent from work on maternity leave under articles 4 and 5.</p> <p>(2) Cash benefits shall be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living.</p>	<p>The law applies to all women. Domestic workers and members of the employer's family are excluded.</p> <p>Maternity leave: 10 weeks of which 6 postnatal.</p> <p>No equivalent provision as in c.</p> <p>No equivalent provision; a woman gets only a sick leave.</p> <p>Under the law, maternity leaves are fully paid including the entire package save for the overtime component.</p>

(3) The amount of such benefit or assistance should not be less than two thirds of the woman's last pay.

(4) where states opt for a different pay standard, the benefit should not be less than two thirds of the last pay under the previous standard.

(5) Each Member shall ensure that the conditions to qualify for cash benefits can be satisfied by a large majority of the women to whom this Convention applies.

(6) Where a woman does not meet the conditions to qualify for cash benefits, she shall be entitled to adequate benefits out of social assistance funds, subject to the means test required for such assistance.

(7) Benefits shall include medical prenatal, childbirth and postnatal care, as well as hospitalization care when necessary.

(8). Benefits above shall be provided through compulsory social insurance or public funds. An employer shall not be individually liable for the direct cost of any such monetary benefit to a woman employed by him or her.

Employment protection and non-discrimination:

It shall be unlawful for an employer to terminate the employment of a woman during her pregnancy or absence on leave referred to in Articles 4 or 5. The burden of proving that the reasons for dismissal are unrelated to pregnancy rests on the employer.

A woman is guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of her maternity leave.

Each Member shall adopt appropriate measures to ensure that maternity does not constitute a source of discrimination in employment and access to employment

Measures include a prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work that is:

(a) prohibited or restricted for pregnant or nursing women under national laws or regulations; or

(b) where there is a recognized or significant risk to the health of the woman and child.

The law does not define the remuneration; no effective enforcement of minimum wages despite being so

Principle not realized.

No social security law is available.

No provision.

The maternity leave is paid by the employer.

Pregnant women should not be employed in dangerous or hard work.

Overtime/ extra hours during pregnancy and the first six months after childbirth are not permitted.

It is prohibited to dismiss women while on maternity leave BUT the burden of proof lies with the woman worker.

No provision.

No provision.
No worker can be employed before he/she undergoes medical screening to check the ability to do the required work in light of his/her physical ability, age and the risks associated with the job.

<p>Breastfeeding Mothers:</p> <p>A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child.</p> <p>The time allocated to nursing breaks or the reduction of daily hours of work is determined by each state.</p> <p>Breaks or reduction of daily hours are deemed as regular working hours and duly remunerated.</p>	<p>Breastfeeding mothers have the right to nursing breaks that are no less than one hour a day in total for one year after childbirth; breaks are deemed part of the daily working hours and are paid.</p>
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Description and evaluation of the legal provisions in Palestine compared to ILO Convention No 100 on Equal remuneration

Convention No 100	Palestinian law
<p>Purpose:</p> <p>1- equal remuneration for work of equal value;</p> <p>2- equal pay without discrimination based on sex.</p> <p>Definition of remuneration includes 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.</p> <p>State Roles:</p> <p>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.</p> <p>2- 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.</p> <p>3- 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.</p>	<p>No provision specifically addresses this issue save the generic provision regarding the prohibition of discrimination between men and women workers.</p> <p>Remuneration includes basic or minimum wage or salary and any additional emoluments excluding overtime.</p> <p>No provision.</p> <p>No provision; the law suffices with forming the Committee on Wages whose mandate is limited to developing studies and making recommendations; No clause in the collective agreements to achieve this principle.</p> <p>The Committee determines the minimum wage pending ratification by the Council of ministers – not enforced in practice.</p>

Description and evaluation of the legal provisions in Palestine compared to ILO Convention No111 on Discrimination in employment and occupation

Convention No 111	Palestinian Law
<p>Definition:</p> <p>For the purpose of this Convention the term discrimination includes:</p> <p>(a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;</p> <p>(b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies.</p> <p>State roles:</p> <ol style="list-style-type: none"> 1. Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof 2. Each state undertakes to seek the co-operation of employers' and workers' organizations and other appropriate bodies in promoting the acceptance and observance of this policy 3. States undertake to enact such legislation and to promote such educational programs as may be calculated to secure the acceptance and observance of the policy 4. States undertake to: <ul style="list-style-type: none"> - repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy - to pursue the policy in respect of employment under the direct control of a national authority - to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority - to indicate in its annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action 	<p>Work is the right of every citizen that the PNA endeavors to provide according to the principles of equal opportunities and non-discrimination; But this is effectively not enforced.</p> <p>Provisions of the law prohibit discrimination but no enforcement mechanisms.</p> <p>No national policy in place to apply the concept.</p> <p>The law does not regulate this notion.</p> <p>No laws or policies are in place with reference to this issue.</p> <p>Not addressed in the provisions of the law.</p> <p>The state does not guarantee enforcement.</p> <p>No reports were issued or released.</p>

<p>Exceptions:</p> <p>1. Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State shall not be deemed to be discrimination, provided that the individual concerned shall have the right to appeal to a competent body established in accordance with national practice</p> <p>2. Special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labour Conference shall not be deemed to be discrimination.</p> <p>3. Any Member may, after consultation with representative employers' and workers' organizations, determine that other special measures designed to meet the particular requirements of persons who require special protection or assistance, shall not be deemed to be discrimination.</p>	<p>No special protection measures in place.</p> <p>No consultations are taking place in this area.</p>
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Description and evaluation of the legal provisions in Palestine compared to ILO Convention No156 on Workers with Family Responsibilities

Convention No156	Palestinian Law
<p>Purpose: Enhancing equality of opportunities and treatment</p> <p>Scope of Implementation:</p> <p>1- The Convention applies to men and women workers with responsibilities in relation to their dependent children, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.</p> <p>2- The provisions of this Convention shall also be applied to men and women workers with responsibilities in relation to other members of their immediate family who clearly need their care or support, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.</p> <p>3- The Convention applies to all branches of economic activity and all categories of workers.</p> <p>Protection objectives: State role: enable workers with family responsibilities to exercise their right to free choice of employment without being discriminated against as much as possible and</p>	<p>The law regulates only women's right to maternity leave and breastfeeding thus it applies to women only.</p> <p>No specific provision.</p> <p>The law does not provide special protection.</p> <p>The law does not provide for any measures of the like.</p>

without having conflicting responsibilities at home and work.

All measures shall be taken in order to achieve actual equality in:

a- Free choice of employment

b- Taking into account their needs in social security

Family responsibilities shall not, as such, constitute a valid reason for termination of employment

Working women cannot be dismissed during their maternity leaves; otherwise, dismissal shall be deemed arbitrary and severance/ compensation binding.

Sexual Harassment

The Palestinian Labour Law does not provide for any provision addressing sexual harassment at the workplace. The law suffices with the provisions stipulated in the Penal Code of Palestine.



Labour legislation in Tunisia

Tunisia has ratified ILO Conventions N° 100 (Equal Remuneration) and N°111 (Discrimination in Employment and Occupation)

1. Applicable legislation: Act no. 66-27 of 30 April 1966 promulgates the Labour Code. This law has been amended on several occasions. The present Code applies to all industrial, commercial, agricultural undertakings and any branches thereof, regardless of their nature, public or private, religious or secular, professional or charitable. It also applies to liberal professions, artisanal undertakings, cooperatives, partnerships, unions, associations and groupings of any kind. The Labour Code does not apply to domestic workers. Seafarers and public servants are covered by specific legislation.

2. Discrimination: Article 5 of the Labour Code stipulates that there may be no discrimination between men and women in the application of the Code's provisions and the texts implementing it.

3. Protection of women's rights:

A. Juvenile women

The age for admission to employment is set at 16. It is lowered to 13, under certain conditions, in light agricultural work that does not harm the children's health or normal development. The working hours of children under 16 are regulated and they may not, in principle, work nights. The age for admission to employment may not be under 18 for work likely, by its nature or the circumstances under which it is performed, to harm the health, safety or morals of children. Children under 18 may only be employed following an in-depth medical examination justifying their ability to perform the work entrusted to them.

B. Protection of women's rights

Women, regardless of their age, cannot be employed in underground work, in mines and quarries or in establishments or workshops where scrap metal is recovered, processed or stored. Women must not be employed at night between 10 p.m. and 6 a.m. The ban on night work for women does not apply to certain occupations authorised by the head of the local labour inspectorate and following consultation with the social partners. The heads of companies employing women must ensure that public morals and decency are preserved.

C. Maternity protection

Women have the right to take leave of 30 days at the time of childbirth on the presentation of a medical certificate. This leave may be extended by a period of 15 days each time if justified by medical certificates. If breastfeeding, they are also entitled to two breaks of half an hour each for nursing during working hours for a period of one year as of the day of the birth. Pregnant women are entitled to leave work without notice and without having to pay compensation for terminating the employment contract. The suspension of work by a woman during the period preceding and following childbirth may not be considered as grounds for the employer to terminate the employment contract. An employer in breach of this provision is liable to pay the woman damages.

Enforcement of labour laws

The labour market participation rate for women is between 25 and 27%, i.e. half the rate for men. Working women are heavily concentrated in certain sectors, such as services, textiles and agriculture. They are more strongly represented in the public sector but few women hold senior positions. In 2007, women represented over half of those benefiting from employment support programmes. The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), however, recommends that measures be taken to combat the stereotypes that confine women to traditional training areas and to promote women's access to a larger range of training opportunities. In general terms, women are overrepresented in precarious forms of employment. The situation of domestic workers, operating on the margins of the law, is emblematic. Finally, wage discrimination is commonplace and the CEACR has noted cases of major pay inequalities in the agricultural sector registered by the labour inspectorate.

Description and evaluation of the legal provisions in Tunisia compared to ILO Convention 183 on Maternity Protection

Convention No. 183	Tunisian law
<p>Scope:</p> <p>a. All employed women</p> <p>b. Each member state may exclude wholly or partly from the scope of the Convention limited categories of workers when its application to them would raise special problems.</p> <p>Maternity leave:</p> <p>A. Women have the right to a maternity leave of not less than 14 weeks;</p> <p>B. The maternity leave should include a compulsory period of six weeks after child birth for protection of the health of mother and child;</p> <p>C. the prenatal portion of the maternity leave is extended by any period elapsing between the presumed date of childbirth and the actual one, without reduction in any compulsory portion of the postnatal leave.</p> <p>Leave in case of illness or complications:</p> <p>1. the pre or postnatal leave is extended in case of illness or risk of complications from pregnancy or childbirth.</p> <p>2. States may designate the maximum duration of such leave as per their national or local regulations.</p> <p>Benefits (pay):</p> <p>(1) Cash benefits shall be provided to women who are absent from work on maternity leave under articles 4 and 5.</p> <p>(2) Cash benefits shall be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living.</p> <p>(3) The amount of such benefit or assistance should not be less than two thirds of the woman's last pay.</p> <p>(4) where states opt for a different pay standard, the benefit should not be less than two thirds of the last pay under the previous standard.</p> <p>(5) Each Member shall ensure that the conditions to qualify for cash benefits can be satisfied by a large majority of the women to whom this Convention applies.</p>	<p>Women have the right, on presentation of a medical certificate, to 30 days leave, extendable by a period of 15 days each time, if justified by medical certificates. The total duration may not exceed 12 weeks.</p> <p>Public servants have the right to two months' maternity leave with 100% of their pay, which can be supplemented by post-natal leave not exceeding four months at 50% of their pay.</p> <p>Women covered by social security and able to justify having worked 80 days during the four calendar quarters prior to giving birth are entitled to daily benefits equal to two thirds of the average daily pay with a ceiling of two times the minimum wage and for the legal post-natal maternity period of 30 days. An extension is possible in the event of illness owing to pregnancy or childbirth.</p> <p>Principle (5) not fulfilled.</p>

(6) Where a woman does not meet the conditions to qualify for cash benefits, she shall be entitled to adequate benefits out of social assistance funds, subject to the means test required for such assistance.

(7) Benefits shall include medical prenatal, childbirth and postnatal care, as well as hospitalization care when necessary.

(8). Benefits above shall be provided through compulsory social insurance or public funds. An employer shall not be individually liable for the direct cost of any such monetary benefit to a woman employed by him or her. .

Employment protection and non-discrimination

It shall be unlawful for an employer to terminate the employment of a woman during her pregnancy or absence on leave referred to in Articles 4 or 5. The burden of proving that the reasons for dismissal are unrelated to pregnancy rests on the employer.

A woman is guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of her maternity leave.

Each Member shall adopt appropriate measures to ensure that maternity does not constitute a source of discrimination in employment and access to employment.

Measures include a prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work that is:

(a) prohibited or restricted for pregnant or nursing women under national laws or regulations; or

(b) where there is a recognized or significant risk to the health of the woman and child.

Breastfeeding Mothers:

A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child.

The allocated time to nursing breaks or the reduction of daily hours of work are determined by each member state.

Breaks or reduction of daily hours are deemed as regular working hours and duly remunerated.

Medical care is covered by social security at a rate varying between 70% and 100% of the costs.

Suspension of work by the woman during the period preceding and following childbirth may not be considered as grounds for the employer to terminate the employment contract. An employer in breach of this provision is liable to pay the woman damages.

Employers may not dismiss women on grounds of an illness resulting from pregnancy or childbirth that impedes the woman from returning to work, without exceeding a period of twelve weeks.

Night work is prohibited for a period of sixteen weeks before and after childbirth, with at least eight weeks corresponding to the period before the estimated date of childbirth.

No protection against compulsory pregnancy testing.

Women who are breastfeeding are entitled to two breaks of half an hour each for nursing during working hours, for a period of one year as of the day of the birth. These breaks are considered as working hours and must be paid as such.

A special breastfeeding room must be provided in all establishments employing at least 50 women.

Description and evaluation of the legal provisions in Tunisia compared to ILO Convention N°100 on Equal Remuneration

Convention No 100	Tunisian law
<p>Purpose:</p> <p>1- equal remuneration for work of equal value 2- equal pay without discrimination based on sex</p> <p>Definition of remuneration includes 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</p> <p>State Role:</p> <p>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.</p> <p>2- 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.</p> <p>3- 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.</p>	<p>The principle of non-discrimination between men and women is enshrined in the law. No distinction is made between men and women in collective agreements.</p> <p>The law does not, however, guarantee equal pay for «work of equal value», which is a broader concept than that of equal remuneration for «equal work». The ILO insists on the importance of this concept, as pay inequalities often result from the segregation of men and women at occupational level and on the labour market, entailing the concentration of women in certain jobs.</p> <p>No objective appraisal of jobs on the basis of the work performed.</p>

Description and evaluation of the legal provisions in Tunisia compared to ILO Convention N°111 on Discrimination in Employment and Occupation

Convention No 111	Tunisian law
<p>Definition :</p> <p>For the purpose of this Convention the term discrimination includes:</p> <p>(a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;</p> <p>(b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be</p>	

determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies.

State roles:

1- Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof

2- Each state undertakes to seek the co-operation of employers' and workers' organizations and other appropriate bodies in promoting the acceptance and observance of this policy

3- States undertake to enact such legislation and to promote such educational programs as may be calculated to secure the acceptance and observance of the policy

4- States undertake

- to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy

- to pursue the policy in respect of employment under the direct control of a national authority

- to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority

- to indicate in its annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action

Exceptions:

1. Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State shall not be deemed to be discrimination, provided that the individual concerned shall have the right to appeal to a competent body established in accordance with national practice.

2. Special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labor Conference shall not be deemed to be discrimination.

3. Any Member may, after consultation with representative employers' and workers' organizations, determine that other special measures designed to meet the particular requirements of persons who require special protection or assistance, shall not be deemed to be discrimination.

Article 5 of the Labour Code stipulates that there may be no discrimination between men and women in the application of the Code's provisions and the texts implementing it. There is no derogation from this. The Framework Collective Agreement guarantees the principle of non-discrimination, stipulating that the «present agreement applies indistinguishably to workers of either sex. Girls and women fulfilling the conditions required have access to all jobs on the same basis as boys and men, without discrimination in terms of classification and remuneration».

Article 11 of the law of 1983 on the status of public servants affirms that no distinction is made between men and women in the application of this legislation. Substance is given to this by the prevalence of the principles of equal eligibility for all in recruitment, equal treatment during the course or at the end of one's career, and wage parity. There are, however, exceptions, such as the opening of competitive recruitment processes reserved for men only, such as in the recruitment of mail carriers.

The law of 1958 opened up free education to children of both sexes, without discrimination. This legislation has assisted in strengthening the role of women outside the private sphere of the home and their access to the labour market.

No positive discrimination measures for women

Description and evaluation of the legal provisions in Tunisia compared to ILO Convention N°156 on Workers with Family Responsibilities

Convention No 156	Tunisian law
<p>Purpose:</p> <p>Enhancing equality of opportunities and treatment for workers with family responsibilities</p> <p>Scope of Implementation:</p> <p>1- The Convention applies to men and women workers with responsibilities in relation to their dependent children, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.</p> <p>2- The provisions of this Convention shall also be applied to men and women workers with responsibilities in relation to other members of their immediate family who clearly need their care or support, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.</p> <p>3- The Convention applies to all branches of economic activity and all categories of workers.</p> <p>Protection objectives:</p> <p>State role: enable workers with family responsibilities to exercise their right to free choice of employment without being discriminated against as much as possible and without having conflicting responsibilities at home and work.</p> <p>All measures shall be taken in order to achieve actual equality in:</p> <p>a- Free choice of employment</p> <p>b- Taking into account their needs in social security</p> <p>Family responsibilities shall not, as such, constitute a valid reason for termination of employment.</p>	<p>Measures aimed at reconciling work and family life are mainly directed at women. Few apply to men.</p> <p>When workers switch from full-time to part-time owing to pregnancy or the need to look after a child aged under six, the law protects their right to return to a full-time position.</p> <p>The law of 2006 introduced a special part-time employment regime for public servants, with the benefit of two-thirds of the pay for mothers only and for a maximum period of 3 years. Women benefitting from this special regime fully retain their rights to career advancement, promotion, leave and social cover. Women public servants also have access to leave to raise a child aged under 6 for a period of two years, renewable twice. This leave is unpaid.</p> <p>As regards the cost of childcare for infants aged between 0 and 3, social security coverage is available to women in salaried employment whose wage does not exceed two and a half times the minimum wage for a 48 hour working week. This contribution amounts to 15 dinars a month, per child, for 11 months.</p> <p>Salaried fathers are entitled to one day's leave during the seven days following the birth, for each birth. This is paid leave covered by the social security fund.</p>

Sexual harassment

According to the penal code, sexual harassment is punishable by a prison sentence of up to one year and a fine of 3,000 dinars. Sexual harassment is any persistent behaviour that discomfits another person through the repetition of acts, words or gestures likely to prejudice that person's dignity or offend her or his decency and with the aim of causing the said person to submit to the sexual desires of the offender or of a third party, or exerting upon the said person pressure such as to weaken her or his will to reject such advances. In spite of this legislation, no legal decision had been pronounced on this matter and no breach had yet been detected through labour inspection by 2010.

Labour Legislation in Yemen

Yemen has ratified ILO Conventions No 100 (Equal Remuneration), No 111 (Discrimination in employment and occupation) and No 156 (workers with family responsibilities)

1. The applicable legislation is the Labour Code (5/1995), the amendments and executive regulations thereof. The Code applies to all workers and employers. The definition of a worker refers to both men and women.
2. The categories of workers exempted from the provisions of the Code include: (1) State employees (public sector/ civil servants); (2) Foreign nationals working in the Republic of Yemen under bilateral or multilateral conventions (3) Casual employees (4) Employer's dependents (5) Domestic workers and the like (6) Some workers in graze land or agriculture.
3. The provisions of the Code represent minimum standards for the rights of workers and conditions of employment. Where special regulations lay down more favorable conditions for the worker, they shall apply. It is forbidden to impair or avoid any workers' rights under a labour contract in violation of the provisions of the Code.
4. Non-Discrimination: work is a natural right of every citizen and a duty for everyone who is capable of working, on the basis of equality of treatment, opportunity and rights. The Code prohibits discrimination on the ground of sex, age, race, color, beliefs or language. The State shall, as far as possible, regulate the right to access to work through national development plans.
5. The law prohibits gender discrimination with regards to employment conditions, wages, labour rights and duties and work relationships. Gender discrimination is also prohibited in access to promotion, training, rehabilitation and social insurance. The gender specific requirement for a job or occupation shall not be considered as discrimination.
6. Protection of women's rights:

A. Juvenile women

A juvenile is every male and female person who has attained 15 years of age. The minister issues the regulations on juvenile employment. To be allowed to work, juveniles must have their parents' authorization and undergo a medical examination. They are not allowed to be employed in hard work, in industries prejudicial to their health or involving social risk. They are not allowed to be employed during weekends, official holidays and vacations, or in remote desolate areas. Daily working hours shall not exceed 7, or 42 a week, spread across six days separated by one fully paid rest day. Regular working hours must include breaks of no less than one hour and juveniles must not work for more than 4 consecutive hours. The law prohibits the employment of juveniles for overtime or during night hours. Juveniles working with and under supervision of their head of household are exempted from the provisions of this law provided that such work is performed in decent healthy and social conditions.

B. Protection of women's rights

The principle of non-discrimination between men and women is established by law with regards to employment, promotion, remuneration, training and social benefits and security. Working men and women are entitled to equal pay for the same work. Generally it is prohibited to employ women at night save during the holy month of Ramadan and in occupations determined by the Minister. Women cannot be employed in hazardous work prejudicial to their health or to society; the minister determines such occupations by virtue of a decree. The law provides for a child day care facility in an enterprise if it employs more than 50 women. .

C. Maternity protection

Female workers have a right to a maternity leave of sixty days, fully paid by the employer. It is prohibited to employ women while on maternity leave. Working mothers are entitled to 20 additional days in case of complication during childbirth or when they give birth to twins. Daily working hours of pregnant women are reduced to five a day as of the sixth month of pregnancy. Breastfeeding mothers' daily working hours are limited to five a day as of the end of the maternity leave and for a period of six months. A woman shall not be employed for overtime as of her sixth month of pregnancy and until six months after the end of the maternity leave. Employers must post publicly the women employment's regulations when they employ female workers.

Enforcement of labour laws

Dans la pratique, les discriminations envers les femmes sur le lieu de travail sont fréquentes et persistantes.

Gender dimension in collective agreements

No information available regarding gender aspects in collective agreements.

Description and evaluation of the legal provisions in Yemen compared to ILO Convention No 183 on Maternity Protection

Convention No. 183	Yemeni Law
<p>Scope:</p> <ol style="list-style-type: none">1. All employed women2. Each member state may exclude wholly or partly from the scope of the Convention limited categories of workers when its application to them would raise special problems <p>Maternity leave:</p> <p>A. Women have the right to a maternity leave of not less than 14 weeks</p> <p>B. The maternity leave should include a compulsory period of six weeks after child birth for protection of the health of mother and child;</p> <p>C. the prenatal portion of the maternity leave is extended by any period elapsing between the presumed date of childbirth and the actual one, without reduction in any compulsory portion of the postnatal leave.</p> <p>Leave in case of illness or complications:</p> <ol style="list-style-type: none">1. the pre or postnatal leave is extended in case of illness	<p>The law applies to all women save those excluded under special provisions including the employer's dependents, domestic workers, casual workers and workers in agriculture.</p> <p>A woman has the right to a fully-paid maternity leave of 60 days; she also maintains the right to an additional leave of 20 days in case of childbirth- complication or when giving birth to twins.</p> <p>The principle (c) is not realized.</p> <p>These cases are considered as ordinary sick leave.</p>

or risk of complications from pregnancy or childbirth.

2. States may designate the maximum duration of such leave as per their national or local regulations.

Benefits (pay):

(1) Cash benefits shall be provided to women who are absent from work on leave under articles 4 and 5.

(2) Cash benefits shall be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living

(3) The amount of such benefit or assistance should not be less than two thirds of the woman's last pay.

(4) where states opt for a different pay standard, the benefit should not be less than two thirds of the last pay under the previous standard.

(5) Each Member shall ensure that the conditions to qualify for cash benefits can be satisfied by a large majority of the women to whom this Convention applies.

(6) Where a woman does not meet the conditions to qualify for cash benefits, she shall be entitled to adequate benefits out of social assistance funds, subject to the means test required for such assistance.

(7) Benefits shall include medical prenatal, childbirth and postnatal care, as well as hospitalization care when necessary.

(8) Benefits above shall be provided through compulsory social insurance or public funds. An employer shall not be individually liable for the direct cost of any such monetary benefit to a woman employed by him or her.

Employment protection and non-discrimination:

It shall be unlawful for an employer to terminate the employment of a woman during her pregnancy or absence on leave referred to in Articles 4 or 5. The burden of proving that the reasons for dismissal are unrelated to pregnancy rests on the employer.

A woman is guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of her maternity leave.

Each Member shall adopt appropriate measures to ensure that maternity does not constitute a source of discrimination in employment and access to employment.

Maternity leave is fully paid (100% of salary) by the employer.

This principle (5) is not realized.

This principle is not realized.

Maternity benefits are paid by the employer

Women have the burden of proving that dismissal took place on the grounds of pregnancy.

The principle is yet to be achieved.

No measures are in place to provide protection under this principle.

<p>Measures include a prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work that is:</p> <p>(a) prohibited or restricted for pregnant or nursing women under national laws or regulations; or</p> <p>(b) where there is a recognized or significant risk to the health of the woman and child</p> <p>Breastfeeding Mothers:</p> <p>A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child.</p> <p>The time allocated to nursing breaks or the reduction of daily hours of work are determined each state.</p> <p>Breaks or reduction of daily hours are deemed as regular working hours and duly remunerated.</p>	<p>Medical screening is compulsory to assess the fitness of the worker to undertake the work.</p> <p>The law reduces the daily working hours down to 5 per day.</p> <p>The law does not specify if the hours deducted for breastfeeding purposes are paid.</p>
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Description and evaluation of the legal provisions in Yemen compared to ILO Convention No 100 Equal remuneration

Convention No 100	Yemeni laws
<p>Purpose:</p> <p>1- equal remuneration for work of equal value;</p> <p>2- equal pay without discrimination based on sex.</p> <p>Definition of remuneration includes 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.</p> <p>State Roles:</p> <p>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.</p>	<p>The law prohibits gender discrimination in wages.</p> <p>Remuneration: what the employer pays the worker in cash or kind in addition to all other emoluments regardless of their category.</p> <p>Women shall be entitled to wages equal to those of men if they perform the same work under the same conditions and specifications.</p> <p>But there are no implementing mechanisms to ensure that this law is enforced.</p>

2- 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.

3- 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.

Description and evaluation of the legal provisions in Yemen compared to ILO Convention No 111 on Discrimination in employment and occupation

Convention No 111	Yemeni Law
<p>Definition:</p> <p>For the purpose of this Convention the term discrimination includes:</p> <p>(a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;</p> <p>(b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies.</p> <p>State roles:</p> <ol style="list-style-type: none"> 1. Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof. 2. Each state undertakes to seek the co-operation of employers' and workers' organizations and other appropriate bodies in promoting the acceptance and observance of this policy. 3. States undertake to enact such legislation and to promote such educational programs as may be calculated to secure the acceptance and observance of the policy. 	<p>Work is a natural right of every citizen and a duty for everyone who is capable of working, on the basis of equality of conditions, opportunities, guarantees and rights. Discrimination on the grounds of sex, age, race, color, beliefs or language is prohibited. The State shall, as far as possible, regulate the right to access to work through development planning of the national economy.</p> <p>The law does not refer to a national policy to implement the principle of non-discrimination. There are no implementing mechanisms to enforce the principles of equality of treatment and equality of opportunity .</p> <p>The state did not undertake to seek to achieve cooperation between workers' and employers' organizations to promote this policy.</p>

<p>4. States undertake</p> <ul style="list-style-type: none"> - to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy; - to pursue the policy in respect of employment under the direct control of a national authority; - to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority; - to indicate in its annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action. <p>Exceptions:</p> <ol style="list-style-type: none"> 1. Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State shall not be deemed to be discrimination, provided that the individual concerned shall have the right to appeal to a competent body established in accordance with national practice. 2. Special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labor Conference shall not be deemed to be discrimination. 3. Any Member may, after consultation with representative employers' and workers' organizations, determine that other special measures designed to meet the particular requirements of persons who require special protection or assistance, shall not be deemed to be discrimination. 	<p>The state did not undertake to repeal provisions or regulations that contradict this policy.</p> <p>The state did not guarantee the enforcement of this policy.</p> <p>The state has not released meaningful report about the enforcement of the Convention, the procedures in place under this policy and the results achieved.</p>
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Description and evaluation of the legal provisions in Yemen compared to ILO Convention No 156 on Workers with Family Responsibilities

Convention No 156	Yemeni Law
<p>Purpose: Enhancing equality of opportunities and treatment</p> <p>Scope of Implementation:</p> <ol style="list-style-type: none"> 1. The Convention applies to men and women workers with responsibilities in relation to their dependent children, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity. 2. The provisions of this Convention shall also be applied to 	<p>The law regulates breastfeeding and maternity protection but it does not address other family-related responsibilities.</p> <p>The provisions of the law cover women only.</p>

men and women workers with responsibilities in relation to other members of their immediate family who clearly need their care or support, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.

3. The Convention applies to all branches of economic activity and all categories of workers.

Protection objectives:

State role: enable workers with family responsibilities to exercise their right to free choice of employment without being discriminated against as much as possible and without having conflicting responsibilities at home and work

All measures shall be taken in order to achieve actual equality in:

a- Free choice of employment

b- Taking into account their needs in social security
Family responsibilities shall not, as such, constitute a valid reason for termination of employment.

No measure in place to create effective equality in choice of work.

Family responsibilities do not, as such, constitute a valid reason for termination of employment but there is no special protection in this regard.

Sexual Harassment

The law does not protect explicitly against sexual harassment despite the fact that this is a widespread phenomenon. The law only protects the right of the worker to quit his/her work without prior written notice, when the employer (or his/her representative) commits an act of moral turpitude or assault against him/her or any of his/her family members.

